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## CHAPTER 161. ECONOMIC DEVELOPMENT ZONE

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# Chapter 161. ECONOMIC DEVELOPMENT ZONE

[HISTORY: Adopted by the Common Council of the City of Albany 2-7-1994 by L.L. No. 3-1994. Amendments noted where applicable.]

## **GENERAL REFERENCES**

Zoning — See Ch. 375.

### § 161-1. Application for designation of an economic development zone.

- A. The City of Albany is hereby authorized and empowered to prepare and submit an application for the designation of an economic development zone within the area of the City bounded and described as follows: Editor's Note: The boundaries of the Economic Development Zone (now called "Empire Zone") were amended 11-18-2002 by L.L. No. 6-2002; 12-30-2005 by L.L. No. 8-2005; and 12-30-2005 by L.L. No. 9-2005. Consult municipal records for current boundary description.
  - (1) Beginning at the shoreline of the Hudson River at the junction between the corporate boundaries of the City of Albany and the Town of Bethlehem, thence following the shoreline of the Hudson River northerly approximately 15,400 feet to the railroad bridge, thence following the center line of the railroad bridge westerly approximately 2,400 feet to where the railroad right-of-way abuts Pearl Street, thence following center line of North Pearl Street southerly approximately 1,600 feet to the intersection with Livingston Avenue, thence heading westerly along the center line of Livingston Avenue approximately 3,300 feet to Henry Johnson Boulevard, thence following the center line of Henry Johnson Boulevard southerly, and including all of the properties along Henry Johnson Boulevard as described as the "Northern Boulevard Corridor area" as described in the legal description attached hereto by reference, to Sheridan Avenue, continuing southerly along center line of Henry Johnson Boulevard approximately 400 feet to the intersection of Elk Street, thence following the center line of Elk Street easterly approximately 680 feet to the intersection of Lark Street, thence following the center line of Lark Street northerly approximately 100 feet to the intersection of Spruce Street, thence following the center line of Spruce Street easterly approximately 760 feet to the intersection of Dove Street, thence following the center line of Dove Street northerly approximately 260 feet to the center line of Sheridan Avenue, thence following Sheridan Avenue easterly approximately 2,850 feet to the intersection of North Pearl Street, thence following North Pearl Street southerly approximately 1,100 feet to the center line of State Street, thence following the center line of South Pearl Street southerly approximately 1,100 feet to the center line of the South Mall Arterial, thence following the center line of the South Mall Arterial westerly 380 feet to Grand Street, thence

following the center line of Grand Street southerly approximately 2,200 feet to Morton Avenue, thence following Morton Avenue westerly approximately 200 feet to Elizabeth Street, thence following Elizabeth Street southerly approximately 1,700 feet to Second Avenue, thence following Second Avenue easterly approximately 800 feet to Broad Street, thence following Broad Street southerly approximately 640 feet to Seymour Street, thence following Seymour Street westerly approximately 400 feet to Benjamin Street, thence following the center line of Benjamin Street southerly approximately 460 feet to First Avenue, thence following the center line of First Avenue easterly approximately 700 feet to South Pearl Street, thence following the center line of South Pearl Street southerly approximately 2,200 feet to a point which marks the beginning of the C-M Zoning District at the northerly boundary of Parcels 87.06-2-8 and 87.06-2-6, thence following such district line westerly approximately 513 feet to a point, thence following such district line southerly approximately 506 feet to a point, thence following such district line easterly 487 feet to South Pearl Street, thence following the center line of South Pearl Street southerly approximately 1,300 feet to where South Pearl Street crosses the railroad track, thence following the railroad track westerly approximately 2,200 feet to where the track crosses under New York State Route 9W, thence following NYS Route 9W southerly approximately 100 feet to the Normans Kill, thence following center line of the Normans Kill easterly as it winds and turns approximately 5,800 feet to the point which the corporate boundary of the City of Albany bears an easterly course from the Normans Kill and following such easterly boundary of the City of Albany easterly approximately 1,000 feet to the point of beginning.

- (2) Also, the West Albany Industrial Zone, bounded and described as follows: starting at the intersection of Quail Street and proceeding west 3,000 feet along Livingston Avenue to Rawson Street, thence 375 feet north on Rawson Street to Essex Street, then 1,200 feet west on Essex Street to Watervliet Avenue, then 1,120 feet north to railroad tracks, then 3,280 feet east along railroad tracks, then 880 feet south to Manning Boulevard, then 780 feet east, then 300 feet south to beginning point.
- (3) Also, a portion of Sheridan Hollow, bounded and described as follows: starting at the intersection of Spruce Street and Dove Street and proceeding 2,365 feet east, then south on Chapel Street for 320 feet, then east on Pine Street 230 feet, then north 390 feet along North Pearl Street, then west 2,470 feet, then south 90 feet on Dove Street to the beginning point.
- (4) Also, a portion of North Albany, bounded and described as follows: starting from the intersection of North Pearl Street and the Amtrak line and proceeding 1,900 feet northwest along the railroad tracks, then proceeding 400 feet north, then 1,420 feet east to North Pearl Street, then 300 feet north along North Pearl Street, then 160 feet west off Loudonville Road, then north 1,315 feet to 1-90 overpass, then 425 feet east along overpass, then 1,000 feet east, then proceeding north 2,205 feet to North Third Street, then 250 feet west along North Third Street, then 140 feet north on Pearl Street, then 75 feet east, then 300 feet north, then 125 feet east, then 730 feet north to City boundary. Then proceeding 900 feet east along City boundary, then 1,050 feet south along Erie Boulevard, then east 1,200 feet to I-787, then southwest 2,750 feet along 1-787 across Erie Boulevard to Broadway, then south on Broadway for 1,500 feet to Bridge Street, then east on Bridge Street 800 feet, then north 1,500 feet on Erie Boulevard, then south along I-787 for 5,350 feet to Amtrak railroad line, then 2,200 feet west along railroad tracks to beginning point.
- (5) Also, a portion of South End, bounded and described as follows: starting at Teunis Street and Second Avenue intersection, then proceeding south 550 feet on Benjamin Street, then east 480 feet on Seymour Street to South Pearl Street, then 550 feet north on South Pearl Street, then west 480 feet on Second Avenue to beginning point.
- **B.** Those publicly owned properties constituting the Corning Preserve, 1-787 and ramps, the Conrail railroad tracks and the Albany County Wastewater Treatment Plant in the Port of Albany shall be and are hereby deleted from the boundaries of the economic development zone.

## § 161-2. Local Zone Administrative Board.

A. Upon the designation of such zone, there is hereby created a Local Zone Administrative Board which shall be responsible for the oversight of day-to-day operations of the zone and its programs. The Board shall be comprised of nine (9) members to be appointed by the Mayor and who shall serve at his pleasure.

Membership on the Board shall consist of a City official, who shall be the Board Chair, and eight (8) other members selected from the following community and business groups:

- (1) Local small business.
- (2) Organized labor.
- (3) Community organizations.
- (4) Financial institutions.
- (5) Local educational or job training institutions.
- (6) Zone residents.
- **B.** The Local Zone Administrative Board shall have the power to provide, or enter into contracts to provide, the services essential to the development of business and job opportunities within the zone, such as:
  - (1) Strategic planning for the zone.
  - (2) Marketing of the zone as a place to conduct business.
  - (3) Applying for state and federal assistance.
  - (4) Coordinating the delivery of local and state services.
  - (5) Providing technical assistance to companies.
- C. The Local Zone Administrative Board shall have the power to contract with various agencies of the State of New York for service delivery within the local zone and shall have the duty of preparing and filing with the New York State Department of Economic Development an annual report on all zone activities.

## § 161-3. Local Zone Certifier.

Upon the designation of such zone, the City Clerk of the City of Albany is hereby designated and shall act as Local Zone Certifier who shall be responsible for certifying with the New York State Commissioners of Economic Development and Labor the eligibility of business enterprises for the benefits available under the program in accordance with the regulations promulgated by the New York State Commissioner of Economic Development.

### § 161-4. Local Zone Coordinator.

Upon the designation of such zone, the City Department of Economic Development is hereby designated and shall act as Local Zone Coordinator which shall be responsible for coordinating the tasks necessary for developing, promoting and achieving the economic development and human resource potential of the zone.

### § 161-5. When effective.

This chapter shall take effect immediately upon final passage, approval by the Mayor after public hearing and filing with the office of the Secretary of State.

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# Chapter 167. ELECTIONS

[HISTORY: Adopted by the Common Council of the City of Albany as indicated in article histories. Amendments noted where applicable.]

### **Article I. Election Districts**

[Adopted 5-3-1993]

## § 167-1. Boundaries of election districts of Albany, New York.

The 15 wards of the City of Albany are hereby divided into election districts, the boundaries of which are hereby fixed and determined as follows:

## A. First Ward.

(1) FIRST WARD, FIRST DISTRICT. Beginning at a point in the center line of Madison Avenue where it is intersected by the center line of Museum Road; running thence easterly along the center line of Madison Avenue to its intersection with the center line of Grand Street; thence, southerly along the center line of Myrtle Avenue; thence, westerly along the center line of Myrtle Avenue to its intersection with the center line of Eagle Street; thence, southerly along the center line of Eagle Street to its intersection with the center line of Park Avenue; thence, westerly along the center line of Park Avenue to its intersection with the center line of South Swan Street northerly along the center line of South Swan Street to its intersection with the center line of Madison Avenue, thence, easterly along the center line of Madison Avenue to its intersection with the center line of Museum Road, the point and place of beginning.

# [Amended 7-1-2002 by Ord. No. 30.71.02UC; 4-21-2003 by Ord. No. 11.41.03; 2-15-2007 by Ord. No. 11.22.07UC]

(2) FIRST WARD, SECOND DISTRICT. Beginning at a point in the center line of Grand Street where it is intersected by the center line of Myrtle Avenue; running thence southerly along the center line of Grand Street to its intersection with the center line of Warren Street; thence, westerly along the center line of Warren Street to its intersection with the center line of Eagle Street; thence, southerly along the center line of Eagle Street to its intersection with the center line of Morton Avenue; thence, westerly

along the center line of Morton Avenue to its intersection with the center line of Eagle Street; thence, southerly along the center line of Eagle Street to its intersection with the center line of Catherine Street; thence, westerly along the center line of Catherine Street to its intersection with the center line of Hawk Street; thence, northerly along the center line of Hawk Street to its intersection with the center line of Morton Avenue; thence westerly along the center line of Morton Avenue to its intersection with the center line of Delaware Avenue; thence northerly along the center line of Delaware Avenue to its intersection with the center line of Myrtle Avenue; thence, easterly along the center line of Park Avenue to its intersection with the center line of Park Avenue; thence, easterly along the center line of Eagle Street; thence, northerly along the center line of Eagle Street to its intersection with the center line of Myrtle Avenue; thence, easterly along the center line of Myrtle Avenue, to its intersection with the center line of Myrtle Avenue; thence, easterly along the center line of Myrtle Avenue, to its intersection with the center line of Grand Street, the point and place of beginning.

# [Amended 7-1-2002 by Ord. No. 30.71.02UC; 4-21-2003 by Ord. No. 11.41.03; 1-22-2004 by Ord. No. 2.12.04]

(3) FIRST WARD, THIRD DISTRICT. Beginning at a point in the center line of South Swan Street where it is intersected by the center line of Catherine Street; running thence northerly along the center line of South Swan Street to its intersection with the center line of Morton Avenue; thence, easterly along the center line of Morton Avenue to its intersection with the center line of South Hawk Street; thence, southerly along the center line of South Hawk Street to its intersection with the center line of Catherine Street; thence, westerly along the center line of Catherine Street to its intersection with the center line of South Swan Street, the point and place of beginning.

# [Amended 7-1-2002 by Ord. No. 30.71.02UC]

(4) FIRST WARD, FOURTH DISTRICT. Beginning at a point in the center line of Garden Street where it is intersection by the center line of Hurlbut Street; running thence southerly along the center line of Hurlbut Street to its intersection with the center line of Second Avenue; thence, easterly along the center line of Second Avenue to the center line of Moore Street; thence, northerly along the center line of Moore Street to its intersection with the center line of St. Georges Place; thence, easterly along the center line of St. Georges Place to its intersection with the center line of Babcock Street; thence, northerly along the center line of Babcock Street and Babcock Street extended to its intersection with the center line of South Swan Street; thence, northerly along the center line of South Swan Street to its intersection with the center line of Morton Avenue; thence, westerly along the center line of Morton Avenue to its intersection with the center line of Delaware Avenue; thence, southerly along the center line of Delaware Avenue to its intersection with the center line of Catherine Street; thence, easterly along the center line of Catherine Street to its intersection with the center line of Oneida Terrace; thence, southerly along the center point of Oneida Terrace to its intersection with the center point of Slingerland Street; thence, southerly along the center point of Slingerland Street to its intersection with the center point of Garden Street; thence, westerly along the center point of Garden Street to its intersection with the center point of Hurlbut Street, the point and place of beginning.

# [Amended 7-1-2002 by Ord. No. 30.71.02UC; 4-21-2003 by Ord. No. 11.41.03; 1-22-2004 by Ord. No. 2.12.04]

(5) FIRST WARD, FIFTH DISTRICT. Beginning at a point in the center line of Hoffman Avenue where it is intersected by the center line of Second Avenue; thence, easterly along the center line of Second Avenue to its intersection with the center line of Grandview Terrace; thence, southerly along the center line of Grandview Terrace to its intersection with the center line of Liebel Street; thence, easterly along the center line of Liebel Street to its intersection with the center line of Leonard Street; thence, southerly along the center line of Leonard Street to its intersection with the center line of Seymore Avenue; thence easterly along the center line of Seymore Avenue to its intersection with the center line of Cherry Hill Street; thence, southerly along the center line of Cherry Hill Street to its intersection with the center line of McCarty Avenue; thence, westerly along the center line of McCarty Avenue to its intersection with the center line of Southern Boulevard (US Route 9W); thence, southerly along the center line of Southern Boulevard (US Route 9W); thence westerly along the center line of Southern Boulevard (US Route 9W); thence westerly along the center line of Southern Boulevard (US Route 9W); thence westerly along the center line of McCarty

Avenue; thence westerly along the center line of McCarty Avenue to its intersection with the center line of Hoffman Avenue; thence, northerly along the center line of Hoffman Avenue to its intersection with the center line of Second Avenue, the point and place of beginning.

# [Amended 7-1-2002 by Ord. No. 30.71.02UC; 4-21-2003 by Ord. No. 11.41.03; 2-15-2007 by Ord. No. 11.22.07UC]

(6) FIRST WARD, SIXTH DISTRICT. Beginning at a point in the center line of Barrows Street where it is intersected by the center line of Second Avenue; running thence southerly along the center line of Barrows Street to its intersection with the center line of Leedale Street; thence, westerly along the center line of Leedale Street to its intersection with the center line of Leighton Street; thence, southerly along the center line of Leighton Street to its intersection with the center line of Southern Boulevard: thence, easterly along the center line of Southern Boulevard to its intersection with the center line of McCarty Avenue; thence, easterly along the center line of McCarty Avenue to its intersection with the center line of Second Avenue; thence, westerly along the center line of Second Avenue; thence, westerly along the center line of Second Avenue; thence, westerly along the center line of Second Avenue to its intersection with the center line of Barrows Street, the point and place of beginning.

# [Amended 4-21-2003 by Ord. No. 11.41.03]

(7) FIRST WARD, SEVENTH DISTRICT. Beginning at a point in the center line of McAlpin Street where it is intersected by the center line of Philbrick Street; running thence southerly along the center line of Philbrick Street to its intersection with the center line of the Governor Thomas E. Dewey New York State Thruway; thence, easterly along the center line of Governor Thomas E. Dewey New York State Thruway to its intersection with the center line of Leighton Street extended; thence, southerly along the center line of Leighton Street extended to its intersection with the center line of the Normanskill (south City line); thence, easterly along the center line of Normanskill (south City line) to its intersection with the center line of Southern Boulevard (U.S. Route 9W); thence, northerly along the center line of Southern Boulevard (U.S. Route 9W) to its intersection with the center line of McCarty Avenue to its intersection with the center line of Southern Boulevard; thence, westerly along the center line of Southern Boulevard to its intersection with the center line of McAlpin Street; thence westerly along the center line of McAlpin Street to its intersection with Philbrick Street, the point and place of beginning.

## [Amended 4-21-2003 by Ord. No. 11.41.03]

(8) FIRST WARD, EIGHTH DISTRICT. Beginning at a point in the center line of Bouck Street where it is intersected by the center line of South Pearl Street; running thence southerly along the center line of South Pearl Street to its intersection with the center line of McCarty Avenue; thence, westerly along the center line of McCarty Avenue to its intersection with the center line of Cherry Hill Street; thence, northerly along the center line of Benjamin Street; thence, northerly along the center line of Benjamin Street to its intersection with the center line of Seymore Avenue; thence, easterly along the center line of Seymore Avenue to its intersection with the center line of Broad Street; thence, northerly along the center line of Broad Street to its intersection with the center line of Bouck Street; thence, easterly along the center line of Bouck Street to its intersection with the center line of South Pearl Street, the point and place of beginning.

# [Amended 7-1-2002 by Ord. No. 30.71.02UC; 4-21-2003 by Ord. No. 11.41.03]

(9) FIRST WARD, NINTH DISTRICT. Beginning at a point in the center line of Delaware Avenue where it is intersected by the center line of Second Avenue; running thence easterly along the center line of Second Avenue to its intersection with the center line of Barrows Street, thence, southerly along the center line of Barrows Street to its intersection with the center line of Leedale Street; thence, westerly along the center line of Leedale Street to its intersection with the center line of Leighton Street; thence, southerly along the center line of Leighton Street to its intersection with the center line of Southern Boulevard; thence, westerly along the center line of Southern Boulevard to its intersection with the center line of McAlpin Street; thence, westerly along the center line of McAlpin Street to its

intersection with the center line of Philbrick Street and Philbrick Street extended; thence, southerly along the center line of Philbrick Street and Philbrick Street extended to its intersection with the center line of the Governor Thomas E. Dewey New York State Thruway; thence, easterly along the center line of the Governor Thomas E. Dewey New York State Thruway to its intersection with the center line of Leighton Street extended; thence, southerly along the center line of Leighton Street exented to its intersection with the center line of the Norman's Kill (south City line); thence, westerly along the center line of the Norman's Kill Orive; thence, northerly along the center line of Norman's Kill Drive to its intersection with the center line of Delaware Avenue to its intersection with the center line of Second Avenue, the point and place of beginning.

## [Added 4-21-2003 by Ord. No. 11.41.03]

(10) FIRST WARD, TENTH DISTRICT. Beginning at a point in the center line of McCarty Avenue where it is intersected by the center line of South Pearl Street; thence, southerly along the center line of South Pearl Street to its intersection with the center line of Interstate 787; thence, westerly along the center line of Interstate 787 to its intersection with the center line of Southern Boulevard (US Route 9W); thence, northerly along the center line of Southern Boulevard and thence northeasterly along the center line of Southern Boulevard (US 9W) to its intersection with the center line of McCarty Avenue; thence westerly along the center line of McCarty Avenue to a point where it is intersected by the center line of South Pearl Street, the point and place of the beginning.

[Added 4-21-2003 by Ord. No. 11.41.03; amended 1-22-2004 by Ord. No. 2.12.04 Editor's Note: This ordinance repealed the former Tenth District and renumbered the former Eleventh District as the Tenth.; 2-15-2007 by Ord. No. 11.22.07UC]

## B. Second Ward.

(1) SECOND WARD, FIRST DISTRICT: Beginning at a point in the center line of Schuyler Avenue where it is intersected by the center line of South Pearl Street; running thence easterly along the center line of Schuyler Avenue to its intersection with the center line of Franklin Street; thence, southerly along the center line of Franklin Street to its intersection with the center line of Bassett Street; thence, easterly along the center line of Bassett Street to its intersection with the center line of Dongan Avenue; thence, southerly along the center line of Dongan Avenue to its intersection with the center line of Fourth Avenue; thence, easterly along the center line of Fourth Avenue to a point in the main channel of the Hudson River (east City line); thence, southerly along the main channel of the Hudson River (east City line) to the point of intersection with the center line of the Norman's Kill (south City line): thence, westerly along the center line of the Norman's Kill (south City line) to its intersection with the center line of the main track of the former Penn Central Railroad; thence, northerly along the center line of the main track of the former Penn Central Railroad and its extension northerly to its intersection with the center line of Interstate Route 787; thence, westerly along the center line of Interstate Route 787 to its intersection with the center line of South Pearl Street; thence, northerly along the center line of South Pearl Street to its intersection with the center line of Schuyler Avenue, the point and place of beginning.

## [Amended 12-5-1994 by Ord. No. 82.121.94]

(2) SECOND WARD, SECOND DISTRICT: Beginning at a point in the center line of Schuyler Avenue where it is intersected by the center line of South Pearl Street; running thence northerly along the center line of South Pearl Street to its intersection with the center line of Rensselaer Street; thence, easterly along the center line of Church Street to its intersection with the center line of Bassett Street; thence, easterly along the center line of Bassett Street to its intersection with the center line of Interstate Route 787; thence, southerly along the center line of Interstate Route 787 to its intersection with the center line of Fourth Avenue; thence westerly along the center line of Fourth Avenue to its intersection with the center line of Dongan Avenue; thence, northerly along the center line of Dongan Avenue to its intersection with the center line of Bassett Street; thence, westerly along the center line of Bassett Street; thence, westerly along the center line of Bassett Street; thence, westerly along the center line of Franklin Street; thence,

northerly along the center line of Franklin Street to its intersection with the center line of Schuyler Avenue; thence, westerly along the center line of Schuyler Street to its intersection with the center line of South Pearl Street, the point and place of beginning.

## [Amended 12-5-1994 by Ord. No. 82.121.94]

(3) SECOND WARD, THIRD DISTRICT: Beginning at a point in the center line of Madison Avenue where it is intersected by the center line of South Pearl Street; thence, easterly along the center line of Madison Avenue extended to its intersection with the main channel of the Hudson River (east City line); thence, southerly along the main channel of the Hudson River (east City line) to its intersection with the center line of Fourth Avenue; thence, westerly along the center line of Fourth Avenue to the center line of Interstate Route 787; thence, northerly along the center line of Interstate Route 787 to its intersection with the center line of Bassett Street; thence, westerly along the center line of Bassett Street to its intersection with the center line of Church Street; thence, northerly along the center line of Church Street to its intersection with the center line of Rensselaer Street; thence, westerly along the center line of Rensselaer Street to its intersection with the center line of South Pearl Street; thence, northerly along the center line of South Pearl Street to its intersection with the center line of Arch Street; thence, westerly along the center line of Arch Street to its intersection with the center line of Trinity Place; thence, northerly along the center line of Trinity Place to its intersection with the center line of Westerlo Street; thence, easterly along the center line of Westerlo Street to its intersection with the center line of South Pearl Street; thence, northerly along the center line of South Pearl Street to its intersection with the center line of Madison Avenue, the point and place of beginning.

# [Amended 12-5-1994 by Ord. No. 82.121.94; 7-1-2002 by Ord. No. 30.71.02UC]

(4) SECOND WARD, FOURTH DISTRICT: Beginning at a point in the center line of Southern Boulevard where it is intersected by the center line of Kenwood Road; running thence easterly along the center line of Kenwood Road to its intersection with the center line of South Pearl Street; thence, running southerly along the center line of South Pearl Street to its intersection with the Normanskill (south City line); thence, westerly along the center line of the Normanskill (south City line) to its intersection with the center line of Southern Boulevard; thence, northerly along the center line of Southern Boulevard to its intersection with the center line of Kenwood Road, the point and place of beginning.

### [Amended 7-1-2002 by Ord. No. 30.71.02UC]

(5) SECOND WARD, FIFTH DISTRICT. Beginning at a point in the center line of Madison Avenue where it is intersected by the center line of Grand Street; running thence easterly along the center line of Madison Avenue to its intersection with the center line of South Pearl Street; thence, southerly along the center line of South Pearl Street to its intersection with the center line of Westerlo Street; thence, westerly along the center line of Westerlo Street to its intersection with the center line of Trinity Place; thence, southerly along the center line of Trinity Place to the intersection with the center line of Arch Street; thence, westerly along the center line of Arch Street to the intersection with the center line of Grand Street; thence, northerly along the center line of Grand Street to the intersection with the center line of Madison Avenue, the point and place of beginning.

## [Amended 7-1-2002 by Ord. No. 30.71.02UC; 4-21-2003 by Ord. No. 11.41.03]

(6) SECOND WARD, SIXTH DISTRICT: Beginning at a point in the center line of Catherine Street where it is intersected by the center line of Eagle Street extended; running thence easterly along the center line of Catherine Street to its intersection with the center line of Elizabeth Street; thence, northerly along the center line of Elizabeth Street to its intersection with the center line of Morton Avenue; thence, westerly along the center line of Morton Avenue to its intersection with the center line of Eagle Street extended; thence, southerly along the center line of Eagle Street extended to its intersection with the center line of Catherine Street, the point and place of beginning.

#### [Amended 7-1-2002 by Ord. No. 30.71.02UC]

- (7) SECOND WARD, SEVENTH DISTRICT: Beginning at a point in the center line of Warren Street where it is intersected by the center line of Eagle Street; running thence easterly along the center line of Warren Street to its intersection with the center line of Arch Street; thence, easterly along the center line of Arch Street to its intersection with the center line of South Pearl Street; thence, southerly along the center line of South Pearl Street to its intersection with the center line of Schuyler Avenue; thence, westerly along the center line of Schuyler Avenue to its intersection with the center line of Morton Avenue; thence, westerly along the center line of Morton Avenue to its intersection with the center line of Eagle Street; thence, northerly along the center line of Eagle Street to its intersection with the center line of Warren Street, the point and place of beginning.
- (8) SECOND WARD, EIGHTH DISTRICT: Beginning at a point in the center line of Morton Avenue where it is intersected by the center line of Elizabeth Street; running thence easterly along the center line of Morton Avenue to its intersection with the center line of Clinton Street; thence, southerly along the center line of Schuyler Avenue to its intersection with the center line of Schuyler Avenue; thence, easterly along the center line of Schuyler Avenue to its intersection with the center line of South Pearl Street; thence, southerly along the center line of South Pearl Street to its intersection with the center line of Broad Street; thence, northerly along the center line of Broad Street to its intersection with the center line of Third Avenue; thence, westerly along the center line of Third Avenue to its intersection with the center line of Elizabeth Street; thence, northerly along the center line of Elizabeth Street to its intersection with the center line of Broad Street to its intersection with the center line of Elizabeth Street; thence, northerly along the center line of Elizabeth Street to its intersection with the center line of Morton Avenue, the point and place of beginning.

## [Amended 7-1-2002 by Ord. No. 30.70.02UC]

(9) SECOND WARD, NINTH DISTRICT. Beginning at a point in the center line of Catherine Street where it is intersected by the center line of Elizabeth Street; running thence, southerly along the center line of Elizabeth Street to its intersection with the center line of Third Avenue; thence, westerly along the center line of Third Avenue to its intersection with the center line of Sloan Street; thence, southerly along the center line of Sloan Street to its intersection with the center line Cuyler Street; thence, westerly along the center line of Cuyler Street and Cuyler Street extended to its intersection with the center line of South Hawk Street extended and South Hawk Street; thence, northerly along the center line of South Hawk Street extended and South Hawk Street to its intersection with the center line of Catherine Street; thence, easterly along the center line of Catherine Street to its intersection with the center line of Elizabeth Street, the point and place of beginning.

# [Amended 7-1-2002 by Ord. No. 30.71.02UC; 4-21-2003 by Ord. No. 11.41.03]

(10) SECOND WARD, TENTH DISTRICT. Beginning at a point in the center line of Second Avenue where it is intersected by the center line of Sloan Street running thence northerly along the center line of Sloan Street to its intersection with the center line of Cuyler Street; thence, easterly along the center line of Cuyler Street to its intersection with the center line of Elizabeth Street; thence, southerly along the center line of Elizabeth Street to its intersection with the center line of Second Avenue; thence, westerly along the center line of Second Avenue to its intersection with the center line of Sloan Street, the point and place of beginning.

## [Amended 4-21-2003 by Ord. No. 11.41.03]

(11) SECOND WARD, ELEVENTH DISTRICT: Beginning at a point in the center line of Third Avenue where it is intersected by the center line of Sloan Street; running thence easterly along the center line of Third Avenue to the intersection with the center line of Broad Street; thence, southerly along the center line of Broad Street to the intersection with the center line of Second Avenue; thence, westerly along the center line of Second Avenue to the intersection with the center line of Elizabeth Street; thence, northerly along the center line of Elizabeth Street to the intersection with the center line of Cuyler Street; thence, westerly along the center line of Cuyler Street to its intersection with the center line of Sloan Street; thence, northerly along the center line of Sloan Street to its intersection with the center line of Third Avenue, the point and place of beginning.

## [Amended 7-1-2002 by Ord. No. 30.71.02UC]

(12) SECOND WARD, TWELFTH DISTRICT: Beginning at a point in the center line of South Swan Street where it is intersected by the center line of Catherine Street; running thence easterly along the center line of Catherine Street to its intersection with the center line of South Hawk Street; thence, southerly along the center line of South Hawk Street and the center line of South Hawk Street extended to its intersection with the center line of Cuyler Street extended; thence, easterly along the center line of Cuyler Street extended to its intersection with the center line of Sloan Street; thence, southerly along the center line of Sloan Street to its intersection with the center line of Second Avenue; thence, westerly along the center line of Second Avenue to its intersection with the center line of Moore Street; thence, northerly along the center line of St. George's Place to its intersection with the center line of Babcock Street; thence, northerly along the center line of Babcock Street to its intersection with the center line of South Swan Street; thence northerly along the center line of South Swan Street, the point and place of beginning.

# [Amended 7-1-2002 by Ord. No. 30.71.02UC]

(13) SECOND WARD, THIRTEENTH DISTRICT. Beginning at a point in the center line of Second Avenue where it is intersected by the center line of Benjamin Street; running thence southerly along the center line of Benjamin Street to its intersection with the center line of Seymore Avenue; thence, westerly along the center line of Seymore Avenue to its intersection with the center line of Leonard Street; thence, northerly along the center line of Leonard Street to its intersection with the center line of Liebel Street; thence, westerly along the center line of Liebel Street to its intersection with the center line of Grandview Terrace; thence, northerly along the center line of Grandview Terrace to its intersection with the center line of Second Avenue; thence, easterly along the center line of Second Avenue to its intersection with the center line of Benjamin Street, the point and place of beginning.

# [Amended 7-1-2002 by Ord. No. 30.71.02UC; 4-21-2003 by Ord. No. 11.41.03]

(14) SECOND WARD, FOURTEENTH DISTRICT. Beginning at a point in the center line of Kenwood Road where it is intersected by the center line of Southern Boulevard; running thence easterly along the center line of Kenwood Road to its intersection with the center line of South Pearl Street; thence, northerly along the center line of South Pearl Street to its intersection with the center line of Interstate 787; thence, westerly along the center line of Interstate 787 to its intersection with the center line of Southern Boulevard; thence, southerly along the center line of Southern Boulevard to its intersection with the center line of Kenwood Road, the point and place of beginning.

# [Amended 7-1-2002 by Ord. No. 30.71.02UC; 4-21-2003 by Ord. No. 11.41.03]

(15) SECOND WARD, FIFTEENTH DISTRICT. Beginning at a point in the center line of the Norman's Kill (south City line) where it is intersected with the center line of South Pearl Street; running thence northerly along the center line of South Pearl Street to its intersection with Interstate 787; thence, easterly along the center line of Interstate 787 to its intersection with the center line of former Penn Central Railroad; thence, southerly along the center line of former Penn Central Railroad to its intersection with the center line of the Norman's Kill (south City line); thence, westerly along the center line of the Norman's Kill (south City line) to its intersection with the center line of South Pearl Street, the point and place of beginning.

# [Added 7-1-2002 by Ord. No. 30.71.02UC; amended 4-21-2003 by Ord. No. 11.41.03]

(16) SECOND WARD, SIXTEENTH DISTRICT. Beginning at a point in the center line of Benjamin Street where it is intersected with the center line of Second Avenue; running thence easterly along the center line of Second Avenue to its intersection with the center line of South Pearl Street; thence, southerly along the center line of South Pearl Street to its intersection with the center line of Bouck Street; thence, westerly along the center line of Bouck Street to its intersection with the center line of Broad Street; thence, southerly along the center line of Broad Street to its intersection with the center

line of Seymore Avenue; thence, westerly along the center line of Seymore Avenue to its intersection with the center line of Benjamin Street; thence, northerly along the center line of Benjamin Street to its intersection with the center line of Second Avenue, the point and place of beginning.

## [Added 4-21-2003 by Ord. No. 11.41.03]

(17) SECOND WARD, SEVENTEENTH DISTRICT. Beginning at a point in the center line of Madison Avenue where it is intersected with the center line of Grand Street; running thence northerly along the center line of Grand Street to its intersection with the center line of Van Zandt Street; thence, easterly along the center line of Van Zandt Street to its intersection with the center line of Fulton Street; thence, southerly along the center line of Fulton Street to its intersection with the center line of Madison Avenue; thence, westerly along the center line of Madison Avenue to its intersection with the center line of Grand Street, the point and place of beginning.

## [Added 4-21-2003 by Ord. No. 11.41.03]

#### C. Third Ward.

(1) THIRD WARD, FIRST DISTRICT. Beginning at a point in the center line of Eagle Street where it is intersected by the center line of Madison Avenue; running thence westerly along the center line of Madison Avenue to its intersection with the center line of South Swan Street; thence, northerly along the center line of South Swan Street to its intersection with the center line of Washington Avenue; thence, westerly along the center line of Washington Avenue to its intersection with the center line of Lark Street; thence, northerly along the center line of Lark Street to its intersection with the center line of Elk Street; thence, easterly along the center line of Elk Street to its intersection with the center line of Eagle Street; thence, southerly along the center line of Eagle Street to its intersection with the center line of Pine Street; thence, easterly along the center line of Pine Street to its intersection with the center line of Lodge Street; thence, southerly along the center line of Lodge Street to its intersection with the center line of Corning Place; thence, westerly along the center line of Corning Place to its intersection with the center line of Eagle Street; thence, southerly along the center line of Eagle Street to its intersection with the center line of State Street; thence, easterly along the center line of State Street to its intersection with the center line of South Pearl Street; thence, southerly along the intersection of South Pearl Street to its intersection with the center line of Beaver Street; thence, westerly along the center line of Beaver Street and Beaver Street extended to its intersection with the center line of Eagle Street; thence, southerly along the center line of Eagle Street to its intersection with the center line of Madison Avenue, the point and place of beginning.

# [Amended 7-1-2002 by Ord. No. 30.71.02UC; 8-5-2002 by Ord. No. 31.81.02UC; 4-21-2003 by Ord. No. 11.41.03]

(2) THIRD WARD, SECOND DISTRICT. Beginning at a point in the center line of North Hawk Street where it is intersected by the center line of Columbia Street; running thence easterly along the center line Columbia Street to its intersection with the center line of Eagle Street; thence, southerly along the center line of Eagle Street to its intersection with the center line of Columbia Street; thence, easterly along the center line of Columbia Street to its intersection with the center line of Lodge Street; thence, southerly along the center line of Lodge Street to its intersection with the center line of Pine Street; thence, easterly along the center line of Pine Street to its intersection with the center line North Pearl Street; thence, northerly along the center line of North Pearl Street to its intersection with the center line of Sheridan Avenue; thence, westerly along the center line of Sheridan Avenue to its intersection with the center line of North Hawk Street; thence, southerly along the center line of North Hawk Street to its intersection with the center line of Columbia Street, the point and place of beginning.

### [Amended 7-1-2002 by Ord. No. 30,71.02UC; 4-21-2003 by Ord. No. 11.41.03]

(3) THIRD WARD, THIRD DISTRICT. Beginning at a point in the center line of Clinton Avenue where it is intersected by the center line of South Swan Street; thence, easterly along the center line of Clinton Avenue to its intersection with the center line of Broadway; thence, southerly along the center line of Broadway to its intersection with the center line of Orange Street; thence, westerly along the

center line of Orange Street to its intersection with the center line of North Pearl Street; thence, southerly along the center line of North Pearl Street to its intersection with the center line of Sheridan Avenue; thence, westerly along the center line of Sheridan Avenue to its intersection with the center line of South Swan Street; thence, northerly along the center line of South Swan Street to its intersection with the center line of Clinton Avenue, the point and place of beginning.

# [Amended 7-1-2002 by Ord. No. 30.71.02UC; 8-5-2002 by Ord. No. 31.81.02UC; 4-21-2003 by Ord. No. 11.41.03; 1-22-2004 by Ord. No. 2.12.04]

(4) THIRD WARD, FOURTH DISTRICT. Beginning at a point in the center line of Clinton Avenue where it is intersected by the center line of Broadway; running thence westerly along the center line of Clinton Avenue to its intersection with the center line of North Hawk Street; thence, northerly along the center line of North Hawk Street to its intersection with the center line of 1st Street; thence, easterly along the center line of 1st Street to its intersection with the center line of St. Joseph's Terrace; thence, northerly along the center line of St. Joseph's Terrace to its intersection with the center line of Hall Place; thence, northerly along the center line of Hall Place to its intersection with the center line of Ten Broeck Place; thence, easterly along the center line of Ten Broeck Place to its intersection with the center line of Livingston Avenue; thence, easterly along the center line of Livingston Avenue; thence, southerly along the center line of Broadway to its intersection with the center line of Clinton Avenue, the point and place of beginning.

# [Amended 4-21-2003 by Ord. No. 11.41.03; 1-22-2004 by Ord. No. 2.12.04]

(5) THIRD WARD, FIFTH DISTRICT. Beginning at a point in the center line of Lark Street where it is intersection by the center line of Elk Street; running thence northerly along the center line of Lark Street to its intersection with the center line of Clinton Avenue; thence, easterly along the center line of Clinton Avenue to its intersection with the center line of South Swan Street; thence, southerly along the center line of South Swan Street to its intersection with the center line of Elk Street; thence, westerly along the center line of Elk Street to its intersection with the center line of Lark Street, the point and place of beginning.

# [Amended 7-1-2002 by Ord. No. 30.71.02UC; 4-21-2003 by Ord. No. 11.41.03; 1-22-2004 by Ord. No. 2.12.04]

(6) THIRD WARD, SIXTH DISTRICT. Beginning at a point in the center line of Clinton Avenue where it is intersected by the center line of Lark Street; running thence, northerly along the center line of Lark Street to its intersection with the center line of Third Street; thence, easterly along the center line of Third Street to its intersection with the center line of Ten Broeck Place; thence, easterly along the center line of Ten Broeck Place to its intersection with the center line of Hall Place; thence, southerly along the center line of St. Joseph's Terrace; thence, southerly along the center line of St. Joseph's Terrace to its intersection with the center line of 1st Street; thence, westerly along the center line of 1st Street to its intersection with the center line of North Hawk Street; thence, southerly along the center line of North Hawk Street to its intersection with the center line of Clinton Avenue; thence, westerly along the center line of Clinton Avenue to its intersection with the center line of Lark Street, the point and place of beginning.

# [Amended 1-22-2004 by Ord. No. 2.12.04]

(7) THIRD WARD, SEVENTH DISTRICT. Beginning at a point in the center line of Lark Street where it is intersected by the center line of Spruce Street; running thence westerly along the center line of Spruce Street to its intersection with the center line of Henry Johnson Boulevard; thence, northerly along the center line of Henry Johnson Boulevard to its intersection with the center line of Orange Street; thence, westerly along the center line of Orange Street to its intersection with the center line of Lexington Avenue; thence, northerly along the center line of Lexington Avenue to its intersection with the center line of First Street; thence, easterly along the center line of First Street to its intersection with the center line of Lark Street; thence, southerly along the center line of Lark Street to its

intersection with the center line of Clinton Avenue; thence, westerly along the center line of Clinton Avenue to its intersection with the center line of Lark Street; thence, southerly along the center line of Lark Street to its intersection with the center line of Spruce Street, the point and place of beginning.

## Amended 7-1-2002 by Ord. No. 30.71.02UC; 4-21-2003 by Ord. No. 11.41.03]

(8) THIRD WARD, EIGHTH DISTRICT. Beginning at a point in the center line of Elk Street where it is intersected by the center line of Henry Johnson Boulevard; running thence westerly along the center line of Elk Street to its intersection with the center line of Lexington Avenue; thence, northerly along the center line of Lexington Avenue to its intersection with the center line of Orange Street; thence, easterly along the center line of Orange Street to its intersection with the center line of Henry Johnson Boulevard; thence, southerly along the center line of Henry Johnson Boulevard to its intersection with the center line of Elk Street, the point and place of beginning.

## [Amended 7-1-2002 by Ord. No. 30.71.02UC]

(9) THIRD WARD, NINTH DISTRICT. Beginning at a point in the center line of Elk Street where it is intersected by the center line of North Lake Avenue; thence, northerly along the center line of North Lake Avenue to its intersection with the center line of Clinton Avenue; thence, easterly along the center line of Clinton Avenue to its intersection with the center line of Lexington Avenue; thence, southerly along the center line of Lexington Avenue to its intersection with the center line of Sheridan Avenue; thence, westerly along the center line of Sheridan Avenue to its intersection with the center line of Elk Street; thence, westerly along the center line of Elk Street to its intersection with the center line of North Lake Avenue, the point and place of beginning.

## [Amended 7-1-2002 by Ord. No. 30.71.02UC; 4-21-2003 by Ord. No. 11.41.03]

(10) THIRD WARD, TENTH DISTRICT. Beginning at a point in the center line of Sherman Street where it its intersected by the center line of Lexington Avenue; running thence easterly along the center line of Sherman Street to its intersection with the center line of Henry Johnson Boulevard; thence, southerly along the center line of Henry Johnson Boulevard to its intersection with the center line of Central Avenue; thence, easterly along the center line of Central Avenue to its intersection with the center line of Lark Street; thence, northerly along the center line of Lark Street to its intersection with the center line of Spruce Street; thence, westerly along the center line of Spruce Street to its intersection with the center line of Henry Johnson Boulevard; thence, southerly along the center line of Elk Street; thence, westerly along the center line of Elk Street to its intersection with the center line of Lexington Avenue; thence, southerly along the center line of Lexington Avenue to its intersection with the center line of Sherman Street, the point and place of beginning.

# [Amended 7-1-2002 by Ord. No. 30.71.02UC; 4-21-2003 by Ord. No. 11.41.03; 1-22-2004 by Ord. No. 2.12.04; 2-2-2004 by Ord. No. 4.21.04]

(11) THIRD WARD, ELEVENTH DISTRICT. Beginning at a point in the center line of Bradford Street where it is intersected by the center line of Ontario Street; running thence northerly along the center line of Ontario Street to its intersection with the center line Central Avenue; thence, westerly along the center line of Central Avenue to its intersection with the center line of Ontario Street; thence, northerly along the center line of Ontario Street to its intersection with the center line of Elk Street; thence, easterly along the center line of Elk Street to its intersection with the center line of North Lake Avenue; thence, southerly along the center line North Lake Avenue to its intersection with the center line of Bradford Street; thence, westerly along the center line of Bradford Street to its intersection with the center line of Ontario Street, the point and place of beginning.

# [Amended 6-7-1993; 7-1-2002 by Ord. No. 30.71.02UC; 4-21-2003 by Ord. No. 11.41.03; 1-22-2004 by Ord. No. 2.12.04]

(12) THIRD WARD, TWELFTH DISTRICT. Beginning at a point in the center line of Washington Avenue where it is intersected by the center line of Robin Street; running thence northerly along the

center line of Robin Street to its intersection with the center line of Sheridan Avenue; thence, easterly along the center line of Sheridan Avenue to its intersection with the center line of Lexington Avenue; thence, southerly along the center line of Lexington Avenue to its intersection with the center line of Washington Avenue; thence, westerly along the center line of Washington Avenue to its intersection with the center line of Robin Street, the point and place of beginning.

## [Amended 4-21-2003 by Ord. No. 11.41.03; 2-2-2004 by Ord. No. 4.21.04]

(13) THIRD WARD, THIRTEENTH DISTRICT. Beginning at a point in the center line of West Street where its intersected by the center line of North Lake Avenue; thence, northerly along the center line of North Lake Avenue to its intersection with the center line of Elk Street; thence, easterly along the center line of Elk Street to its intersection with the center line of Robin Street; thence, southerly along the center line of Robin Street to its intersection with the center line of West Street; thence, westerly along the center line of West Street to its intersection with the center line of North Lake Avenue, the point and place of beginning

## [Amended 6-7-1993; 7-19-1993; 4-21-2003 by Ord. No. 11.41.03; 1-22-2004 by Ord. No. 2.12.04]

(14) THIRD WARD, FOURTEENTH DISTRICT. Beginning at a point in the center line of Sheridan Avenue where it is intersected by the center line of South Swan Street; running thence easterly along the center line of Sheridan Avenue to its intersection with the center line of North Hawk Street; thence, southerly along the center line of North Hawk Street to its intersection with the center line of Columbia Street; thence, easterly along the center line of Eagle Street to its intersection with the center line of Columbia Street; thence, southerly along the center line of Columbia Street to its intersection with the center line of Lodge Street; thence, southerly along the center line of Lodge Street to its intersection with the center line of Pine Street; thence, westerly along the center line of Pine Street to its intersection with the center line of Eagle Street; thence, northerly along the center line of Eagle Street to its intersection with the center line of South Swan Street; thence, northerly along the center line of South Swan Street to its intersection with the center line of South Swan Street; thence, northerly along the center line of South Swan Street to its intersection with Sheridan Avenue, the point and place of beginning.

# [Amended 4-21-2003 by Ord. No. 11.41.03; 1-22-2004 by Ord. No. 2.12.04]

where it is intersected by the center line of Eagle Street; running thence northerly along the center line of Eagle Street to its intersection with the center line of Corning Place; thence, easterly along the center line of Corning Place to its intersection with the center line of Lodge Street; thence, northerly along the center line of Lodge Street to the intersection of the center line of Pine Street; thence, easterly along the center line of Pine Street to its intersection with the center line of North Pearl Street; thence, southerly along the center line of North Pearl Street to its intersection with the center line of State Street; thence, westerly along the center line of State Street to its intersection with the center line of Eagle Street, the point and place of beginning.

### [Added 1-22-2004 by Ord. No. 2.12.04]

#### **D.** Fourth Ward.

(1) FOURTH WARD, FIRST DISTRICT: Beginning at a point in the main channel of the Hudson River (east City line) where it is intersected by the center line of the former Penn Central Railroad; thence, westerly along the center line of the former Penn Central Railroad to its intersection with the center line of Interstate Route 787; thence, southerly along the center line of Interstate Route 787 to its intersection with the center line of Clinton Avenue extended and Clinton Avenue; thence, westerly along the center line of Broadway; thence, northerly along the center line of Broadway to its intersection with the center line of Livingston Avenue to its intersection with the center line of North Pearl Street; thence, northerly along the center line of North Pearl Street to its intersection with the center line of Pleasant Street; thence, westerly along the

center line of Pleasant Street to its intersection with the center line of the former Penn Central Railroad; thence, westerly along the center line of the former Penn Central Railroad to its intersection with the center line of State Highway 443; thence, northerly along the center line of State Highway 443 to its intersection with the center line of Interstate Route 90; thence, easterly along the center line of Interstate Route 90 to its intersection with the center line of the main channel of the Hudson River (east City line); thence, southerly along the main channel of the Hudson River (east City line) to a point where it is intersected by the center line of the former Penn Central Railroad, the point and place of beginning.

## [Amended 7-1-2002 by Ord. No. 30.71.02UC; 1-22-2004 by Ord. No. 2.12.04]

- (2) FOURTH WARD, SECOND DISTRICT: Beginning at a point in the main channel of the Hudson River (east City line) where it is intersected by the center line of Interstate Route 90; running thence westerly along the center line of Interstate Route 90 to its intersection with the center line of North Pearl Street; thence, northerly along the center line of North Pearl Street to its intersection with the center line of North First Street; thence, easterly along the center line of North First Street to its intersection with the center line of Walter Street; thence, northerly along the center line of Walter Street to its intersection with the center line of North Third Street; thence, westerly along the center line of North Pearl Street; thence, northerly along the center line of North Pearl Street to its intersection with the center line of the north City line; thence, easterly along the north City line to its intersection with the main channel of the Hudson River (east City line); thence, southerly along the main channel of the Hudson River (east City line) to a point where it is intersected by the center line of Interstate Route 90, the point and place of beginning.
- (3) FOURTH WARD, THIRD DISTRICT: Beginning at a point in the center line of Interstate Route 90 where it is intersected by the center line of State Highway 443; running thence northerly along the center line of State Highway 443 to its intersection with the center line of Northern Boulevard; thence, northerly along the center line of Northern Boulevard to its intersection with the center line of Van Rensselaer Boulevard; thence, northerly along the center line of Van Rensselaer Boulevard to its intersection with the center line of the north City line; thence, easterly along the north City line to its intersection with the center line of North Pearl Street; thence, southerly along the center line of North Pearl Street to its intersection with the center line of North Third Street; thence, easterly along the center line of North Third Street to its intersection with the center line of Walter Street; thence, southerly along the center line of Walter Street to its intersection with the center line of North First Street; thence, westerly along the center line of North Third Street to its intersection with property lines extended of the Edwin Corning Homes; thence, northerly, westerly and southerly along the property lines and property lines extended of said Edwin Corning Homes to their intersection with the center line of North First Street; thence, westerly along the center line of North First Street to its intersection with the center line of Van Rensselaer Boulevard; thence, southerly along the center line of Van Rensselaer Boulevard to its intersection with the center line of Loudonville Road; thence, southerly along the center line of Loudonville Road to its intersection with the center line of Interstate 90; thence, westerly along the center line of Interstate 90 to its intersection with the center line of State Highway 443; the point and place of beginning.

## [Amended 7-1-2002 by Ord. No. 30.71.02UC]

(4) FOURTH WARD, FOURTH DISTRICT: Beginning at a point in the center line of Interstate Route 90 where it is intersected by the center line of North Pearl Street; running thence westerly along the center line of Interstate Route 90 to its intersection with the center line of U.S. Route 9; thence, northerly along the center line of U.S. Route 9 to its intersection with the center line of Shaker Road; thence, easterly along the center line of Shaker Road to its intersection with the center line of Loudonville Road; thence, easterly along the center line of Loudonville Road to its intersection with the center line of Van Rensselaer Boulevard; thence, northerly along the center line of Van Rensselaer Boulevard to its intersection with the center line of North First Street; thence, easterly along the center line of North First Street to its intersection with the property line extended of the Edwin Corning Homes; thence, northerly, easterly and southerly along the property lines and property lines extended of said Edwin Corning Homes to their intersection with the center line of North First Street; thence,

- easterly along the center line of North First Street to its intersection with the center line of North Pearl Street; thence, southerly along the center line of North Pearl Street to a point where it is intersected by the center line of Interstate Route 90, the point and place of beginning.
- (5) FOURTH WARD, FIFTH DISTRICT. Beginning at a point in the center line of Loudonville Road where it is intersected by the north City line; running thence easterly along the north City line to its intersection with the center line of Van Rensselaer Boulevard; thence, southerly along the center line of Van Rensselaer Boulevard to its intersection with the center line of Northern Boulevard; thence, southerly along the center line of Northern Boulevard to its intersection with the center line of State Highway 443; thence, southerly along the center line of State Highway 443 to its intersection with the center line of Interstate Route 90; thence, westerly along the center line of Interstate Route 90 to its intersection with the center line of State Highway 9; thence, northerly along the center line of State Highway 9 to its intersection with the center line of Shaker Road; thence, westerly along the center line of Shaker Road to its intersection with the center line of Old Hickory Drive; thence, northerly along the center line of Old Hickory Drive; thence, northerly along the center line of Loudonville Road; thence, westerly along the center line of Loudonville Road to its intersection with the center line of the north City line, the point and place of beginning.

# [Amended 7-1-2002 by Ord. No. 30.71.02UC; 4-21-2003 by Ord. No. 11.41.03]

(6) FOURTH WARD, SIXTH DISTRICT. Beginning at a point in the center line of Livingston Avenue where it is intersected by the center line of Lark Street; running thence westerly along the center line of Livingston Avenue to its intersection with the center line of Henry Johnson Boulevard; thence, northerly along the center line of Henry Johnson Boulevard to its intersection with the center line of Colonie Street; thence, westerly along the center line of Colonie Street to its intersection with the center line of Pennsylvania Avenue; thence, northerly along the center line of Pennsylvania Avenue to its intersection with the center line of McCrossin Avenue; thence, easterly along the center line of McCrossin Avenue to its intersection with the center line of North Manning Boulevard; thence, easterly along the center line of North Manning Boulevard to its intersection with the center line of Lark Street; thence, southerly along the center line of Lark Street to its intersection with the center line of Livingston Avenue, the point and place of beginning.

# [Amended 4-21-2003 by Ord. No. 11.41.03]

(7) FOURTH WARD, SEVENTH DISTRICT. Beginning at a point in the center line of North Pearl Street where it is intersected by the center line of Lark Drive; thence, westerly along the center line of Lark Drive to its intersection with the center line of Arbor Drive; thence, southerly along the center line of Arbor Drive to its intersection with the center line of Manning Boulevard; thence, westerly along the center line of Manning Boulevard to its intersection with the center line of State Highway 443; thence, northerly along the center line of State Highway 443 to its intersection with the center line of the former Penn Central Railroad; thence, easterly along the center line of the former Penn Central Railroad to its intersection with the center line of Pleasant Street; thence, easterly along the center line of Pleasant Street to its intersection with the center line of North Pearl Street, thence, southerly along the center line of North Pearl Street to its intersection with the center line of Lark Drive, the point and place of beginning.

# [Amended 7-1-2002 by Ord. No. 30.71.02UC; 4-21-2003 by Ord. No. 11.41.03; 1-22-2004 by Ord. No. 2.12.04]

(8) FOURTH WARD, EIGHTH DISTRICT: Beginning at a point in the center line of Livingston Avenue where it is intersected by the center line of North Pearl Street; running thence westerly along the center line of Livingston Avenue to its intersection with the center line of Ten Broeck Street; thence, southerly along the center line of Ten Broeck Street to its intersection with the center line of Ten Broeck Place; thence, westerly along the center line of Ten Broeck Place and Third Street to its intersection with the center line of Lark Street; thence, northerly along the center line of Lark Street to its intersection with the center line of North Manning Boulevard; thence, easterly along the center line of North Manning Boulevard to its intersection with the center line of Arbor Drive; thence, northerly along the center line of Arbor Drive to its intersection with the center line of Lark Drive; thence,

- easterly along the center line of Lark Drive to its intersection with the center line of North Pearl Street; thence, southerly along the center line of North Pearl Street to a point where it is intersected by the center line of Livingston Avenue, the point and place of beginning.
- (9) FOURTH WARD, NINTH DISTRICT. Beginning at a point in the main channel of the Hudson River (east City line) where it is intersected by the center line of Madison Avenue (U.S. Route 20); running thence westerly along the center line of Madison Avenue (U.S. Route 20) to its intersection with the center line of South Pearl Street; thence, northerly along the center line of South Pearl Street to its intersection with the center line of Orange Street; thence, northerly along the center line of Orange Street to its intersection with the center line of Broadway; thence, northerly along the center line of Broadway to its intersection with the center line of Clinton Avenue extended; thence, easterly along the center line of Clinton Avenue extended to its intersection with the center line of Interstate Route 787; thence, northerly along the center line of Interstate Route 787 to its intersection with the center line of the former Penn Central Railroad; thence, easterly along the center line of the former Penn Central Railroad; thence, easterly along the center line of the former Penn Central Railroad to its intersection with the main channel of the Hudson River (east City line); thence, southerly along the center line of the main channel of the Hudson River (east City line) to its intersection with the center line of Madison Avenue (U.S. Route 20), the point and place of beginning.

# [Amended 4-21-2003 by Ord. No. 11.41.03; 1-22-2004 by Ord. No. 2.12.04; 1-22-2004 by Ord. No. 2.12.04]

(10) FOURTH WARD, TENTH DISTRICT. Beginning at a point in the center line of State Highway 9 where it is intersected by the center line of Interstate Route 90; running thence easterly along the center line of Interstate Route 90 to its intersection with the center line of State Highway 443; thence, southerly along the center line of State Highway 443 to its intersection with the center line of Manning Boulevard; thence, westerly along the center line of Manning Boulevard to its intersection with the center line of Henry Johnson Boulevard; thence, northerly along the center line of Henry Johnson Boulevard to its intersection with the center line of State Highway 9; thence, northerly along the center line of State Highway 9 to its intersection with the center line of Interstate Route 90, the point and place of beginning.

[Amended 7-1-2002 by Ord. No. 30.71.02UC; 1-22-2004 by Ord. No. 2.12.04 Editor's Note: This ordinance repealed the former Tenth District and renumbered the former Thirteenth District, added 4-21-2003 by Ord. No. 11.41.03, as the Tenth.]

(11) FOURTH WARD, ELEVENTH DISTRICT: Beginning at a point in the center line of Madison Avenue (U.S. Route 20) where it is intersected by the center line of South Pearl Street; running thence northerly along the center line of South Pearl Street to its intersection with the center line of Beaver Street; thence, westerly along the center line of Beaver Street and Beaver Street extended to its intersection with the center line of Eagle Street; thence, southerly along the center line of Eagle Street to its intersection with the center line of Madison Avenue; thence, easterly along the center line of Grand Street to its intersection with the center line of Grand Street; thence, northerly along the center line of Grand Street to its intersection with the center line of Van Zandt Street; thence, easterly along the center line of Fulton Street to its intersection with the center line of Fulton Street; thence, southerly along the center line of Fulton Street to its intersection with the center line of Madison Avenue; thence, easterly along the center line of Madison Avenue to a point where it is intersected by the center line of North Pearl Street, the point and place of beginning.

## [Amended 7-1-2002 by Ord. No. 30.71.02UC]

(12) FOURTH WARD, TWELFTH DISTRICT. Beginning at a point in the center line of Birch Hill Road where it is intersected by the center line of the north City line; running thence easterly along the center line of the north City line to its intersection with the center line of Loudonville Road; thence, easterly along the center line of Loudonville Road to its intersection with the center line of Old Hickory Drive; thence, southerly along the center line of Old Hickory Drive to its intersection with the

center line of Shaker Road; thence, westerly along the center line of Shaker Road to its intersection with the center line of Saint Agnes Lane; thence, northerly along the center line of Saint Agnes Lane to its intersection with the center line of Greyledge Drive; thence, northerly along the center line of Greyledge Drive to its intersection with the center line of Saint Agnes Lane; thence, northerly along the center line of Saint Agnes Lane to its intersection with the center line of Birch Hill Road; thence, northerly along the center line of Birch Hill Road to its intersection with the center line of the north City line, the point and place of beginning.

## [Added 4-21-2003 by Ord. No. 11.41.03]

#### E. Fifth Ward.

- (1) FIFTH WARD, FIRST DISTRICT: Beginning at a point in the center line of Livingston Avenue where it is intersected by the center line of Henry Johnson Boulevard; running thence southerly along the center line of Henry Johnson Boulevard to its intersection with the center line of First Street; thence, easterly along the center line of First Street to its intersection with the center line of Lark Street; thence, northerly along the center line of Lark Street to its intersection with the center line of Livingston Avenue; thence, westerly along the center line of Livingston Avenue to its intersection with the center line of Henry Johnson Boulevard, the point and place of beginning.
- (2) FIFTH WARD, SECOND DISTRICT: Beginning at a point in the center line of Livingston Avenue where it is intersected by the center line of Thornton Street; running thence southerly along the center line of Thornton Street to its intersection with the center line of Second Street; thence, easterly along the center line of Second Street to its intersection with the center line of Lexington Avenue; thence, southerly along the center line of Lexington Avenue to its intersection with the center line of First Street; thence, easterly along the center line of First Street to its intersection with the center line of Henry Johnson Boulevard; thence, northerly along the center line of Henry Johnson Boulevard to its intersection with the center line of Livingston Avenue; thence, westerly along the center line of Livingston Avenue to its intersection with the center line of Thornton Street, the point and place of beginning.
- (3) FIFTH WARD, THIRD DISTRICT: Beginning at a point in the center line of McCrossin Avenue where it is intersected by the center line of Thornton Street; running thence southerly along the center line of Thornton Street to its intersection with the center line of Beverly Avenue; thence, westerly along the center line of Beverly Avenue to its intersection with the center line of Wilkins Avenue; thence, southerly along the center line of Wilkins Avenue to its intersection with the center line of Livingston Avenue; thence, easterly along the center line of Livingston Avenue to its intersection with the center line of Henry Johnson Boulevard; thence, northerly along the center line of Henry Johnson Boulevard to its intersection with the center line of Colonie Street; thence, westerly along the center line of Colonie Street to its intersection with the center line of Pennsylvania Avenue; thence, northerly along the center line of Pennsylvania Avenue to its intersection with the center line of McCrossin Avenue; thence, easterly along the center line of McCrossin Avenue to its intersection with the center line of Manning Boulevard; thence, westerly along the center line of Manning Boulevard to its intersection with the center line of Northern Boulevard; thence, southerly along the center line of Northern Boulevard to its intersection with the center line of McCrossin Avenue; thence, westerly along the center line of McCrossin Avenue to its intersection with the center line of Thornton Street, the point and place of beginning.

# [Amended 4-21-2003 by Ord. No. 11.41.03]

(4) FIFTH WARD, FOURTH DISTRICT: Beginning at a point in the center line of Livingston Avenue where it is intersected by the center line of Judson Street; running thence southerly along the center line of Judson Street to its intersection with the center line of Third Street; thence, westerly along the center line of Third Street to its intersection with the center line of North Lake Avenue; thence, southerly along the center line of North Lake Avenue to its intersection with the center line of First Street; thence, easterly along the center line of Judson Street to its intersection with the center line of Judson Street; thence, southerly along the center line of Judson Street to its intersection with the center line of Clinton Avenue; thence, easterly along the center line of Clinton Avenue to its

intersection with the center line of Lexington Avenue; thence, northerly along the center line of Lexington Avenue to its intersection with the center line of Second Street; thence, westerly along the center line of Second Street to its intersection with the center line of Thornton Street; thence, northerly along the center line of Thornton Street to its intersection with the center line of Livingston Avenue; thence, westerly along the center line of Livingston Avenue to its intersection with the center line of Judson Street, the point and place of beginning.

- (5) FIFTH WARD, FIFTH DISTRICT: Beginning at a point in the center line of Third Street where it is intersected by the center line of Quail Street; running thence southerly along the center line of Quail Street to its intersection with the center line of Elk Street; thence, easterly along the center line of Elk Street to its intersection with the center line of North Lake Avenue; thence, northerly along the center line of Clinton Avenue to its intersection with the center line of Judson Street; thence, northerly along the center line of Judson Street to its intersection with the center line of First Street; thence, westerly along the center line of First Street to its intersection with the center line of North Lake Avenue; thence, northerly along the center line of North Lake Avenue to its intersection with the center line of Third Street; thence, westerly along the center line of Third Street to its intersection with the center line of Quail Street, the point and place of beginning.
- (6) FIFTH WARD, SIXTH DISTRICT: Beginning at a point in the center line of Livingston Avenue where it is intersected by the center line of Ontario Street; running thence southerly along the center line of Ontario Street to its intersection with the center line of Second Street; thence, easterly along the center line of Second Street to its intersection with the center line of Quail Street; thence, northerly along the center line of Quail Street to its intersection with the center line of Livingston Avenue; thence, westerly along the center line of Livingston Avenue to its intersection with the center line of Ontario Street, the point and place of beginning.

## [Amended 7-1-2002 by Ord. No. 30.71.02UC]

- (7) FIFTH WARD, SEVENTH DISTRICT: Beginning at a point in the center line of Livingston Avenue where it is intersected by the center line of Ontario Street; running thence easterly along the center line of Livingston Avenue to its intersection with the center line of Quail Street; thence, southerly along the center line of Quail Street to its intersection with the center line of Third Street; thence, easterly along the center line of Third Street to its intersection with the center line of Judson Street; thence, northerly along the center line of Judson Street to its intersection with the center line of Livingston Avenue; thence, easterly along the center line of Livingston Avenue to its intersection with the center line of Wilkins Avenue; thence, northerly along the center line of Wilkins Avenue to its intersection with the center line of Beverly Avenue; thence, easterly along the center line of Beverly Avenue to its intersection with the center line of Thornton Street; thence, northerly along the center line of Thornton Street to its intersection with the center line of McCrossin Avenue; thence, easterly along the center line of McCrossin Avenue to its intersection with the center line of Northern Boulevard; thence, northerly along the center line of Northern Boulevard to its intersection with the center line of North Manning Boulevard; thence, westerly along the center line of North Manning Boulevard to its intersection with the center line of Ontario Street extended; thence, southerly along the center line of Ontario Street extended to its intersection with the center line of Livingston Avenue, the point and place of beginning.
- (8) FIFTH WARD, EIGHTH DISTRICT: Beginning at a point in the center line of Second Street where it is intersected by the center line of Ontario Street; running thence southerly along the center line of Ontario Street to its intersection with the center line of Clinton Avenue; thence easterly along the center line of Clinton Avenue to its intersection with the center line of Ontario Street; thence, southerly along the central line of Ontario Street to its intersection with the center line of Elk Street; thence, easterly along the center line of Elk Street to its intersection with the center line of Quail Street; thence, northerly along the center line of Quail Street to its intersection with the center line of Second Street; thence, westerly along the center line of Second Street to its intersection with the center line of Ontario Street, the point and place of beginning.

[Amended 7-1-2002 by Ord. No. 30.71.02UC]

(9) FIFTH WARD, NINTH DISTRICT: Beginning at a point in the center line of Clinton Avenue where it is intersected by the center line of North Manning Boulevard; running thence southerly along the center line of North Manning Boulevard to its intersection with the center line of Central Avenue; thence, easterly along the center line of Central Avenue to its intersection with the center line of Partridge Street; thence, southerly along the center line of Partridge Street to its intersection with the center line of Bradford Street; thence, easterly along the center line of Bradford Street to its intersection with the center line of Ontario Street; thence, northerly along the center line of Central Avenue; thence, westerly along the center line of Central Avenue to its intersection with the center line of Ontario Street; thence, northerly along the center line of Ontario Street to its intersection with the center line of Clinton Avenue; thence, westerly along the center line of Clinton Avenue to its intersection with the center line of North Manning Boulevard, the point and place of beginning.

[Amended 7-1-2002 by Ord. No. 30.71.02UC Editor's Note: This ordinance also repealed the Fifth Ward, Tenth District, which immediately followed this district.]

(10) FIFTH WARD, TENTH DISTRICT. Beginning at a point in the center line of North Manning Boulevard where it is intersected by the center line of Clinton Avenue; running thence northerly along the center line of North Manning Blvd. to where it is intersected by the center line of Third Street; thence, easterly along the center line of Third Street to its intersection with the center line of Ontario Street; thence, southerly along the center line of Ontario Street to its intersection with the center line of Clinton Avenue; thence, westerly along the center line of Clinton Avenue to its intersection with the center line of North Manning Boulevard, the point and place of beginning.

# [Added 4-21-2003 by Ord. No. 11.41.03]

#### F. Sixth Ward.

(1) SIXTH WARD, FIRST DISTRICT: Beginning at a point in the center line of Myrtle Avenue where it is intersected by the center line of South Swan Street; running thence westerly along the center line of Myrtle Avenue to its intersection with the center line of Delaware Avenue; thence, northerly along the center line of Delaware Avenue to its intersection with the center line of Madison Avenue; thence, easterly along the center line of Madison Avenue to its intersection with the center line of South Swan Street; thence, southerly along the center line of South Swan Street to a point where it is intersected by the center line of Myrtle Avenue, the point and place of beginning.

## [Amended 4-21-2003 by Ord. No. 11.41.03]

- (2) SIXTH WARD, SECOND DISTRICT: Beginning at a point in the center line of Jay Street where it is intersected by the center line of Dove Street; running thence southerly along the center line of Dove Street to the center line of Madison Avenue; thence, easterly along the center line of Madison Avenue to the center line of South Swan Street; thence, northerly along the center line of South Swan Street to the center line of Jay Street; thence, westerly along the center line of Jay Street to its intersection with the center line of Dove Street, the point and place of beginning.
- (3) SIXTH WARD, THIRD DISTRICT. Beginning at a point in the center line of Washington Avenue where it is intersected by the center line of Dove Street; running thence southerly along the center line of Dove Street to the intersection with the center line of Jay Street; thence, easterly along the center line of Jay Street to the intersection with the center line of South Swan Street; thence, northerly along the center line of South Swan Street to the intersection with the center line of Washington Avenue; thence, westerly along the center line of Washington Avenue to its intersection with the center line of Dove Street, the point and place of beginning.
- (4) SIXTH WARD, FOURTH DISTRICT. Beginning at a point in the center line of State Street where it is intersected by the center line of Willett Street; running thence southerly along the center line of Willett Street to the center line of Lancaster Street; thence, easterly along the center line of Lancaster Street to the center line of Dove Street; thence, northerly along the center line of Dove Street to the center line of Washington Avenue; thence, westerly along the center line of Washington Avenue to the

- center line of Lark Street; thence, southerly along the center line of Lark Street to the center line of State Street; thence, westerly along the center line of State Street to the intersection with the center line of Willett Street, the point and place of beginning.
- (5) SIXTH WARD, FIFTH DISTRICT. Beginning at a point in the center line of Lancaster Street where it is intersected by the center line of Willett Street; running thence southerly along the center line of Willett Street to the intersection with the center line of Hudson Avenue; thence, easterly along the center line of Hudson Avenue to its intersection with the center line of Dove Street; thence, northerly along the center line of Dove Street to its intersection with the center line of Lancaster Street; thence, westerly along the center line of Lancaster Street to its intersection with the center line of Willett Street, the point and place of beginning.
- (6) SIXTH WARD, SIXTH DISTRICT. Beginning at a point in the center line of Hudson Avenue where it is intersected by the center line of Willett Street; running thence southerly along the center line of Willett Street to its intersection with the center line of Madison Avenue; thence, easterly along the center line of Madison Avenue to its intersection with the center line of Dove Street; thence, northerly along the center line of Dove Street to its intersection with the center line of Hudson Avenue; thence, westerly along the center line of Hudson Avenue to its intersection with the center line of Willett Street, the point and place of beginning.
- (7) SIXTH WARD, SEVENTH DISTRICT. Beginning at a point in the center line of Madison Avenue where it is intersected by the center line of Robin Street; running thence southerly along the center line of Robin Street to its intersection with the center line of Myrtle Avenue; thence, easterly along the center line of Myrtle Avenue to its intersection with the center line of Knox Street; thence, northerly along the center line of Knox Street to its intersection with the center line of Madison Avenue; thence, westerly along the center line of Madison Avenue to its intersection with the center line of Robin Street, the point and place of beginning.

# [Amended 4-21-2003 by Ord. No. 11.41.03; 2-15-2007 by Ord. No. 11.22.07UC]

(8) SIXTH WARD, EIGHTH DISTRICT. Beginning at a point in the center line of Western Avenue where it is intersected by the center line of South Lake Avenue; running thence southerly along the center line of South Lake Avenue to the center line of Madison Avenue; thence, easterly along the center line of Millett Street to the center line of Willett Street; thence, northerly along the center line of Willett Street to the center line of State Street; thence, westerly along the center line of State Street to the center line of Western Avenue; thence, westerly along the center line of Western Avenue to its intersection with the center line of South Lake Avenue, the point and place of beginning.

## [Amended 4-21-2003 by Ord. No. 11.41.03]

(9) Editor's Note: Former Subsection F(9), Sixth Ward, Ninth District, was repealed 4-21-2003 by Ord. No. 11.41.03. SIXTH WARD, NINTH DISTRICT. Beginning at a point in the center line of Knox Street where it is intersected by the center line of Madison Avenue; running thence easterly along the center line of Madison Avenue to its intersection of the center line of Delaware Avenue; thence, southerly along the center line of Delaware Avenue to its intersection with the center line of Myrtle Avenue; thence, westerly along the center line of Myrtle Avenue to its intersection with the center line of Knox Street; thence, northerly along the center line of Knox Street to its intersection with the center line of Madison Avenue, the point and place of the beginning.

## [Added 2-15-2007 by Ord. No. 11.22.07UC]

#### G. Seventh Ward.

(1) SEVENTH WARD, FIRST DISTRICT. Beginning at a point in the center line of Catherine Street where it is intersected by the center line of Delaware Avenue; running thence southerly along the center line of Delaware Avenue to its intersection with the center line of Hurlbut Street; thence, southerly along the center line of Hurlbut Street to its intersection with the center line of Garden Street; thence, northerly along the center line of Garden Street to its intersection with the center line

of Frisbie Avenue; thence, northerly along the center line of Frisbie Avenue to its intersection with the center line of Slingerland Street; thence, northerly along the center line of Slingerland Street to its intersection with the center line of Oneida Terrace; thence, northerly along the center line of Oneida Terrace to its intersection with the center line of Catherine Street; thence, westerly along the center line of Catherine Street to its intersection with the center line of Delaware Avenue, the point and place of beginning.

## [Amended 4-21-2003 by Ord. No. 11.41.03; 1-22-2004 by Ord. No. 2.12.04]

(2) SEVENTH WARD, SECOND DISTRICT. Beginning at a point in the center line of Mercer Street where it is intersected by the center line of Quail Street; running thence southerly along the center line of Quail Street to its intersection with the center line of New Scotland Avenue; thence, easterly along the center line of New Scotland Avenue to its intersection with the center line of South Lake Avenue; thence, northerly along the center line of South Lake Avenue to its intersection with the center line of Mercer Street; thence, westerly along the center line of Mercer Street to its intersection with the center line of Quail Street, the point and place of beginning.

## [Amended 4-21-2003 by Ord. No. 11.41.03]

- (3) SEVENTH WARD, THIRD DISTRICT: Beginning at a point in the center line of New Scotland Avenue where it is intersected by the center line of Forest Avenue; running thence southerly along the center line of Forest Avenue to its intersection with the center line of Hackett Boulevard; thence, easterly along the center line of Hackett Boulevard to its intersection with the center line of Academy Road; thence, northerly along the center line of Academy Road to its intersection with the center line of New Scotland Avenue; thence, westerly along the center line of New Scotland Avenue to its intersection with the center line of Quail Street, the point and place of beginning.
- (4) SEVENTH WARD, FOURTH DISTRICT. Beginning at a point in the center line of Myrtle Avenue where it is intersected by the center line of South Lake Avenue; running thence southerly along the center line of South Lake Avenue to its intersection with the center line of New Scotland Avenue; thence westerly along the center line of New Scotland Avenue to its intersection with the center line of Academy Road; thence, southerly along the center line of Academy Road to its intersection with the center line of Hackett Boulevard; thence, easterly along the center line of Hackett Boulevard to its intersection with the center line of Carroll Terrace extended and Carroll Terrace; thence, easterly along the center line of Carroll Terrace to its intersection with the center line of Delaware Avenue; thence, northerly along the center line of Delaware Avenue to its intersection with the center line of Holland Avenue; thence northwesterly along the center line of Holland Avenue to its intersection with the center line of Cornell Drive paper street, following the line of an access road behind Hackett Middle School to its intersection with the center line of Myrtle Avenue; thence, westerly along the center line of Myrtle Avenue to its intersection with the center line of South Lake Avenue, the point and place of beginning.

## [Amended 5-17-1993; 2-15-2007 by Ord. No. 11.22.07UC]

(5) SEVENTH WARD, FIFTH DISTRICT: Beginning at a point in the center line of Carroll Terrace extended where it is intersected by the center line of Hackett Boulevard; running thence westerly along the center line of Hackett Boulevard to its intersection with the center line of Marwill Street; thence, southerly along the center line of Marwill Street to its intersection with the center line of Whitehall Road; thence, easterly along the center line of Whitehall Road to its intersection with the center line of Delaware Avenue; thence, northerly along the center line of Delaware Avenue to its intersection with the center line of Carroll Terrace and Carroll Terrace extended to its intersection with the center line of Hackett Boulevard, the point and place of beginning.

## [Amended 5-17-1993]

(6) SEVENTH WARD, SIXTH DISTRICT. Beginning at a point in the center line of Delaware Avenue where it is intersected by the center line of Hurlbut Street; running thence southerly along the center line of Delaware Avenue to its intersection with the center line of Jeanette Street; thence, southerly along the center line of Jeanette Street to it intersection with the center line of Second Avenue; thence, easterly along the center line of Second Avenue to its intersection with the center line of Hurlbut Street; thence, northerly along the center line of Hurlbut Street to its intersection with the center line of Delaware Avenue, the point and place of beginning.

# [Amended 4-21-2003 by Ord. No. 11.41.03; 1-22-2004 by Ord. No. 2.12.04; 2-15-2007 by Ord. No. 11.22.07UC]

- (7) SEVENTH WARD, SEVENTH DISTRICT: Beginning at a point in the center line of Whitehall Road where it is intersected by the center line of Holmes Court; running thence southerly along the center line of Holmes Court extended to the center line of the Governor Thomas E. Dewey New York State Thruway; thence, easterly along the center line of the Governor Thomas E. Dewey New York State Thruway to the center line of Delaware Avenue; thence, northerly along the center line of Delaware Avenue to the center line of Whitehall Road; thence, westerly along the center line of Whitehall Road to the center line of Holmes Court, the point and place of beginning.
- (8) SEVENTH WARD, EIGHTH DISTRICT. Beginning at a point in the center line of Delaware Avenue where it is intersected by the center line of Jeanette Street; running thence southerly along the center line of Jeanette Street to its intersection with the center line of Second Avenue; thence, westerly along the center line of Second Avenue to its intersection with the center line of Delaware Avenue; thence, northeasterly along the center line of Delaware Avenue to its intersection with the center line of Jeanette Street, the point and place of beginning.

## [Added 2-15-2007 by Ord. No. 11.22.07UC]

(9) SEVENTH WARD, NINTH DISTRICT. Beginning at a point in the center line Myrtle Avenue where it is intersected with the center line of Delaware Avenue; running thence southerly along the center line of Delaware Avenue to its intersection with the center line of Holland Avenue; thence, westerly along the center line of Holland Avenue to its intersection with the center line of a paper street named Cornell Drive; thence northeasterly along the center line of Cornell Drive paper street, following the line of an access road behind Hackett Middle School to its intersection with the center line of Myrtle Avenue; thence, westerly along the center line of Myrtle Avenue to its intersection with the center line of Delaware Avenue, the point and place of beginning.

# [Added 2-15-2007 by Ord. No. 11.22.07UC]

### H. Eighth Ward.

(1) EIGHTH WARD, FIRST DISTRICT: Beginning at a point in the center line of Hackett Boulevard where it is intersected by the center line of Marwill Street; running thence southerly along the center line of Marwill Street to its intersection with the center line of Whitehall Road; thence, westerly along the center line of Whitehall Road to its intersection with the center line of Joelson Court; thence, along the center line of Joelson Court to its intersection with the center line of Hackett Boulevard; thence, easterly along the center line of Hackett Boulevard to its intersection with the center line of Marwill Street, the point and place of beginning.

## [Amended 6-7-1993]

(2) EIGHTH WARD, SECOND DISTRICT. Beginning at a point in the center line of Hackett Boulevard where it is intersected by the center line of Sycamore Street; running thence easterly along the center line of Hackett Boulevard to its intersection with the center line of Joelson Court; thence, southerly along the center line of Joelson Court to its intersection with the center line of Whitehall Road; thence, westerly along the center line of Whitehall Road to its intersection with the center line of Sycamore Street; thence, northerly along the center line of Sycamore Street to its intersection with the center line of Hackett Boulevard, the point and place of beginning.

## [Amended 6-7-1993; 4-21-2003 by Ord. No. 11.41.03]

(3) EIGHTH WARD, THIRD DISTRICT. Beginning at a point in the center line of Whitehall Road where it is intersected by the center line of Swartson Court; running thence southerly along the center line of Swartson Court and Swartson Court extended to its intersection with the center line of the Governor Thomas E. Dewey New York State Thruway; thence, easterly along the center line of the Governor Thomas E. Dewey New York State Thruway to its intersection with the center line of Rose Court extended; thence, northerly along the center line of Rose Court extended and Rose Court to its intersection with the center line of Whitehall Road; thence, westerly along the center line of Whitehall Road to its intersection with the center line of Swartson Court, the point and place of beginning.

## [Amended 4-21-2003 by Ord. No. 11.41.03]

- (4) EIGHTH WARD, FOURTH DISTRICT: Beginning at a point in the center line of Hackett Boulevard (as it is aligned easterly from South Manning Boulevard) where it is intersected by the center line of South Manning Boulevard; running thence southerly along the center line of South Manning Boulevard to its intersection with the center line of Hackett Boulevard (as it is aligned westerly from South Manning Boulevard); thence, westerly along the center line of Hackett Boulevard to its intersection with, the center line of John David Lane; thence, southerly along the center line of John David Lane to its intersection with the center line of Gingerbread Lane; thence, westerly and southerly along the center line of Gingerbread Lane and Gingerbread Lane extended to its intersection with the center line of the Normanskill (south City line); thence, easterly along the center line of the Normanskill (south City line) to its intersection with the center line of South Main Avenue extended; thence, northerly along the center line of South Main Avenue to its intersection with the center line of the Hackett Boulevard; thence, westerly along the center line of the Hackett Boulevard to its intersection with the center line of South Manning Boulevard, the point and place of beginning.
- (5) EIGHTH WARD, FIFTH DISTRICT. Beginning at a point in the center line of Harding Street where it is intersected by the center line of New Scotland Avenue; running thence southerly along the center line of New Scotland Avenue to its intersection with the center line of the Ferndale Avenue; thence, southerly along the center line of the Ferndale Avenue to its intersection with the center line of Hopewell Street and Hopewell Street extended to its intersection with the center line of the Governor Thomas E. Dewey New York State Thruway; thence, easterly along the center line of the Governor Thomas E. Dewey New York State Thruway to its intersection with the center line of Gingerbread Lane extended and Gingerbread Lane; thence, northerly along the center line of Gingerbread Lane extended and Gingerbread Lane to its intersection with the center line of Hackett Boulevard; thence, westerly along the center line of Hackett Boulevard to its intersection with the center line of Westford Street; thence, northerly along the center line of Pine Tree Lane; thence, westerly along the center line of Pine Tree Lane to its intersection with the center line of Harding Street; thence, northerly along Harding Street to its intersection with the center line of New Scotland Avenue, the point and place of beginning.

# [Amended 4-21-2003 by Ord. No. 11.41.03]

(6) EIGHTH WARD, SIXTH DISTRICT. Beginning at a point in the center line of Krumkill Road where it is intersected by the center line of Bender Street; running thence southerly along the center line of Bender Street extended to its intersection with the west City line (that portion which runs northerly from the Norman's Kill to Krumkill Road); thence, continuing southerly along the west City line to its intersection with the center line of the Governor Thomas E. Dewey New York State Thruway; thence, easterly along the center line of Hopewell Street extended and Hopewell Street; thence, northerly along the center line of Hopewell Street extended and Hopewell Street to its intersection with the center line of Ferndale Avenue; thence, westerly along the center line of Ferndale Avenue to its intersection with the center line of New Scotland Avenue; thence, southerly along the center line of New Scotland Avenue to its intersection with the center line of Krumkill Road; thence, westerly along

the center line of Krumkill Road to its intersection with the center line of Bender Street, the point and place of beginning.

## [Amended 4-21-2003 by Ord. No. 11.41.03]

(7) EIGHTH WARD, SEVENTH DISTRICT. Beginning at a point in the center line of the Governor Thomas E. Dewey New York State Thruway where it is intersected by the west City line (that portion which runs northerly from the Norman's Kill to Krumkill Road); running thence, southerly along the west City line to its intersection with the most westerly line of a subdivision known as New Scotland Woods; thence, southerly along the most westerly line of a subdivision known as New Scotland Woods (said line being along the rear of lots facing on the terminus of Woodside Drive) to its intersection with the southerly line of a subdivision known as New Scotland Woods; thence, southerly in a straight line to its intersection with the center line of New Scotland Avenue with the center line of McCormack Road; thence, southerly along the center line of McCormack Road extended and McCormack Road to its intersection with the center line of the New Scotland Avenue; thence, easterly along the center line of New Scotland Avenue to its intersection with the center line of Hartman Road and Hartman Road extended; thence, southerly along the center line of Hartman Road and Hartman Road extended to its intersection with the center line of the Norman's Kill (south City line); thence, easterly along the center line of the Norman's Kill (south City line) to its intersection with the center line of Gingerbread Lane extended; thence, northerly along the center line of Gingerbread Lane extended to its intersection with the center line of the Governor Thomas E. Dewey New York State Thruway; thence, westerly along the center line of the Governor Thomas E. Dewey New York State Thruway to the west City line, the point and place of beginning.

## [Amended 6-7-1993; 4-21-2003 by Ord. No. 11.41.03]

(8) EIGHTH WARD, EIGHTH DISTRICT. Beginning at a point in the center line of New Scotland Avenue where it is intersected by the center line of McCormack Road; running thence southerly along the center line of McCormack Road and McCormack Road extended to its intersection with the center line of the Norman's Kill (south City line); thence, easterly along the center line of the Norman's Kill (south City line) to its intersection with the center line of Hartman Road extended and Hartman Road; thence, northerly along the center line of Hartman Road extended and Hartman Road to its intersection with the center line of New Scotland Avenue; thence, westerly along the center line of New Scotland Avenue to its intersection with the center line of McCormack Road, the point and place of beginning.

## [Amended 4-21-2003 by Ord. No. 11.41.03]

(9) EIGHTH WARD, NINTH DISTRICT. Beginning at a point in the center line of Whitehall Road where it is intersected by the center line of South Main Avenue; running thence southerly along the center line of South Main Avenue and South Main Avenue extended to its intersection with the center line of the Norman's Kill (south City line); thence, easterly along the center line of the Norman's Kill (south City line) to its intersection with the center line of Marlborough Court extended; thence, northerly long the center line of Marlborough Court extended to its intersection with the center line of the Governor Thomas E. Dewey New York State Thruway; thence, easterly along the center line of Swartson Court extended; thence, northerly along the center line of Swartson Court extended and Swartson Court to its intersection with the center line of Whitehall Road; thence, westerly along the center line of Whitehall Road to its intersection with the center line of South Main Avenue, the point and place of beginning.

# [Amended 4-21-2003 by Ord. No. 11.41.03]

(10) EIGHTH WARD, TENTH DISTRICT: Beginning at a point in the west City line (that portion which runs northerly from the Normanskill to Krumkill Road) at its intersection with the most westerly line of a subdivision known as New Scotland Woods; running thence southerly along the center line of the west City line extended to its intersection with the center line of the Normanskill (south City line); thence, easterly along the center line of the Normanskill (south City line) to its intersection with the center line of McCormack Road; thence, northerly along the center line of McCormack Road to its

intersection with the center line of New Scotland Avenue; thence, northerly in a straight line to the intersection between the most westerly line of a subdivision known as New Scotland Woods (said line being along the rear of lots facing on the terminus of Woodside Drive) and the southerly line of a subdivision known as New Scotland Woods; thence, northerly along the most westerly line of a subdivision known as New Scotland Woods (said line being along the rear of lots facing on the terminus of Woodside Drive) to its intersection with the west City line, the point and place of beginning.

## [Amended 6-7-1993]

(11) EIGHTH WARD, ELEVENTH DISTRICT. Beginning at a point in the center line of Hackett Boulevard where it is intersected by the center line of South Main Avenue; running thence, southerly along the center line of South Main Avenue to its intersection with the center line of Whitehall Road; thence, easterly along the center line of Whitehall Road to its intersection with the center line of Sycamore Street; thence, northerly along the center line of Sycamore Street its intersection with the center line of Hackett Boulevard; thence, westerly along the center line of Hackett Boulevard to its intersection with the center line of South Main Avenue, the point and place of beginning.

## [Added 4-21-2003 by Ord. No. 11.41.03]

where it is intersected by the center line of Rose Court; running thence, southerly along the center line of Rose Court to its intersection with the center line of the Governor Thomas E. Dewey New York State Thruway; thence, westerly along the center line of the Governor Thomas E. Dewey New York State Thruway to its intersection with the center line of Marlborough Court extended; thence, southerly along the center line of Marlborough Court extended its intersection with the center line of the Norman's Kill (south City line); thence, easterly along the center line of the Norman's Kill (south City line) to its intersection with the center line of Normanskill Drive; thence, northerly along the center line of Normanskill Drive to its intersection with the center line of Delaware Avenue; thence northerly along the center line of Delaware Avenue to its intersection with the center line of the Governor Thomas E. Dewey New York State Thruway; thence, westerly along the center line of Holmes Court; thence, northerly along the center line of Holmes Court to its intersection with the center line of Holmes Court; thence, northerly along the center line of Holmes Court to its intersection with the center line of Whitehall Road, thence, westerly along the center line of Whitehall Road to its intersection with the center line of Rose Court, the point and place of beginning.

# [Added 4-21-2003 by Ord. No. 11.41.03]

#### I. Ninth Ward.

(1) NINTH WARD, FIRST DISTRICT. Beginning at a point in the center line of Park Avenue where it is intersected by the center line of Partridge Street; running thence southerly along the center line of Partridge Street to its intersection with the center line of Woodlawn Avenue; thence, easterly along the center line of Woodlawn Avenue to its intersection with the center line of Quail Street; thence, northerly along the center line of Quail Street to its intersection with the center line of Park Avenue; thence, westerly along the center line of Park Avenue to its intersection with the center line of Partridge Street, the point and place of beginning.

## [Amended 4-21-2003 by Ord. No. 11.41.03]

(2) NINTH WARD, SECOND DISTRICT. Beginning at a point in the center line of Woodlawn Avenue where it is intersected by the center line of Partridge Street; running thence southerly along the center line of Partridge Street to its intersection with the center line of Fairview Avenue; thence, westerly along the center line of Fairview Avenue to its intersection with the center line of Parkwood Street; thence, southerly along the center line of Parkwood Street to its intersection with the center line of New Scotland Avenue; thence, easterly along the center line of New Scotland Avenue to its intersection with the center line of Quail Street; thence, northerly along the center line of Quail Street to its intersection with center line of Woodlawn Avenue; thence, westerly along the center line of

Woodlawn Avenue to its intersection with the center line of Partridge Street, the point and place of beginning.

## [Amended 6-7-1993; 4-21-2003 by Ord. No. 11.41.03]

- (3) NINTH WARD, THIRD DISTRICT: Beginning at a point in the center line of New Scotland Avenue where it is intersected by the center line of Hollywood Avenue; running thence southerly along the center line of Hollywood Avenue to its intersection with the rear line of properties along the south side of New Scotland Avenue extended; thence, easterly along rear line of properties along the south side of New Scotland Avenue extended and the rear line of properties along the south side of New Scotland Avenue to its intersection with the rear line of properties along the east side of Hollywood Avenue; thence, southerly along the rear line of properties along the east side of Hollywood Avenue to its intersection with the rear line of properties along the north side of Hackett Boulevard; thence, westerly along the rear line of properties along the north side of Hackett Boulevard and the rear line of properties along the north side of Hackett Boulevard extended to its intersection with the center line of Hollywood Avenue; thence, southerly along the center line of Hollywood Avenue to its intersection with the center line of Hackett Boulevard; thence, easterly along the center line of Hackett Boulevard to its intersection with the center line of Forest Avenue; thence, northerly along the center line of Forest Avenue to its intersection with the center line of New Scotland Avenue; thence, westerly along the center line of New Scotland Avenue to its intersection with the center line of Hollywood Avenue, the point and place of beginning.
- (4) NINTH WARD, FOURTH DISTRICT: Beginning at a point in the center line of New Scotland Avenue where it is intersected by the center line of Weis Road; running thence southerly along the center line of Weis Road to its intersection with the center line of Hackett Boulevard; thence, easterly along the center line of Hackett Boulevard to its intersection with the center line of Hollywood Avenue; thence, northerly along the center line of Hollywood Avenue to its intersection with the rear line extended of properties along the north side of Hackett Boulevard; thence, easterly along the rear line extended of properties along the north side of Hackett Boulevard and along the rear line of properties along the north side of Hackett Boulevard to its intersection with the rear line of properties along the east side of Hollywood Avenue; thence, northerly along the rear line of properties along the east side of Hollywood Avenue to its intersection with the rear line of properties along the south side of New Scotland Avenue; thence, westerly along the rear line of properties along the south side of New Scotland Avenue and the rear line of properties along the south side of New Scotland Avenue extended to its intersection with the center line of Hollywood Avenue; thence, northerly along the center line of Hollywood Avenue to its intersection with the center line of New Scotland Avenue; thence, westerly along the center line of New Scotland Avenue to its intersection with the center line of Weis Road, the point and place of beginning.

### [Amended 4-21-2003 by Ord. No. 11.41.03]

(5) NINTH WARD, FIFTH DISTRICT: Beginning at a point in the center line of Woodlawn Avenue where it is intersected by the center line of South Main Avenue; running thence southerly along the center line of South Main Avenue to its intersection with the center line of New Scotland Avenue; thence, easterly along the center line of New Scotland Avenue to its intersection with the center line of Parkwood Street; thence, northerly along the center line of Parkwood Street to its intersection with the center line of Fairview Avenue; thence, easterly along the center line of Fairview Avenue to its intersection with the center line of Partridge Street; thence, northerly along the center line of Partridge Street to its intersection with the center line of Woodlawn Avenue; thence, westerly along the center line of Woodlawn Avenue to its intersection with the center line of South Main Avenue, the point and place of beginning.

## [Amended 6-7-1993]

(6) NINTH WARD, SIXTH DISTRICT: Beginning at a point in the center line of New Scotland Avenue where it is intersected by the center line of Harding Street; running thence southerly along the center line of Harding Street to its intersection with the center line of Pine Tree Lane; thence, easterly along the center line of Pine Tree Lane to its intersection with the center line of Westford Street; thence,

southerly along the center line of Westford Street to its intersection with the center line of Hackett Boulevard; thence, easterly along the center line of Hackett Boulevard to its intersection with the center line of South Manning Boulevard; thence, northerly along the center line of South Manning Boulevard to its intersection with the center line of Hackett Boulevard (as it is aligned easterly of South Manning Boulevard); thence, easterly along the center line of Hackett Boulevard to its intersection with the center line of Weis Road; thence, northerly along the center line of Weis Road to its intersection with the center line of New Scotland Avenue; thence, westerly along the center line of New Scotland Avenue to its intersection with the center line of Harding Street, the point and place of beginning.

## [Amended 4-21-2003 by Ord. No. 11.41.03]

- (7) NINTH WARD, SEVENTH DISTRICT: Beginning at a point in the center line of Teunis Avenue where it is intersected by the center line of South Allen Street; running thence southerly along the center line of South Allen Street to its intersection with the center line of New Scotland Avenue; thence, easterly along the center line of New Scotland Avenue to its intersection with the center line of South Main Avenue; thence, northerly along the center line of South Main Avenue to its intersection with the center line of Woodlawn Avenue; thence, westerly along the center line of Woodlawn Avenue to its intersection with the center line of West Lawrence Street; thence, northerly along the center line of West Lawrence Street to its intersection with the center line of Teunis Avenue; thence, westerly along the center line of Teunis Avenue to its intersection with the center line of South Allen Street, the point and place of beginning.
- (8) NINTH WARD, EIGHTH DISTRICT. Beginning at a point in the center line of Warren Street where it is intersected by the center line of South Allen Street; running thence southerly along the center line of South Allen Street to its intersection with the center line of Teunis Avenue; thence, easterly along the center line of Woodlawn Avenue to its intersection with the center line of Woodlawn Avenue; thence, easterly along the center line of Woodlawn Avenue to its intersection with the center line of West Erie Street; thence, northerly along the center line of West Erie Street to its intersection with the center line of Ryckman Avenue to its intersection with the center line of Warren Street; thence, westerly along the center line of Warren Street to its intersection with the center line of South Allen Street, the point and place of beginning.

## [Amended 4-21-2003 by Ord. No. 11.41.03]

(9) NINTH WARD, NINTH DISTRICT. Beginning at a point in the center line of Park Avenue where it is intersected by the center line of Quail; running thence southerly along the center line of Quail Street to its intersection with the center line of Mercer Street; thence, easterly along the center line of Mercer Street to its intersection with the center line of South Lake Avenue; thence, northerly along the center line of South Lake Avenue to its intersection with the center line of Park Avenue; thence, westerly along the center line of Park Avenue to its intersection with the center line Quail Street, the point and place of beginning.

## [Amended 4-21-2003 by Ord. No. 11.41.03]

## J. Tenth Ward.

- (1) TENTH WARD, FIRST DISTRICT: Beginning at a point in the center line of Madison Avenue where it is intersected by the center line of Partridge Street; running thence southerly along the center line of Partridge Street to the center line of Myrtle Avenue; thence, easterly along the center line of Myrtle Avenue to the center line of Ontario Street; thence, northerly along the center line of Ontario Street to the center line of Yates Street; thence, easterly along the center line of Yates Street to the center line of Quail Street; thence, northerly along the center line of Quail Street to the center line of Madison Avenue; thence, westerly along the center line of Madison Avenue to the center line of Partridge Street, the point and place of beginning.
- (2) TENTH WARD, SECOND DISTRICT: Beginning at a point in the center line of Yates Street where it is intersected by the center line of Ontario Street; running thence southerly along the center line of

Ontario Street to the center line of Myrtle Avenue; thence, easterly along the center line of Myrtle Avenue to the center line of Quail Street; thence, southerly along the center line of Quail Street to its intersection with the center line of Park Avenue; thence, easterly along the center line of Park Avenue to its intersection with the center line of South Lake Avenue; thence, northerly along the center line of South Lake Avenue to the center line of Madison Avenue; thence, westerly along the center line of Madison Avenue to the center line of Quail Street; thence, southerly along the center line of Quail Street to the center line of Yates Street; thence, westerly along the center line of Yates Street to the center line of Ontario Street, the point and place of beginning.

## [Amended 1-22-2004 by Ord. No. 2.12.04]

- (3) TENTH WARD, THIRD DISTRICT: Beginning at a point in the center line of Myrtle Avenue where it is intersected by the center line of South Lake Avenue; running thence northerly along the center line of South Lake Avenue to the center line of Madison Avenue; thence, easterly along the center line of Madison Avenue to the center line of Robin Street; thence, southerly along the center line of Robin Street to the center line of Myrtle Avenue; thence, westerly along the center line of Myrtle Avenue to the center line of South Lake Avenue, the point and place of beginning.
- (4) TENTH WARD, FOURTH DISTRICT. Beginning at a point in the center line of Myrtle Avenue where it is intersected by the center line of Ridgefield Street; running thence easterly along the center line of Myrtle Avenue to the center line of Quail Street; thence, southerly along the center line of Quail Street to the center line of Park Avenue; thence, westerly along the center line of Park Avenue to the center line of Partridge Street; thence, southerly along the center line of Partridge Street to its intersection with the center line of Woodlawn Avenue; thence westerly along the center line of Woodlawn Avenue to its intersection with the center line of West Erie Street; thence northerly along the center line of Ryckman Avenue; thence northerly along the center line of Ryckman Avenue to its intersection with the center line of Peyster Street; thence easterly along the center line of Peyster Street to its intersection with the center line of Ridgefield Street; thence, northerly along the center line of Ridgefield Street to the center line of Myrtle Avenue, the point and place of beginning.

[Amended 4-21-2003 by Ord. No. 11.41.03; 1-22-2004 by Ord. No. 2.12.04 Editor's Note: This ordinance repealed the former Fourth District and renumbered the former Fifth through Ninth Districts as the Fourth through Eighth, respectively.]

(5) TENTH WARD, FIFTH DISTRICT. Beginning at a point in the center line of Myrtle Avenue where it is intersected by the center line of South Allen Street; running thence southerly along the center line of South Allen Street to its intersection with the center line of Warren Street; thence, easterly along the center line of Ryckman Avenue; thence, easterly along the center line of Ryckman Avenue to its intersection with the center line of Peyster Street; thence, easterly along the center line of Peyster Street to its intersection with the center line of Ridgefield Street; thence, northerly along the center line of Ridgefield Street to its intersection with the center line of Myrtle Avenue; thence, easterly along the center line of Myrtle Avenue to the point where it is intersected by the center line of South Allen Street, the point and place of beginning.

[Amended 4-21-2003 by Ord. No. 11.41.03; 1-22-2004 by Ord. No. 2.12.04 Editor's Note: This ordinance repealed the former Fourth District and renumbered the former Fifth through Ninth Districts as the Fourth through Eighth, respectively.]

(6) TENTH WARD, SIXTH DISTRICT: Beginning at a point in the center line of Madison Avenue where it is intersected by the center line of West Lawrence Street; running thence southerly along the center line of West Lawrence Street to its intersection with the center line of Myrtle Avenue; thence, easterly along the center line of Myrtle Avenue to its intersection with the center line of Partridge Street; thence, northerly along the center line of Partridge Street to its intersection with the center line of Madison Avenue; thence, westerly along the center line of Madison Avenue to its intersection with the center line of West Lawrence Street, the point and place of beginning.

[Amended 1-22-2004 by Ord. No. 2.12.04 Editor's Note: This ordinance repealed the former Fourth District and renumbered the former Fifth through Ninth Districts as the Fourth through Eighth, respectively.]

(7) TENTH WARD, SEVENTH DISTRICT. Beginning at a point in the center line of Western Avenue where it is intersected by the center line of South Allen Street; running thence southerly along the center line of South Allen Street to its intersection with the center line of Myrtle Avenue; thence, easterly along the center line of Myrtle Avenue to its intersection with the center line of West Lawrence Street; thence, northerly along thee center line of West Lawrence Street to its intersection with the center line of Madison Avenue; thence easterly along the center line of Madison Avenue to its intersection with the center line of Partridge Street; thence, northerly along the center line of Partridge Street to its intersection with the center line of Western Avenue; thence, westerly along the center line of Western Avenue to its intersection with the center line of South Allen Street, the point and place of beginning.

[Amended 4-21-2003 by Ord. No. 11.41.03; 1-22-2004 by Ord. No. 2.12.04 Editor's Note: This ordinance repealed the former Fourth District and renumbered the former Fifth through Ninth Districts as the Fourth through Eighth, respectively.]

(8) TENTH WARD, EIGHTH DISTRICT. Beginning at a point in the center line of Madison Avenue where it is intersected by the center line of Partridge Street; running thence northerly along the center line of Partridge Street to its intersection with the center line of Washington Avenue; thence, easterly along the center line of Washington Avenue to its intersection with the center line of Ontario Street; thence, southerly along the center line of Ontario Street to its intersection with the center line of Hudson Avenue; thence, easterly along the center line of Hudson Avenue to its intersection with the center line of Quail Street; thence, southerly along the center line of Quail Street to its intersection with the center line of Madison Avenue; thence, westerly along the center line of Madison Avenue to the point where it is intersected by the center line of Partridge Street, the point and place of beginning.

[Amended 4-21-2003 by Ord. No. 11,41.03; 1-22-2004 by Ord. No. 2.12.04 Editor's Note: This ordinance repealed the former Fourth District and renumbered the former Fifth through Ninth Districts as the Fourth through Eighth, respectively.]

## K. Eleventh Ward.

(1) ELEVENTH WARD, FIRST DISTRICT. Beginning at a point in the center line of State Street where it is intersected by the center line of Henry Johnson Boulevard; running thence westerly along the center line of State Street to its intersection with the center line of Western Avenue; thence, easterly along the center line of Robin Street to its intersection with the center line of Washington Avenue; thence, easterly along the center line of Washington Avenue to its intersection with the center line of Lexington Avenue; thence, northerly along the center line of Lexington Avenue to its intersection with the center line of Sherman Street; thence, easterly along the center line of Sherman Street to its intersection with the center line of Henry Johnson Boulevard; thence, southerly along the center line of Henry Johnson Boulevard to its intersection with the center line of State Street, the point and place of beginning.

# [Amended 4-21-2003 by Ord. No. 11.41.03; 1-22-2004 by Ord. No. 2.12.04]

(2) ELEVENTH WARD, SECOND DISTRICT. Beginning at a point in the center line of Western Avenue where it is intersected by the center line of Cortland Place; running thence northerly along the center line of Cortland Place to its intersection with the center line of Washington Avenue; thence, westerly along the center line of Washington Avenue to its intersection with the center line of Quail Street; thence, northerly along the center line of Quail Street to its intersection with the center line of Bradford Street; thence, easterly along the center line of Bradford Street to its intersection with the center line of North Lake Avenue; thence, southerly along the center line of North Lake Avenue to its intersection with the center line of West Street; thence, easterly along the center line of Robin Street to its intersection with the center line of Robin Street; thence, southerly along the center line of Robin Street to its intersection with the center line of Washington Avenue; thence, easterly along the center

line of Washington Avenue to its intersection with the center line of Englewood Place; thence, southerly along the center line of Englewood Place to its intersection with the center line of Western Avenue; thence, westerly along the center line of Western Avenue to a point where it is intersected by the center line of Cortland Place, the point and place of beginning.

# [Amended 7-19-1993; 4-21-2003 by Ord. No. 11.41.03]

(3) ELEVENTH WARD, THIRD DISTRICT: Beginning at a point in the center line of Western Avenue where it is intersected by the center line of Ontario Street; running thence northerly along the center line of Ontario Street to its intersection with the center line of Bradford Street; thence, easterly along the center line of Bradford Street to its intersection with the center line of Quail Street; thence, southerly along the center line of Quail Street to its intersection with the center line of Washington Avenue; thence, easterly along the center line of Washington Avenue to its intersection with the center line of Western Avenue; thence, easterly along the center line of Western Avenue to its intersection with the center line of South Lake Avenue; thence, southerly along the center line of South Lake Avenue to its intersection with the center line of Elberon Place; thence westerly along the center line of Elberon Place to its intersection with the center line of Quail Street; thence northerly along the center line of Quail Street to its intersection with the center line of Western Avenue; thence, westerly along the center line of Western Avenue; thence, westerly along the center line of Western Avenue to a point where it is intersected by the center line of Ontario Street, the point and place of beginning.

## [Amended 1-22-2004 by Ord. No. 2.12.04]

(4) ELEVENTH WARD, FOURTH DISTRICT: Beginning at a point in the center line of State Street where it is intersected by the center line of Lark Street; running thence westerly along the center line of State Street to its intersection with the center line of Henry Johnson Boulevard; thence, northerly along the center line of Henry Johnson Boulevard to its intersection with the center line of Central Avenue; thence, easterly along the center line of Central Avenue to its intersection with the center line of Lark Street; thence southerly along the center line of Lark Street to its intersection with the center line of State Street, the point and place of beginning.

## [Amended 1-22-2004 by Ord. No. 2.12.04; 8-1-2005 by Ord. No. 57.81.05]

- (5) ELEVENTH WARD, FIFTH DISTRICT: Beginning at a point in the center line of Madison Avenue where it is intersected by the center line of Quail Street; running thence northerly along the center line of Quail Street to its intersection with the center line of Hudson Avenue; thence, westerly along the center line of Hudson Avenue to its intersection with the center line of Ontario Street; thence, northerly along the center line of Ontario Street to its intersection with the center line of Western Avenue; thence, easterly along the center line of Western Avenue to its intersection with the center line of Quail Street; thence, southerly along the center line of Quail Street to its intersection with the center line of Elberon Place; thence, easterly along the center line of Elberon Place to its intersection with the center line of South Lake Avenue; thence, southerly along the center line of South Lake Avenue to its intersection with the center line of Madison Avenue; thence, westerly along the center line of Madison Avenue to a point where it is intersected by the center line of Quail Street, the point and place of beginning.
- (6) ELEVENTH WARD, SIXTH DISTRICT. Beginning at a point in the center line of Central Avenue where it is intersected by the center line of Manning Boulevard; running thence southerly along the center line of Manning Boulevard to its intersection with the center line of North Main Avenue; thence, southerly along the center line of North Main Avenue to its intersection with the center line of Washington Avenue; thence, easterly along the center line of Washington Avenue to its intersection with the center line of Ontario Street; thence, northerly along the center line of Ontario Street to its intersection with the center line of Bradford Street; thence, westerly along the center line of Bradford Street to its intersection with the center line of Partridge Street; thence northerly along the center line of Partridge Street to its intersection with the center line of Central Avenue; thence westerly along the center line of Central Avenue to its intersection with the center line of Manning Boulevard, the point and place of beginning.

## [Amended 4-21-2003 by Ord. No. 11.41.03]

(7) ELEVENTH WARD, SEVENTH DISTRICT. Beginning at a point in the center line of Central Avenue where it is intersected by the center line of West Lawrence Street; running thence southerly along the center line of West Lawrence Street to its intersection with the center line of Bradford Street; thence westerly along the center line of Bradford Street to its intersection with the center line of North Allen Street; thence, southerly along the center line of South Allen Street to its intersection with the center line of West Street; thence easterly along the center line of West Street to its intersection with the center line of West Lawrence Street; thence, southerly along the center line of West Lawrence Street to its intersection with the center line of Manning Boulevard; thence, easterly and northerly along the center line of Manning Boulevard to its intersection with the center line of Central Avenue; thence, westerly along the center line of Central Avenue to its intersection with the center line of West Lawrence Street, the point and place of beginning.

## [Amended 4-21-2003 by Ord. No. 11.41.03; 2-15-2007 by Ord. No. 11.22.07UC]

(8) ELEVENTH WARD, EIGHTH DISTRICT. Beginning at a point in the center line of Kent Street where it is intersected by the center line of North Allen Street; running thence, northerly along the center line of North Allen Street to its intersection with the center line of West Street; thence, easterly along the center line of West Street to its intersection with the center line of West Lawrence Street; thence, southerly along the center line of West Lawrence Street to its intersection with the center line of Kent Street; thence, westerly along the center line of Kent Street to its intersection with the center line of North Allen Street, the point and place of beginning.

# [Amended 4-21-2003 by Ord. No. 11.41.03; 2-15-2007 by Ord. No. 11.22.07UC]

### L. Twelfth Ward.

(1) TWELFTH WARD, FIRST DISTRICT. Beginning at a point in the north City line of the City of Albany where it is intersected by the center line of Everett Road; running thence southerly along the center line of Everett Road to its intersection with the center line of Central Avenue; thence, easterly along the center line of Central Avenue to its intersection with the center line of North Allen Street; thence, westerly along the center line of North Allen Street to its intersection with the center line of Bradford Street; thence southerly along the center line of Bradford Street to its intersection with the center line of West Lawrence Street; thence, easterly long the center line of West Lawrence Street to its intersection with the center line of Central Avenue; thence, southerly along the center line of Central Avenue to its intersection with Rawson Street; thence, northerly along the center line of Rawson Street to its intersection with the center line of Hunter Avenue; thence, westerly along the center line of Hunter Avenue to its intersection with the center line of Colby Street; thence, northerly along the center line of Colby Street to its intersection with the center line of Third Street; thence, westerly along the center line of Third Street to its intersection with the center line of Watervliet Avenue: thence, northerly along the center line of Watervliet Avenue to its intersection with the center line of Industrial Park Road; thence, continuing generally along the center line of Watervliet Avenue extended to its intersection with the north City line; thence, westerly along the north City line to its intersection with the center line of Everett Road, the point and place of beginning.

# [Amended 4-21-2003 by Ord. No. 11.41.03; 1-22-2004 by Ord. No. 2.12.04; 2-15-2007 by Ord. No. 11.22.07UC]

(2) TWELFTH WARD, SECOND DISTRICT. Beginning at a point in the center line of Third Street where it is intersected by the center line of North Manning Boulevard; running thence easterly along the center line of Third Street to its intersection with the center line of Ontario Street; thence, northerly along the center line of Ontario Street and along Ontario Street extended to its intersection with the north City line; thence, westerly along the north City line to its intersection with the extension of the most easterly leg of Industrial Park Road extended northerly; thence, southerly along the center line of North Manning Boulevard; thence, southerly along the center line of North Manning Boulevard to its intersection with the center line of Third Street, the point and place of beginning.

## [Amended 4-21-2003 by Ord. No. 11.41.03]

(3) TWELFTH WARD, THIRD DISTRICT. Beginning at a point in the center line of Central Avenue where it is intersected by the center line of North Manning Boulevard; running thence westerly along the center line of Central Avenue to its intersection with the center line of Rawson Street; thence, northerly along the center line of Rawson Street to its intersection with the center line of Hunter Avenue; thence, westerly along the center line of Hunter Avenue to its intersection with the center line of Colby Street; thence, northerly along the center line of Colby Street to its intersection with the center line of Third Street; thence, westerly along the center line of Third Street to its intersection with the center line of Watervliet Avenue; thence, northerly along the center line of Watervliet Avenue extended to its intersection with the north City line; thence, easterly along the north City line to its intersection with the extension of the most easterly leg of Industrial Park Road extended northerly; thence, southerly along the most easterly leg of Industrial Park Road extended northerly and southerly to its intersection with the center line of North Manning Boulevard; thence, southerly along the center line of North Manning Boulevard to its intersection with the center line of Central Avenue, the point and place of beginning.

## [Amended 4-21-2003 by Ord. No. 11.41.03]

- (4) TWELFTH WARD, FOURTH DISTRICT. Beginning at a point in the center line of Shaker Road where it is intersected by the north City line; running thence easterly along the center line of Shaker Road to its intersection with the center line of Northern Boulevard; thence, southerly along the center line of Northern Boulevard to its intersection with the center line of North Manning Boulevard; thence, westerly along the center line of North Manning Boulevard to its intersection with the center line of Ontario Street extended; thence, northerly along the center line of Ontario Street extended to its intersection with the north City line; thence, northerly along the north City line to its intersection with the center line of Shaker Road, the point and place of beginning.
- (5) TWELFTH WARD, FIFTH DISTRICT. Beginning at a point in the center line of Washington Avenue where it is intersected by the center line of Winthrop Avenue; running thence northerly along the center line of Winthrop Avenue to its intersection with the center line of Lincoln Avenue; thence, easterly along the center line of Lincoln Avenue to its intersection with the center line of Cleveland Street; thence, northerly along the center line of Bradford Street to its intersection with the center line of King Avenue; thence, northerly along the center line of King Avenue to its intersection with the center line of Central Avenue; thence, easterly along the center line of Central Avenue to its intersection with the center line of North Allen Street; thence, southerly along the center line of North Allen Street to its intersection with the center line of Bradford Street to its intersection with the center line of Buchanan Street; thence westerly along the center line of Bradford Street; thence, southerly along the center line of Buchanan Street; thence, westerly along the center line of Manning Boulevard; thence, westerly along the center line of Manning Boulevard to its intersection with the center line of Washington Avenue; thence westerly along the center line of beginning.

# [Amended 4-21-2003 by Ord. No. 11.41.03; 1-22-2004 by Ord. No. 2.12.04; 2-15-2007 by Ord. No. 11.22.07UC]

(6) TWELFTH WARD, SIXTH DISTRICT. Beginning at a point in the center line of Lincoln Avenue where it is intersected by the center line of Colvin Avenue; running thence northerly along the center line of Colvin Avenue to its intersection with the center line of Central Avenue; thence, westerly along the center line of Central Avenue to its intersection with the center line of Russell Road; thence, northerly along the center line of Russell Road and Russell Road extended to its intersection with the center line of north City line; thence, easterly along the center line of north City line to its intersection with the center line of Everett Road; thence, southerly along the center line of Everett Road to its intersection with the center line of Central Avenue; thence, easterly along the center line of Central Avenue to its intersection with the center line of King Avenue; thence, southerly along the center line of King Avenue to its intersection with the center line of Bradford Street; thence, westerly along the

center line of Bradford Street to its intersection with the center line of Cleveland Street; thence, southerly along the center line of Cleveland Street to its intersection with the center line of Lincoln Avenue; thence westerly along the center line of Lincoln Avenue to its intersection with the center of Colvin Avenue, the point and place of beginning.

# [Amended 4-21-2003 by Ord. No. 11.41.03]

(7) TWELFTH WARD, SEVENTH DISTRICT. Beginning at a point in the center line of Washington Avenue where it is intersected by the center line of Winthrop Avenue; thence, northerly along the center line of Winthrop Avenue to its intersection with the center line of Lincoln Avenue; thence, westerly along the center line of Lincoln Avenue to its intersection with the center line of Colvin Avenue; thence, northerly along the center line of Colvin Avenue to its intersection with the center line of Pinehurst Avenue extended and Pinehurst Avenue; thence, westerly along the center line of Pinehurst Avenue extended and Pinehurst Avenue to its intersection with the center line of Austin Avenue; running thence, southerly along the center line of Austin Avenue to its intersection with the center line of Zoar Avenue; thence, southerly along the center line of Zoar Avenue to its intersection with the center line of the Crosstown Arterial (N.Y.S. Highway 85); thence, southerly along the center line of Washington Avenue; thence, easterly along the center line of Washington Avenue to its intersection with the center line of Winthrop Avenue, the point and place of beginning.

# [Amended 4-21-2003 by Ord. No. 11.41.03; 1-22-2004 by Ord. No. 2.12.04]

(8) TWELFTH WARD, EIGHTH DISTRICT. Beginning at a point in the north City line of the City of Albany where it is intersected by the center line of Russell Road extended; running thence southerly along the center line of Russell Road extended and along Russell Road to its intersection with the center line of Central Avenue; thence, easterly along the center line of Central Avenue to its intersection with the center line of Colvin Avenue; thence, southerly along the center line of Colvin Avenue to its intersection with the center line of Pinehurst Avenue extended and Pinehurst Avenue; thence, westerly along the center line of Pinehurst Avenue extended and Pinehurst Avenue to its intersection with the intersection with Austin Avenue; thence, southerly along the center line of Austin Avenue to its intersection with the center line of Zoar Avenue; thence, westerly along the center line of Zoar Avenue to its intersection with the center line of the Crosstown Arterial (N.Y.S. Highway 85); thence, northerly along the center line of the Crosstown Arterial (N.Y.S. Highway 85) to its intersection with the center line of Washington Avenue Interstate 90; thence, easterly along the center line of Interstate 90 to its intersection with the center line of Central Avenue; thence, westerly along the center line of Central Avenue to its intersection with the center line of the north City line; thence, easterly along the north City line to its intersection with the center line of Russell Road extended, the point and place of beginning.

## [Amended 4-21-2003 by Ord. No. 11.41.03]

(9) TWELFTH WARD, NINTH DISTRICT. Beginning at a point in the center line of Shaker Road where it is intersected by the north City line; running thence westerly along the center line of Shaker Road to its intersection with the north City line; thence, easterly along the north City line to its intersection with the center line of Birch Hill Road; thence, southerly along the center line of Birch Hill Road to its intersection with the center line of Saint Agnes Lane; thence, southerly along the center line of Saint Agnes Lane to its intersection with the center line of Saint Agnes Lane; thence, southerly along the center line of Saint Agnes Lane to its intersection with the center line of Shaker Road; thence, westerly along the center line of Shaker Road to its intersection with the north City line, the point and place of beginning.

## [Amended 4-21-2003 by Ord. No. 11.41.03]

(10) TWELFTH WARD, TENTH DISTRICT. Beginning at a point in the north City line of the City of Albany where it is intersected by the center line of Fuller Road; running thence southerly along the center line of Fuller Road to its intersection with the center line of Washington Avenue; thence,

easterly along the center line of Washington Avenue to the Crosstown Arterial (State Highway 85); thence, northerly along the center line of the Crosstown Arterial (State Highway 85) to its intersection with the center line of Interstate 90; thence, easterly along the center line of Interstate 90 to its intersection with the center line of Central Avenue; thence, northerly along the center line of Central Avenue to its intersection with the center line of the north City line; thence, westerly along the north City line to its intersection with the center line of Fuller Road, the point and place of beginning.

# [Amended 4-21-2003 by Ord. No. 11.41.03]

(11) TWELFTH WARD, ELEVENTH DISTRICT. Beginning at a point in the center line of Washington Avenue where it is intersected by the center line of Manning Boulevard; running thence northerly and easterly along the center line of Manning Boulevard to its intersection with the center line of Buchanan Street; thence, northerly along the center line of Buchanan Street to its intersection with the center line of Bradford Street; thence, easterly along the center line of Bradford Street to its intersection with the center line of Kent Street; thence, southerly along the center line of Kent Street to its intersection with the center line of West Lawrence Street; thence southerly along the center line of West Lawrence Street to its intersection with the center line of Manning Boulevard; thence, easterly along the center line of Manning Boulevard to its intersection with the center line of North Main Avenue; thence, southerly along the center line of North Main Avenue to its intersection with the center line of Washington Avenue; thence, westerly along the center line of Washington Avenue to its intersection with the center line of Manning Boulevard, the point and place of beginning.

## [Amended 4-21-2003 by Ord. No. 11.41.03; 1-22-2004 by Ord. No. 2.12.04]

### M. Thirteenth Ward.

(1) THIRTEENTH WARD, FIRST DISTRICT. Beginning at a point in the center line of North Allen Street where it is intersected by the center line of Washington Avenue; running thence southerly along the center line of North Allen Street to its intersection with the center line of Lancaster Street; thence, easterly along the center line of Lancaster Street to its intersection with the center line of West Lawrence Street to its intersection with the center line of Western Avenue; thence, westerly along the center line of Western Avenue to its intersection with the center line of North Pine Avenue; thence, northerly along the center line of North Pine Avenue; thence, easterly along the center line of Washington Avenue; thence, easterly along the center line of Washington Avenue; thence, easterly along the center line of Washington Avenue to its intersection with the center line of North Allen Street, the point and place of beginning.

### [Amended 4-21-2003 by Ord. No. 11.41.03]

(2) THIRTEENTH WARD, SECOND DISTRICT. Beginning at a point in the center line of Western Avenue where it is intersected by the center line of West Lawrence Street; running thence northerly along the center line of West Lawrence Street to its intersection with the center line of Lancaster Street; thence, westerly along the center line of Lancaster Street to its intersection with the center line of North Allen Street; thence, northerly along the center line of North Allen Street to its intersection with the center line of Washington Avenue; thence, easterly along the center line of Washington Avenue to its intersection with the center line of Partridge Street; thence, southerly along the center line of Partridge Street to its intersection with the center line of Western Avenue; thence, westerly along the center line of Western Avenue; thence, westerly along the center line of Western Avenue to its intersection with the center line of West Lawrence Street, the point and place of beginning.

## [Amended 4-21-2003 by Ord. No. 11.41.03]

(3) THIRTEENTH WARD, THIRD DISTRICT: Beginning at a point in the center line of Western Avenue where it is intersected by the center line of Winthrop Avenue; running thence northerly along the center line of Winthrop Avenue to its intersection with the center line of Washington Avenue; thence, easterly along the center line of Washington Avenue to its intersection with the center line of

- North Pine Avenue; thence, southerly along the center line of North Pine Avenue to its intersection with the center line of Western Avenue; thence, westerly along the center line of Western Avenue to a point where it is intersected by the center line of Winthrop Avenue, the point and place of beginning.
- (4) THIRTEENTH WARD, FOURTH DISTRICT: Beginning at a point in the center line of Western Avenue where it is intersected by the center line of Terrace Avenue; running thence northerly along the center line of Terrace Avenue to its intersection with the center line of Melrose Avenue; thence, westerly along the center line of Melrose Avenue to its intersection with the center line of Fairlawn Avenue; thence, northerly along the center line of Fairlawn Avenue to its intersection with the center line of Washington Avenue; thence, easterly along the center line of Washington Avenue to its intersection with the center line of Winthrop Avenue; thence, southerly along the center line of Winthrop Avenue to its intersection with the center line of Western Avenue, thence, westerly along the center line of Western Avenue, thence, westerly along the center line of Western Avenue, the point and place of beginning.
- (5) THIRTEENTH WARD, FIFTH DISTRICT. Beginning at a point in the center line of Western Avenue where it is intersected by the center line of Eileen Street; running thence northerly along the center line of Eileen Street to its intersection with the center line of the Washington Avenue; thence, easterly along the center line of Washington Avenue to its intersection with the center line of Fairlawn Avenue; thence, southerly along the center line of Fairlawn Avenue to its intersection with the center line of Melrose Avenue; thence, easterly along the center line of Melrose Avenue to its intersection with the center line of Terrace Avenue; thence, southerly along the center line of Terrace Avenue to its intersection with the center line of Western Avenue; thence, westerly along the center line of Western Avenue to its intersection with the center line of Eileen Street, the point and place of beginning.

## [Amended 4-21-2003 by Ord. No. 11.41.03]

(6) THIRTEENTH WARD, SIXTH DISTRICT. Beginning at a point in the center line of Western Avenue where it is intersected by the center line of the access road to the New York State Harriman State Office Campus; running thence northerly along the center line of the access road to the New York State Harriman State Office Campus Ring Road; thence, easterly along the center line of the New York State Harriman State Office Campus Ring Road to its intersection with the center line of the Crosstown Arterial (N.Y.S. Highway 85); thence, northerly along the center line of the Crosstown Arterial (N.Y.S. Highway 85) to its intersection with the center line of Washington Avenue; thence, easterly along the center line of Washington Avenue to its intersection with the center line of Eileen Street; thence, southerly along the center line of Eileen Street to its intersection with the center line of Western Avenue; thence, westerly along the center line of Western Avenue to its intersection with the center line of beginning.

## [Amended 4-21-2003 by Ord. No. 11.41.03]

(7) THIRTEENTH WARD, SEVENTH DISTRICT. Beginning at a point in the center line of Western Avenue where it is intersected by the center line of the the access road to the New York State Harriman State Office Campus; running thence westerly along the center line of Western Avenue to its intersection with the center line of University Place; thence, northerly along the center line of University Place and along the center line of University Place extended to its intersection with the center line of the New York State Harriman Office Campus Ring Road; thence, easterly along the center line of the New York State Harriman State Office Campus Ring Road extended and the New York State Harriman Office Campus Ring Road to its intersection with the center line of the access road to the New York State Harriman State Office Campus; thence, southerly along the access road to the New York State Harriman State Office Campus to its intersection with the center line of Western Avenue, the point and place of beginning.

## [Amended 4-21-2003 by Ord. No. 11.41.03]

(8) THIRTEENTH WARD, EIGHTH DISTRICT. Beginning at a point in the center line of the State University of New York at Albany campus ring road where it is intersected by a line drawn parallel to and 300 feet southerly from the south wall of the northeast residential tower in the State University of New York at Albany quadrangle; thence, westerly along said line drawn parallel to and 300 feet southerly from the south wall of the northeast residential tower in the State University of New York at Albany quadrangle to its intersection with a line drawn parallel to and 400 feet westerly from the west wall of the northeast residential tower in the State University of New York at Albany quadrangle; thence, northerly along said line drawn parallel to and 400 feet westerly from the west wall of the northeast residential tower in the State University of New York at Albany quadrangle to its intersection with the State University of New York at Albany campus ring road; thence, southerly along the center line of the State University of New York at Albany campus ring road to its intersection with the center line of a line drawn parallel to and 300 feet southerly from the south wall of the northeast residential tower in the State University of New York at Albany quadrangle, the point and place of beginning.

# [Amended 4-21-2003 by Ord. No. 11.41.03]

(9) THIRTEENTH WARD, NINTH DISTRICT. Beginning at a point in the center line of the New York State Harriman State Office Campus ring road where it is intersected by the center line of the Crosstown Arterial (N.Y.S. Highway 85); running thence westerly along the center line of the New York State Harriman State Office Campus ring road and the New York State Harriman State Office Campus ring road extended to its intersection with the center line of University Place extended; thence, northerly along the center line of University Place extended to its intersection with a line drawn parallel to and 300 feet southerly from the south wall of the northeast residential tower in the State University of New York at Albany quadrangle; thence, westerly along a line drawn parallel to and 300 feet southerly from the south wall of the northeast residential tower in the State University of New York at Albany quadrangle to its intersection with the State University of New York at Albany ring road; thence, northerly and westerly along the State University of New York at Albany ring road to its intersection with the center line of the State University of New York at Albany access road; thence, northerly along the center line of the State University of New York at Albany access road to its intersection with the center line of Washington Avenue; thence, easterly along the center line of Washington Avenue to its intersection with the center line of Crosstown Arterial (N.Y.S. Highway 85); thence, southerly along the center line of Crosstown Arterial (N.Y.S. Highway 85) to a point where it is intersected by the center line of the New York State Harriman State Office Campus ring road, the point and place of beginning.

### [Added 4-21-2003 by Ord. No. 11.41.03]

### N. Fourteenth Ward.

- (1) FOURTEENTH WARD, FIRST DISTRICT: Beginning at a point in the center line of New Scotland Avenue where it is intersected by the center line of South Manning Boulevard; thence, westerly along the center line of New Scotland Avenue to its intersection with the center line of Lenox Avenue; thence, northerly along the center line of Lenox Avenue and along the center line of Lenox Avenue extended to its intersection with the center line of Berkshire Boulevard; thence, easterly along the center line of Berkshire Boulevard to its intersection with the center line of Euclid Avenue; thence, southerly along the center line of Euclid Avenue to its intersection with the north right of way line of Linden Road extended to its intersection with the center line of Kakely Street; thence, southerly along the center line of Kakely Street to its intersection with the center line of Linden Road; thence, easterly along the center line of Linden Road to its intersection with the center line of South Manning Boulevard; thence, southerly along the center line of South Manning Boulevard; thence, southerly along the center line of South Manning Boulevard; thence, southerly along the center line of South Manning Boulevard; thence, southerly along the center line of South Manning Boulevard; thence, southerly along the center line of South Manning Boulevard; thence, southerly along the center line of South Manning Boulevard; thence, southerly along the center line of South Manning Boulevard; thence, southerly along the center line of New Scotland Avenue, the point and place of beginning.
- (2) FOURTEENTH WARD, SECOND DISTRICT: Beginning at a point in the center line of New Scotland Avenue where it is intersected by the center line of South Allen Street; thence, northerly along the center line of South Allen Street to its intersection with the center line of Cortland Street; thence westerly along the center line of Cortland Street and the center line of Cortland Street extended

to its intersection with the center line of Euclid Avenue; thence, southerly along the center line of Euclid Avenue and Lenox Avenue extended to its intersection with the north right of way line of Linden Road extended; thence, easterly along the north right of way line of Linden Road extended to its intersection with the center line of Kakely Street; thence, southerly along the center line of Kakely Street to its intersection with the center line of Linden Road; thence, easterly along the center line of Linden Road to its intersection with the center line of South Manning Boulevard; thence, southerly along the center line of South Manning Boulevard to its intersection with the center line of New Scotland Avenue; thence, easterly along the center line of New Scotland Avenue to its intersection with the center line of South Allen Street, the point and place of beginning.

- (3) FOURTEENTH WARD, THIRD DISTRICT: Beginning at a point in the center line of Western Avenue where it is intersected by the center line of South Allen Street; thence, westerly along the center line of Western Avenue to its intersection with the center line of Brookline Avenue; thence, southerly along the center line of Brookline Avenue to its intersection with the center line of Cortland Street; thence, easterly along the center line of Cortland Street to its intersection with the center line of South Allen Street; thence, northerly along the center line of South Allen Street to its intersection with the center line of Western Avenue, the point and place of beginning.
- (4) FOURTEENTH WARD, FOURTH DISTRICT: Beginning at a point in the center line of Western Avenue where it is intersected by the center line of Brookline Avenue; thence, southerly along the center line of Brookline Avenue to its intersection with the center line of Cortland Street; thence, westerly along the center line of Cortland Street and the center line of Cortland Street extended to its intersection with the center line of Euclid Avenue; thence, southerly along the center line of Euclid Avenue to its intersection with the center line of Berkshire Boulevard; thence, westerly along the center line of Berkshire Boulevard to its intersection with the center line of Colonial Avenue; thence, northerly along the center line of Colonial Avenue to its intersection with the center line of Western Avenue; thence, easterly along the center line of Western Avenue to its intersection with the center line of Brookline Avenue, the point and place of beginning.
- (5) FOURTEENTH WARD, FIFTH DISTRICT: Beginning at a point in the center line of Western Avenue where it is intersected by the center line of Colonial Avenue; thence, southerly along the center line of Colonial Avenue to its intersection with the center line of Berkshire Boulevard; thence, westerly along the center line of Berkshire Boulevard to its intersection with the center line of the Crosstown Arterial (N.Y.S. Highway 85); thence, northerly along the center line of the Crosstown Arterial (N.Y.S. Highway 85) to its intersection with the center line of Western Avenue; thence, easterly along the center line of Western Avenue to its intersection with the center line of Colonial Avenue, the point and place of beginning.
- (6) FOURTEENTH WARD, SIXTH DISTRICT: Beginning at a point in the center line of Tampa Avenue where it is intersected by the center line of Buckingham Drive; thence, northerly along the center line of Tampa Avenue to the extension of the rear property line of lots on the north side of Buckingham Drive; thence, easterly along the rear property line of lots on the east side of Tampa Avenue; thence, northerly along the rear property line of lots on the east side of Tampa Avenue to its intersection with the rear property line of lots on the south side of Berkshire Boulevard; thence, westerly along the rear property line of lots on the south side of Berkshire Boulevard to its intersection with the center line of Tampa Avenue; thence, northerly along the center line of Tampa Avenue to its intersection with the center line of Berkshire Boulevard; thence, easterly along the center line of Berkshire Boulevard to its intersection with the center line of Lenox Avenue; thence, southerly along the center line of Lenox Avenue and along the center line of Lenox Avenue extended to its intersection with the center line of Buckingham Drive; thence, westerly along the center line of Buckingham Drive to its intersection with the center line of Tampa Avenue, the point and place of beginning.
- (7) FOURTEENTH WARD, SEVENTH DISTRICT: Beginning at a point in the center line of Tampa Avenue where it is intersected by the center line of Buckingham Drive; thence, northerly along the center line of Tampa Avenue to the extension of the rear property line of lots on the north side of Buckingham Drive; thence, easterly along the rear property line of lots on the north side of Buckingham Drive to its intersection with the rear property line of lots on the east side of Tampa

Avenue; thence, northerly along the rear property line of lots on the east side of Tampa Avenue to its intersection with the rear property line of lots on the south side of Berkshire Boulevard; thence, westerly along the rear property line of lots on the south side of Berkshire Boulevard to its intersection with the center line of Tampa Avenue; thence, northerly along the center line of Tampa Avenue to its intersection with the center line of Berkshire Boulevard; thence, westerly along the center line of Berkshire Boulevard to its intersection with the center line of Meade Avenue; thence, southerly along the center line of Cottage Avenue to its intersection with the center line of Cottage Avenue; thence, westerly along the center line of Cottage Avenue and along the center line of Briar Avenue and along the center line of Briar Avenue and easterly along the south City line (center line of the Krum Kill); thence, southerly and easterly along the south City line to its intersection with the center line of Bender Avenue extended and along the center line of Bender Avenue extended and along the center line of Bender Avenue to its intersection with the center line of Buckingham Drive; thence, easterly along the center line of Buckingham Drive; thence, easterly along the center line of beginning.

- (8) FOURTEENTH WARD, EIGHTH DISTRICT: Beginning at a point in the center line of Western Avenue where it is intersected by the center line of the Crosstown Arterial (N.Y.S. Highway 85); thence, westerly along the center line of Western Avenue to its intersection with the center line of Russell Road; thence, southerly along the center line of Russell Road to its intersection with the center line of Berkshire Boulevard; thence, easterly along the center line of Berkshire Boulevard to its intersection with the center line of the Crosstown Arterial (N.Y.S. Highway 85); thence, northerly along the center line of the Crosstown Arterial (N.Y.S. Highway 85) to its intersection with the center line of Western Avenue, the point and place of beginning.
- (9) FOURTEENTH WARD, NINTH DISTRICT: Beginning at a point in the center line of Western Avenue where it is intersected by the center line of Russell Road; thence, southerly along the center line of Russell Road to its intersection with the center line of Hazelhurst Avenue; thence, westerly along the center line of Hazelhurst Avenue to its intersection with the center line of Magazine Street; thence, northerly along the center line of Magazine Street to its intersection with the center line of Western Avenue; thence, easterly along the center line of Western Avenue to its intersection with the center line of Russell Road, the point and place of beginning.

# [Amended 4-21-2003 by Ord. No. 11.41.03]

(10) FOURTEENTH WARD, TENTH DISTRICT. Beginning at a point in the center line of Buckingham Drive where it is intersected by the center line of Bender Street; running thence southerly along the center line of Bender Avenue to its intersection with the center line of Krumkill Road; thence, easterly along the center line of Krumkill Road to its intersection with the center line of New Scotland Avenue; thence, northerly along the center line of New Scotland Avenue to its intersection with the center line of Buckingham Drive; thence, westerly along the center line of Buckingham Drive to its intersection with the center line of Bender Street, the point and place of beginning.

[Amended 4-21-2003 by Ord. No. 11.41.03 Editor's Note: The former Eleventh District, which was added 4-21-2003 by Ord. No. 11.41.03 and immediately followed this subsection, was repealed 1-22-2004 by Ord. No. 2.12.04.]

#### O. Fifteenth Ward.

(1) FIFTEENTH WARD, FIRST DISTRICT. Beginning at a point in the center line of Russell Road at its intersection with the center line of Berkshire Boulevard; running thence easterly along the center line of Berkshire Boulevard to its intersection with the center line of Hillcrest Avenue; thence, southerly along the center line of Hillcrest Avenue to its intersection with the center line of Meade Avenue; thence, southerly along the center line of Meade Avenue to its intersection with the center line of Cottage Avenue; thence, westerly along the center line of Briar Avenue and Briar Avenue extended to its intersection with the south City line; thence, westerly along the south City line to its intersection with the center line of Russell Road; thence, northerly along the center line of Russell Road to its intersection with the center line of Berkshire Boulevard, the point and place of beginning.

# [Amended 4-21-2003 by Ord. No. 11.41.03]

- (2) FIFTEENTH WARD, SECOND DISTRICT: Beginning at a point in the center line of Russell Road at its intersection with the center line of Hazelhurst Avenue; thence, southerly along the center line of Russell Road to its intersection with the south City line (center line of the Krum Kill); thence, westerly along the south City line to its intersection with the center line of Blanchard Avenue extended; thence, northerly along the center line of Blanchard Avenue extended to its intersection with the center line of Brookland Avenue; thence, easterly along the center line of Brookland Avenue to its intersection with the center line of Warren Avenue; thence, northerly and easterly along the center line of Warren Avenue to its intersection with the center line of Magazine Street; thence, northerly along the center line of Magazine Street to its intersection with the center line of Hazelhurst Avenue; thence, easterly along the center line of Hazelhurst Avenue to its intersection with the center line of Russell Road, the point and place of beginning.
- (3) FIFTEENTH WARD, THIRD DISTRICT: Beginning at a point in the center line of Hazelhurst Avenue at its intersection with the center line of Magazine Street; thence, westerly along the center line of Hazelhurst Avenue to its intersection with the center line of Homestead Avenue; thence, northerly along the center line of Homestead Avenue to its intersection with the center line of Western Avenue; thence, westerly along the center line of Western Avenue to its intersection with a jog in the south City line; thence, southerly and easterly along the south City line to its intersection with the center line of Blanchard Avenue extended; thence, northerly along the center line of Blanchard Avenue extended to its intersection with the center line of Brookland Avenue; thence, easterly along the center line of Brookland Avenue; thence, northerly and easterly along the center line of Warren Avenue to its intersection with the center line of Magazine Street; thence, northerly along the center line of Magazine Street to its intersection with the center line of Hazelhurst Avenue, the point and place of beginning.
- (4) FIFTEENTH WARD, FOURTH DISTRICT. Beginning at a point in the north City line of the City of Albany where it is intersected by the center line of New Karner Road (State Hwy 155); running thence southerly along the center line of New Karner Road (State Hwy 155) to its intersection with the center line of the south City line of the City of Albany; thence, westerly along the south City line of the City of Albany to its intersection with the west City line of the City of Albany; thence, northerly along the west City line of the City of Albany to its intersection with the north City line of the City of Albany; thence, easterly along the north City line of the City of Albany to the center line of New Karner Road (State Hwy 155), the point and place of beginning.

# [Amended 2-15-2007 by Ord. No. 11.22.07UC]

(5) FIFTEENTH WARD, FIFTH DISTRICT. Beginning at a point in the south City line of the City of Albany at its intersection with the center line of the State University of New York at Albany campus ring road; running thence northerly and easterly along the center line of the State University of New York at Albany campus ring road to its intersection with a line drawn parallel to and 400 feet westerly from the west wall of the northeast residential tower in the State University of New York at Albany quadrangle; thence, southerly along a line drawn parallel to and 400 feet westerly from the west wall of the northeast residential tower in the State University of New York at Albany quadrangle to its intersection with a line drawn parallel to and 300 feet southerly from the south wall of the northeast residential tower in the State University of New York at Albany quadrangle; thence, easterly and along a line drawn parallel to and 300 feet southerly from the south wall of the northeast residential tower in the State University of New York at Albany quadrangle to its intersection with the center line of the State University of New York at Albany campus ring road; thence, southerly along the center line of the State University of New York at Albany campus ring road to its intersection with the center line the New York State Harriman State Office Campus ring road extended; thence, easterly along the center line of the State of New York Harriman State Office Campus ring road extended to its intersection with the center line of University Place extended; thence, southerly along the center line of University Place extended and along the center line of University Place to the center line of Western Avenue; thence, westerly along the center line of Western Avenue to its intersection with a jog in the south City line of the City of Albany; thence, northerly and westerly along the south City line of the City of Albany to the point and place of beginning.

# [Amended 4-21-2003 by Ord. No. 11.41.03]

(6) FIFTEENTH WARD, SIXTH DISTRICT. Beginning at a point in the center line of University Place extended where it is intersected by a line drawn parallel to and 300 feet southerly from the south wall of the northeast residential tower in the State University of New York at Albany quadrangle; thence, westerly along said line drawn parallel to and 300 feet southerly from the south wall of the northeast residential tower in the State University of New York at Albany quadrangle to its intersection with the State University of New York at Albany campus ring road; thence, southerly along the center line of the New York State Harriman State Office Campus ring road extended; thence, easterly along the center line of the New York State Harriman State Office Campus ring road extended to its intersection with the center line of University Place extended; thence, northerly along the center line of University Place extended to where it is intersected by a line drawn parallel to and 300 feet southerly from the south wall of the northeast residential tower in the State University of New York at Albany quadrangle, the point and place of beginning.

# [Amended 4-21-2003 by Ord. No. 11.41.03; 2-15-2007 by Ord. No. 11.22.07UC]

(7) FIFTEENTH WARD, SEVENTH DISTRICT. Beginning at a point in the north City line of the City of Albany where it is intersected by the center line of New Karner Road (State Hwy 155); thence, southerly along the center line of New Karner Road (State Hwy 155) to its intersection with the south City line of the City of Albany; thence easterly along the south City line of the City of Albany to its intersection with the center line of the State University of New York at Albany campus ring road; thence, northerly and easterly along the center line of the State University of New York at Albany campus ring road to its intersection with the center line of the State University of New York at Albany campus access road; thence northerly along the State University of New York at Albany campus access road to its intersection with the center line of Washington Avenue; thence, westerly along the center line of Fuller Road; thence, northerly along the center line of Fuller Road to a point in the north City line of the City of Albany; thence, westerly along the north City line of the City of Albany to the center line of New Karner Road (State Hwy 155), the point and place of beginning.

# [Amended 2-15-2007 by Ord. No. 11.22.07UC]

(8) FIFTEENTH WARD, EIGHTH DISTRICT. Beginning at a point in center line of Homestead Avenue where it is intersected by the center line of Western Avenue; running thence, easterly along the center line of Western Avenue to its intersection with the center line of Magazine Street; thence, southerly along the center line of Magazine Street to its intersection with the center line of Hazelhurst Avenue; thence, westerly along the center line of Hazelhurst Avenue to its intersection with the center line of Homestead Avenue; thence, northerly along the center line of Homestead Avenue to its intersection with the center line of Western Avenue, the point and place of beginning.

[Added 4-21-2003 by Ord. No. 11.41.03] Editor's Note: The former Fifteenth Ward, Ninth District, which immediately followed this subsection, as added 4-21-2003 by Ord. No. 11.41.03, was repealed 2-15-2007 by Ord. No. 11.22.07UC.

# Article II. Election Inspectors

[Adopted 7-18-1983 by L.L. No. 2-1983 as Ch. VIII, Art. II, of the 1983 Code; amended in its entirety 7-20-1998 by Ord. No. 42.71.98]

§ 167-2. Election inspectors; poll clerks; compensation.

# [Amended 12-16-2002 by Ord. No. 45.121.02]

A. The Inspectors of Election returning the ballot boxes after any primary or general election and receiving the receipt of the City Clerk for said return shall be entitled to receive for said service the sum of \$5.

- **B.** Election inspectors, poll clerks, election coordinators and qualified voters appointed to act in place of an absent inspector, clerk or coordinator shall be paid for their services on the days of registration and election in the following amounts:
  - (1) Registration: \$65 per day.
  - (2) Primary election: \$75 per day.
  - (3) General election: \$115 per day.
- C. An election inspector or clerk who attends a required training session shall be paid the sum of \$5 for each such session.
- **D.** The Treasurer of the City of Albany is hereby authorized, upon the warrant of the Comptroller, to pay the aforesaid sums to each such person certified to by the Comptroller, from and out of the moneys appropriated therefor.

# Article III. Ward Boundaries

[Adopted 2-20-2003 by L.L. No. 3-2003]

# § 167-3. Boundary descriptions.

There shall be 15 wards in the City of Albany, bounded and described as follows:

A. FIRST WARD: Beginning at a point in the center line of Southern Boulevard (U.S. Route 9W) where it is intersected by the center line of the Norman's Kill (South City Line); running thence westerly along the center line of the Norman's Kill (South City Line) to its intersection with the center line of Normanskill Drive; thence, northerly and easterly along the center line of Normanskill Drive to its intersection with the center line of Delaware Avenue; thence, northerly along the center line of Delaware Avenue to its intersection with the center line of Second Avenue; thence, easterly along the center line of Second Avenue to its intersection with the center line of Hurlbut Street thence, northerly along the center line of Hurlbut Street to its intersection with the center line of Garden Street; thence, easterly along the center line of Garden Street to its intersection with the center line of Slingerland Street; thence, northerly along the center line of Slingerland Street to its intersection with the center line of Oneida Terrace; thence, northerly along the center line of Oneida Terrace to its intersection with the center line of Catherine Street; thence, westerly along the center line of Catherine Street to its intersection with the center line of Delaware Avenue; thence, northerly along the center line of Delaware Avenue to its intersection with the center line of Myrtle Avenue; thence, easterly along the center line of Myrtle Avenue to its intersection with the center line of South Swan Street; thence, northerly along the center line of South Swan Street to its intersection with the center line of Madison Avenue (U.S. Route 20); thence, easterly along the center line of Madison Avenue (U.S. Route 20) to its intersection with the center line of Grand Street; thence, southerly along the center line of Grand Street to its intersection with the center line of Warren Street; thence, westerly along the center line of Warren Street to its intersection with the center line of Eagle Street; thence, southerly along the center line of Eagle Street to its intersection with the center line of Morton Avenue; thence, westerly along the center line of Morton Avenue to its intersection with the center line of Eagle Street extended; thence, southerly along the center line of Eagle Street extended to its intersection with the center line of Catherine Street; thence, westerly along the center line of Catherine Street to its intersection with the center line of South Swan Street; thence, southerly along the center line of South Swan Street to its intersection with the center line of Moore Street extended; thence, southerly along the center line of Moore Street extended and Moore Street to its intersection with the center line of Babcock Street and Babcock Street extended; thence, southerly along the center line of Babcock Street and Babcock Street extended to its intersection with the center line of St. Georges Place; thence westerly along the center line of St. Georges Place to its intersection with the center line of Moore Street; thence southerly along the center line of Moore Street to its intersection with the center line of Second Avenue; thence, easterly along the center line of Second Avenue to its intersection with the center line of Grandview Terrace; thence, southerly along the center line of Grandview Terrace to its intersection with the center line of Liebel Street; thence, easterly along the center line of Liebel Street to its intersection

with the center line of Leonard Street; thence, southerly along the center line of Leonard Street to its intersection with the center line of Seymore Street; thence, easterly along the center line of Broad Street to its intersection with the center line of Bouck Street; thence, northerly along the center line of Broad Street to its intersection with the center line of Bouck Street; thence, easterly along the center line of Bouck Street to its intersection with the center line of South Pearl Street; thence, southerly along the center line of South Pearl Street to its intersection with the center line of Interstate Route 787; thence, westerly along the center line of Interstate Route 787 to its intersection with the center line of Southern Boulevard (U.S. Route 9W); thence, southerly along the center line of Southern Boulevard (U.S. Route 9W) to a point where it is intersected by the center line of the Norman's Kill (South City Line), the point and place of beginning.

- B. SECOND WARD: Beginning at a point in the main channel of the Hudson River (East City Line) where it is intersected by the center line of the Norman's Kill (South City Line); running thence westerly along the center line of the Norman's Kill (South City Line) to its intersection with Southern Boulevard (U.S. Route 9W); thence, northerly along the center line of Southern Boulevard (U.S. Route 9W) to a point where it is intersected by the center line of Interstate Route 787; thence, easterly along the center line of Interstate Route 787 to its intersection with the center line of South Pearl Street; thence, northerly along the center line of South Pearl Street to its intersection with the center line of Bouck Street; thence, westerly along the center line of Bouck Street to its intersection with the center line of Broad Street; thence, southerly along the center line of Broad Street to its intersection with the center line of Seymore Avenue; thence, westerly along the center line of Seymore Avenue to its intersection with the center line of Leonard Street; thence, northerly along the center line of Leonard Street to its intersection with the center line of Liebel Street; thence, westerly along the center line of Liebel Street to its intersection with the center line of Grandview Terrace; thence, northerly along the center line of Grandview Terrace to its intersection with the center line of Second Avenue; thence, westerly along the center line of Second Avenue to its intersection with the center line of Moore Street; thence, northerly along the center line of Moore Street to its intersection with the center line of St. Georges Place; thence easterly along the center line of St. Georges Place to its intersection with the center line of Babcock Street and Babcock Street extended; thence northerly along the center line of Babcock Street and Babcock Street extended to its intersection with the center line of Moore Street and Moore Street extended; thence northerly along the center line of Moore Street and Moore Street extended to its intersection with the center line of South Swan Street; thence, northerly along the center line of South Swan Street to its intersection with the center line of Catherine Street; thence, easterly along the center line of Catherine Street to its intersection with the center line of Eagle Street extended; thence, northerly along the center line of Eagle Street extended to its intersection with the center line of Morton Avenue; thence, easterly along the center line of Morton Avenue to its intersection with the center line of Eagle Street; thence, northerly along the center line of Eagle Street to its intersection with the center line of Warren Street; thence, easterly along the center line of Warren Street to its intersection with the center line of Grand Street; thence northerly along the center line of Grand Street to its intersection with the center line of Van Zandt Street; thence, easterly along the center line of Van Zandt Street to its intersection with the center line of Fulton Street; thence, southerly along the center line of Fulton Street to its intersection with the center line of Madison Avenue (U.S. Route 20); thence, easterly along the center line of Madison Avenue (U.S. Route 20) to its intersection with the main channel of the Hudson River (East City Line); thence, southerly along the main channel of the Hudson River (East City Line) to a point where it is intersected by the center line of the Norman's Kill (South City Line), the point and place of beginning.
- C. THIRD WARD: Beginning at a point in the center line of Eagle Street where it is intersected by the center line of Madison Avenue (U.S. Route 20); running thence westerly along the center line of Madison Avenue (U.S. Route 20) to its intersection with the center line of South Swan Street; thence, northerly along the center line of South Swan Street to its intersection with the center line of Washington Avenue; thence, westerly along the center line of Washington Avenue to its intersection with the center line of Central Avenue; thence westerly along the center line of Central Avenue to its intersection with the center line of Henry Johnson Boulevard; thence, northerly along the center line of Henry Johnson Boulevard to its intersection with the center line of Sherman Street; thence, westerly along the center line of Sherman Street to its intersection with the center line of Lexington Avenue; thence, southerly along the center line of Lexington Avenue; thence, westerly along the center line of Washington Avenue to its intersection with the center line of Robin Street; thence, northerly along the center line of Robin Street to its intersection with the center line of West Street;

thence, westerly along the center line of West Street to its intersection with the center line of North Lake Avenue, thence, northerly along the center line of North Lake Avenue to its intersection with the center line of Bradford Street; thence, westerly along the center line of Bradford Street to its intersection with the center line of Ontario Street; thence, northerly along the center line of Ontario Street to its intersection with the center line of Central Avenue; thence, westerly along the center line of Central Avenue to its intersection with the center line of Ontario Street; thence, northerly along the center line of Ontario Street to its intersection with the center line of Elk Street; thence, easterly along the center line of Elk Street to its intersection with the center line of North Lake Avenue; thence, northerly along the center line of North Lake Avenue to its intersection with the center line of Clinton Avenue; thence, easterly along the center line of Clinton Avenue to its intersection with the center line of Lexington Avenue; thence, northerly along the center line of Lexington Avenue to its intersection with the center line of First Street; thence, easterly along the center line of First Street to its intersection with the center line of Lark Street; thence, northerly along the center line of Lark Street to its intersection with the center line of Third Street; thence, easterly along the center line of Third Street to its intersection with Ten Broeck Place; thence, easterly along the center line of Ten Broeck Place to its intersection with the center line of Ten Broeck Street; thence, northerly along the center line of Ten Broeck Street to its intersection with the center line of Livingston Avenue; thence, easterly along the center line of Livingston Avenue to its intersection with the center line of Broadway; thence, southerly along the center line of Broadway to its intersection with the center line of Orange Street; thence, westerly along the center line of Orange Street to its intersection with the center line of North Pearl Street; thence, southerly along the center line of North Pearl Street and South Pearl Street to its intersection with the center line of Beaver Street; thence, westerly along the center line of Beaver Street and Beaver Street extended to its intersection with the center line of Eagle Street; thence, southerly along the center line of Eagle Street to a point where it is intersected by the center line of Madison Avenue (U.S. Route 20), the point and the place of beginning.

D. FOURTH WARD: Beginning at a point in the main channel of the Hudson River (East City Line) where it is intersected by the center line of Madison Avenue (U.S. Route 20); running thence westerly along the center line of Madison Avenue (U.S. Route 20) to its intersection with Fulton Street; thence, northerly along the center line of Fulton Street to its intersection with the center line of Van Zandt Street; thence, westerly along the center line of Van Zandt Street to its intersection with the center line of Grand Street; thence, southerly along the center line of Grand Street to its intersection with the center line of Madison Avenue (U.S. Route 20); thence, westerly along the center line of Madison Avenue (U.S. Route 20)to its intersection with the center line of Eagle Street; thence, northerly along the center line of Eagle Street to its intersection with the center line of Beaver Street extended; thence, easterly along the center line of Beaver Street extended and Beaver Street to its intersection with the center line of South Pearl Street; thence, northerly along the center line of South Pearl Street and along the center line of North Pearl Street to its intersection with the center line of Orange Street; thence, easterly along the center line of Orange Street to its intersection with the center line of Broadway; thence, northerly along the center line of Broadway to its intersection with the center line of Livingston Avenue; thence, westerly along the center line of Livingston Avenue to its intersection with the center line of Ten Broeck Street; thence, southerly along the center line of Ten Broeck Street to its intersection with the center line of Ten Broeck Place; thence, westerly along the center line of Ten Broeck Place to its intersection with the center line of Third Street; thence, westerly along the center line of Third Street to its intersection with the center line of Lark Street; thence, northerly along the center line of Lark Street to its intersection with the center line of Livingston Avenue; thence, westerly along the center line of Livingston Avenue to its intersection with the center line of Henry Johnson Boulevard; thence, northerly along the center line of Henry Johnson Boulevard to its intersection with the center line of Colonie Street; thence, westerly along the center line of Colonie Street to its intersection with the center line of Pennsylvania Avenue; thence, northerly along the center line of Pennsylvania Avenue to its intersection with the center line of McCrossin Avenue; thence, easterly along the center line of McCrossin Avenue to its intersection with the center line of Northern Boulevard; thence, northerly along the center line of Northern Boulevard to its intersection with the center line of Shaker Road; thence, westerly along the center line of Shaker Road to its intersection with the center line of St. Agnes Lane; thence, northerly along the center line of St. Agnes Lane to its intersection with the center line of Greyledge Drive; thence westerly and northerly along the center line of Greyledge Drive to its intersection with the center line of St. Agnes Lane; thence northerly along the center line of St. Agnes Lane to its intersection with the center line of Birch Hill Road; thence northerly and westerly along the center line of Birch Hill Road to its intersection with the North City Line; thence, easterly along the North City Line to its intersection with the main channel of the Hudson River (East

- City Line); thence, southerly along the main channel of the Hudson River (East City Line) to a point where it is intersected by the center line of Madison Avenue (U.S. Route 20), the point and place of beginning.
- E. FIFTH WARD: Beginning at a point in the center line of Henry Johnson Boulevard where it is intersected by the center line of First Street; running thence westerly along the center line of First Street to its intersection with the center line of Lexington Avenue; thence, southerly along the center line of Lexington Avenue to its intersection with the center line of Clinton Avenue; running thence westerly along the center line of Clinton Avenue to its intersection with the center line of North Lake Avenue; thence, southerly along the center line of North Lake Avenue to its intersection with the center line of Elk Street; thence, westerly along the center line of Elk Street to its intersection with the center line of Ontario Street; thence, southerly along the center line of Ontario Street to its intersection with the center line of Central Avenue; thence, easterly along the center line of Central Avenue to its intersection with the center line of Ontario Street; thence, southerly along the center line of Ontario Street to its intersection with the center line of Bradford Street; thence, westerly along the center line of Bradford Street to its intersection with the center line of Partridge Street; thence, northerly along the center line of Partridge Street to its intersection with the center line of Central Avenue; thence, westerly along the center line of Central Avenue to its intersection with the center line of North Manning Boulevard; thence, northerly along the center line of North Manning Boulevard to its intersection with the center line Third Street; thence, easterly along the center line of Third Street to its intersection with the center line of Ontario Street; thence, northerly along the center line of Ontario Street and along the center line of Ontario Street extended to its intersection with the center line of North Manning Boulevard and center line of North Manning Boulevard extended; thence, easterly along the center line of North Manning Boulevard and North Manning Boulevard extended to its intersection with the center line of Northern Boulevard; thence, southerly along the center line of Northern Boulevard to its intersection with the center line of McCrossin Avenue to its intersection with the center line of Pennsylvania Avenue; thence, southerly along the center line of Pennsylvania Avenue to its intersection with the center line of Colonie Street; thence, easterly along the center line of Colonie Street to its intersection with the center line of Henry Johnson Boulevard; thence, southerly along the center line of Henry Johnson Boulevard to its intersection with the center line of Livingston Avenue; thence, easterly along the center line of Livingston Avenue to its intersection with the center line of Lark Street; thence, southerly along the center line of Lark Street to its intersection with the center line of First Street; thence, westerly along the center line of First Street to its intersection with the center line of Henry Johnson Boulevard, the point and place of beginning.
- F. SIXTH WARD: Beginning at a point in the center line of Myrtle Avenue where it is intersected by the center line of South Swan Street; running thence westerly along the center line of Myrtle Avenue to its intersection with the center line of Robin Street; thence, northerly along the center line of Robin Street to its intersection with the center line of Madison Avenue (U.S. Route 20); thence, westerly along the center line of Madison Avenue; thence, northerly along the center line of South Lake Avenue to its intersection with the center line of Western Avenue; thence, easterly along the center line of Western Avenue to its intersection with the center line of State Street; thence, easterly along the center line of State Street to its intersection with the center line of Washington Avenue; thence, easterly along the center line of Washington Avenue to its intersection with the center line of Washington Avenue; thence, easterly along the center line of Washington Avenue to its intersection with the center line of South Swan Street; thence, southerly along the center line of South Swan Street to a point where it is intersected by the center line of Myrtle Avenue, the point and place of beginning.
- G. SEVENTH WARD: Beginning at a point in the center line of Garden Street where it is intersected by the center line of Slingerland Street; running thence westerly along the center line of Garden Street to its intersection with the center line of Hurlbut Street; thence, southerly along the center line of Hurlbut Street to the center line of Second Avenue; thence, westerly along the center line of Second Avenue to its intersection with the center line of Delaware Avenue; thence, westerly along the center line of Delaware Avenue to its intersection with the New York State Thruway (Interstate Route 87); thence, westerly along the center line of Holmes Court; thence, northerly along the center line of Holmes Court to its intersection with Whitehall Road; thence, easterly along the center line of Whitehall Road to its intersection with the center line of Marwill Street; thence, northerly along the center line of Marwill Street to its intersection with the

center line of Hackett Boulevard; thence, westerly along the center line of Hackett Boulevard to its intersection with the center line of Forest Avenue; thence, northerly along the center line of Forest Avenue to its intersection with the center line of New Scotland Avenue; thence, easterly along the center line of New Scotland Avenue to its intersection with the center line of Quail Street; thence, northerly along the center line of Quail Street to its intersection with the center line of Mercer Street; thence, easterly along the center line of Mercer Street to its intersection with the center line of South Lake Avenue; thence, northerly along the center line of South Lake Avenue to its intersection with the center line of Myrtle Avenue; thence, southerly along the center line of Myrtle Avenue to its intersection with the center line of Delaware Avenue to its intersection with the center line of Catherine Street; thence, easterly along the center line of Catherine Street to its intersection with the center line of Oneida Terrace; thence, southerly along the center line of Oneida Terrace to its intersection with the center line of Slingerland Street; thence, southerly along the center line of Slingerland Street to a point where it is intersected by the center line of Garden Street, the point and place of beginning.

- H. EIGHTH WARD: Beginning at a point in the center line of Normanskill Drive where it is intersected by the center line of the Norman's Kill (South City Line); running thence westerly, northerly and easterly along the center line of the Norman's Kill (South City Line) to its intersection with the center line of Krumkill Road; thence, easterly along the center line of Krumkill Road to its intersection with the center line of New Scotland Avenue; thence, northerly along the center line of New Scotland Avenue to its intersection with the center line of Harding Street; thence, southerly along the center line of Harding Street to its intersection with the center line of Pinetree Lane; thence, easterly along the center line of Pinetree Lane to its intersection with the center line of Westford Street; thence, southerly along the center line of Westford Street to its intersection with the center line of Hackett Boulevard; thence, easterly along the center line of Hackett Boulevard to its intersection with the center line of South Manning Boulevard; thence, northerly along the center line of South Manning Boulevard to its intersection with the center line of Hackett Boulevard; thence, easterly along the center line of Hackett Boulevard to its intersection with the center line of Marwill Street; thence, southerly along the center line of Marwill Street to its intersection with the center line of Whitehall Road; thence, westerly along the center line of Whitehall Road to its intersection with the center line of Holmes Court, thence, southerly along the center line of Holmes Court to its intersection with the center line of the New York State Thruway (Interstate Route 87); thence, easterly along the center line of the New York State Thruway (Interstate Route 87) to its intersection with the center line of Delaware Avenue; thence, southerly along the center line of Delaware Avenue to its intersection with the center line of Normanskill Drive; thence, westerly and southerly along the center line of Normanskill Drive to a point where it intersects the center line of the Norman's Kill (South City Line), the point and place of beginning.
- I. NINTH WARD: Beginning at a point in the center line of Hackett Boulevard where it is intersected by the center line of Forest Avenue; running thence westerly along the center line of Hackett Boulevard to its intersection with the center line of South Manning Boulevard; thence, southerly along the center line of South Manning Boulevard to its intersection with the center line of Hackett Boulevard; thence, westerly along the center line of Hackett Boulevard to its intersection with the center line of Westford Street; thence, northerly along the center line of Westford Street to its intersection with the center line of Pinetree Lane; thence, westerly along the center line of Pinetree Lane to its intersection with the center line of Harding Street; thence, northerly along the center line of Harding Street to its intersection with the center line of New Scotland Avenue; thence, easterly along the center line of New Scotland Avenue to its intersection with the center line of South Allen Street; thence, northerly along the center line of South Allen Street to its intersection with the center line of Warren Street; thence, easterly along the center line of Warren Street to its intersection with the center line of Ryckman Avenue; thence, easterly along the center line of Ryckman Avenue to its intersection with the center line of West Erie Street; thence, southerly along the center line of West Erie Street to its intersection with the center line of Woodlawn Avenue; thence, easterly along the center line of Woodlawn Avenue to its intersection with the center line of Partridge Street; thence, northerly along the center line of Partridge Street to its intersection with the center line of Park Avenue; thence, easterly along the center line of Park Avenue to its intersection with the center line of South Lake Avenue; thence, southerly along the center line of South Lake Avenue to its intersection with the center line of Mercer Street; thence, westerly along the center line of Mercer Street to its intersection with the center line of Quail Street; thence, southerly along the center line of Quail Street to its intersection with the center line of New Scotland Avenue; thence, westerly along the center

- line of New Scotland Avenue to its intersection with Forest Avenue; thence, southerly along the center line of Forest Avenue to a point where it is intersected by the center line of Hackett Boulevard, the point and place of beginning.
- J. TENTH WARD: Beginning at a point in the center line of Myrtle Avenue where it is intersected by the center line of Robin Street; running thence westerly along the center line of Myrtle Avenue to its intersection with the center line of South Lake Avenue; thence, southerly along the center line of South Lake A venue to its intersection with the center line of Park Avenue; thence, westerly along the center line of Park Avenue to its intersection with the center line of Partridge Street; thence, southerly along the center line of Partridge Street to its intersection with the center line of Woodlawn Avenue; thence westerly along the center line of Woodlawn Avenue to its intersection with the center line of West Erie Street; thence, westerly along the center line of West Erie Street to its intersection with the center line of Ryckman Avenue; thence, northerly and westerly along the center line of Ryckman Avenue to its intersection with the center line of Warren Street; thence, westerly along the center line of Warren Street to its intersection with the center line of South Allen Street; thence, northerly along the center line of South Allen Street to its intersection with the center line of Western Avenue; thence, easterly along the center line of Western Avenue to its intersection with the center line of Partridge Street; thence, northerly along the center line of Partridge Street to its intersection with the center line of Washington Avenue; thence, easterly along the center line of Washington Avenue to its intersection with the center line of Ontario Street; thence, southerly along the center line of Ontario Street to its intersection with the center line of Hudson Avenue; thence, easterly along the center line of Hudson Avenue to its intersection with the center line of Quail Street; thence, southerly along the center line of Quail Street to its intersection with the center line of Madison Avenue (U.S. Route 20); thence, easterly along the center line of Madison Avenue (U.S. Route 20) to its intersection with the center line of Robin Street; thence, southerly along the center line of Robin Street to the point where it is intersected by the center line of Myrtle Avenue, the point and place of beginning.
- K. ELEVENTH WARD: Beginning at a point in the center line of State Street where it is intersected by the center line of Lark Street; running thence westerly along the center line of State Street to its intersection with the center line of Western Avenue; thence, westerly along the center line of Western Avenue to its intersection with the center line of South Lake Avenue; thence, southerly along the center line of South Lake Avenue to its intersection with the center line of Madison Avenue (U.S. Route 20); thence, westerly along the center line of Madison Avenue (U.S. Route 20) to its intersection with the center line of Quail Street; thence northerly along the center line of Quail Street to its intersection with the center line of Hudson Avenue; thence, westerly along the center line of Hudson Avenue to its intersection with the center line of Ontario Street; thence, northerly along the center line of Ontario Street to its intersection with the center line of Washington Avenue; thence, westerly along the center line of Washington Avenue to its intersection with the center line of North Main Avenue; thence, northerly along the center line of North Main Avenue to its intersection with the center line of Manning Boulevard; thence, westerly along the center line of Manning Boulevard to its intersection with the center line of West Lawrence Street; thence, northerly along the center line of West Lawrence Street to its intersection with the center line of Kent Street; thence, westerly along the center line of Kent Street to its intersection with the center line of North Allen Street; thence, northerly along the center line of North Allen Street to its intersection with the center line of Bradford Street; thence, easterly along the center line of Bradford Street to its intersection with the center line of West Lawrence Street; thence, northerly along the center line of West Lawrence Street to its intersection with the center line of Central Avenue; thence, easterly along the center line of Central Avenue to its intersection with the center line of Partridge Street; thence, southerly along the center line of Partridge Street to its intersection with the center line of Bradford Street; thence, easterly along the center line of Bradford Street to its intersection with the center line of North Lake Avenue; thence, southerly along the center line of North Lake Avenue to its intersection with the center line of West Street; thence, easterly along the center line of West Street to its intersection with the center line of Robin Street; thence, southerly along the center line of Robin Street to its intersection with the center line of Washington Avenue; thence, easterly along the center line of Washington Avenue to its intersection with the center line of Lexington Avenue; thence, northerly along the center line of Lexington Avenue to its intersection with the center line of Sherman Street; thence, easterly along the center line of Sherman Street to its intersection with the center line of Henry Johnson Boulevard; thence, southerly along the center line of Henry Johnson Boulevard to its intersection with the center line of Central Avenue; thence, easterly along the center line of Central Avenue to its intersection with the center line of Lark Street;

- thence, southerly along the center line of Lark Street to a point where it is intersected by the center line of State Street, the point and place of beginning.
- L. TWELFTH WARD: Beginning at a point in the center line of North Manning Boulevard and North Manning Boulevard extended where it is intersected by the center line of Northern Boulevard; running thence westerly along the center line of North Manning Boulevard to its intersection with the center line of Ontario Street extended; thence, southerly along the center line of Ontario Street extended and along Ontario Street to its intersection with the center line of Third Street; thence, westerly along the center line of Third Street to its intersection with the center line of North Manning Boulevard; thence southerly along the center line of North Manning Boulevard to its intersection with the center line of Central Avenue; thence, westerly along the center line of Central Avenue to its intersection with the center line of West Lawrence Street; thence, southerly along the center line of West Lawrence Street to its intersection with the center line of Bradford Street; thence, westerly along the center line of Bradford Street to its intersection with the center line of North Allen Street; thence, southerly along the center line of North Allen Street to its intersection with the center line of Kent Street; thence, easterly along the center line of Kent Street to its intersection with the center line of West Lawrence Street; thence southerly along the center line of West Lawrence Street to its intersection with the center line of Manning Boulevard; thence easterly along the center line of Manning Boulevard to its intersection with the center line of North Main Avenue: thence southerly along the center line of North Main Avenue to its intersection with the center line of Washington Avenue; thence, westerly along the center line of Washington Avenue to its intersection with the center line of Fuller Road; thence northerly along the center line of Fuller Road to its intersection with the North City Line; thence, easterly along the North City Line to its intersection with the center line of Birch Hill Road; thence, southerly and easterly along the center line of Birch Hill Road to its intersection with the center line of St. Agnes Road, thence southerly along St. Agnes Road to its intersection with the center line of Greyledge Road; thence westerly and southerly along Greyledge Road to its intersection with St. Agnes Lane; thence southerly along St. Agnes Lane to its intersection with the center line of Shaker Road; thence, easterly along the center line of Shaker Road to its intersection with the center line of Northern Boulevard; thence, southerly along the center line of Northern Boulevard to a point where it is intersected by the center line of North Manning Boulevard, the point and place of beginning.
- M. THIRTEENTH WARD: Beginning at a point in the center line of Western Avenue where it is intersected by the center line of North Main Avenue; running thence westerly along the center line of Western Avenue to its intersection with the center line of University Place; thence, northerly along the center line of University Place and along the center line of University Place extended to its intersection with a line drawn parallel to and 300 feet southerly from the south wall of the northeast residential tower in the State University of New York at Albany quadrangle; thence, westerly along a line drawn parallel to and 300 feet southerly from the south wall of the northeast residential tower in the State University of New York at Albany quadrangle to its intersection with a line drawn parallel to and 400 feet westerly from the west wall of the northeast residential tower in the State University of New York at Albany quadrangle; thence, northerly and along a line drawn parallel to and 400 feet westerly from the west wall of the northeast residential tower in the State University of New York at Albany quadrangle to its intersection with the center line of Washington Avenue; thence, easterly along the center line of Washington Avenue to its intersection with the center line of Partridge Street; thence, southerly along the center line of Partridge Street to its intersection with the center line of Western Avenue; thence, westerly along the center line of Western Avenue to its intersection with the center line of North Main Avenue, the point and place of beginning.
- N. FOURTEENTH WARD: Beginning at a point in the center line of New Scotland Avenue where it is intersected by the center line of South Allen Street; thence westerly along the center line of New Scotland Avenue to its intersection with the center line of Krumkill Road; thence westerly along the center line of Krumkill Road to its intersection with the center line of its intersection with the South City Line; thence westerly along the South City Line to its intersection with the center line of Briar Avenue extended; thence northerly along the center line of Briar Avenue extended and Briar Avenue to its intersection with the center line of Cottage Avenue; thence, easterly along the center line of Cottage Avenue to its intersection with the center line of Hillcrest Avenue; thence, northerly along the center line of Hillcrest Avenue to its intersection with the center line of Berkshire Boulevard; thence, westerly along

the center line of Berkshire Boulevard to its intersection with the center line of Hazelhurst Avenue; thence, westerly along the center line of Hazelhurst Avenue to its intersection with the center line of Magazine Street; thence, northerly along the center line of Magazine Street to its intersection with the center line of Western Avenue; thence easterly along the center line of Western Avenue to its intersection with the center line of South Allen Street; thence, southerly along the center line of South Allen Street to its intersection with the center line of New Scotland Avenue, the point and place of beginning.

O. FIFTEENTH WARD: Beginning at a point in the center line of Briar Avenue extended where it is intersected by the South City Line (center line of the Krumkill); thence, northerly along the South City Line to its intersection with the center line of Western Avenue; thence, northerly along the West City Line to a jog in the West City Line; thence, westerly along the West City Line and northerly along jogs in the West City Line to a point in the North City Line; thence, easterly along the North City Line to its intersection with the center line of Fuller Road; thence, southerly along the center line of Fuller Road to its intersection with the center line of Washington Avenue; thence, easterly along the center line of Washington Avenue to its intersection with a line drawn parallel to and 400 feet westerly from the west wall of the northeast residential tower in the State University of New York at Albany quadrangle; thence, southerly along a line drawn parallel to and 400 feet westerly from the west wall of the northeast residential tower in the State University of New York at Albany quadrangle to its intersection with a line drawn parallel to and 300 feet southerly from the south wall of the northeast residential tower in the State University of New York at Albany quadrangle; thence, easterly and along a line drawn parallel to and 300 feet southerly from the south wall of the northeast residential tower in the State University of New York at Albany quadrangle to its intersection with the center line of University Place extended; thence, southerly along the center line of University Place extended and along the center line of University Place to the center line of Western Avenue; thence, easterly along the center line of Western Avenue to its intersection with the center line of Magazine Street; thence, southerly along the center line of Magazine Street to its intersection with the center line of Hazelhurst Avenue; thence, easterly along the center line of Hazelhurst Avenue to its intersection with the center line of Berkshire Boulevard; thence, easterly along the center line of Berkshire Boulevard to its intersection with the center line of Hillcrest Avenue: thence, southerly along the center line of Hillcrest Avenue to its intersection with the center line of Meade Avenue; thence, southerly along the center line of Meade Avenue to its intersection with the center line of Cottage Avenue; thence, westerly along the center line of Cottage Avenue to its intersection with the center line of Briar Avenue; thence, southerly, along the center line of Briar Avenue and Briar Avenue extended to a point where it is intersected by the South City Line, the point and place of beginning.

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# Chapter 171. ELECTRICITY

[HISTORY: Adopted by the Common Council of the City of Albany 7-18-1983 by L.L. No. 2-1983 as Ch. IX of the 1983 Code. Amendments noted where applicable.]

### **GENERAL REFERENCES**

Building construction — See Ch. <u>133</u>. Commercial standards — See Ch. <u>151</u>. Elevators — See Ch. <u>175</u>. Fire prevention — See Ch. <u>197</u>. Licenses — See Ch. <u>245</u>. Streets and sidewalks — See Ch. 323.

# Article I. Telegraph, Telephone, Electric Lights, Railways and Power Lines

### § 171-1. Chief of Fire Department to have supervision.

The Chief of the Fire Department, under the direction of the Mayor and Common Council, shall have the supervision and charge of all telegraph, telephone and electric lines. He shall forthwith report to the Mayor any violations of this article.

# § 171-2. Written agreement to be filed with Mayor.

No telegraph, telephone or electric line shall hereafter be erected or maintained until the owner thereof shall file with the Mayor a written agreement accepting and promising to abide by and perform all the conditions and provisions of this article, and all amendments hereafter made thereto.

# § 171-3. Erecting posts; requirements.

On streets where curbstones are set, all posts shall be erected in the sidewalk, within and adjoining the curbstones, and the posts shall be so erected as not to interfere with the gutters. No post shall be erected within five (5) feet of any hydrant, nor so as to interfere with any water pipe, shade tree, driveway or intersection of streets.

#### § 171-4. Posts; height; diameter; depth set in ground; wires crossing streets.

All posts for telegraph, telephone and electric lines shall be straight, properly trimmed and painted, shall not be less than twenty-five (25) feet in height from the ground, shall be of iron, cedar, pine or chestnut, and, if of wood, not less than six (6) inches in diameter at the smaller end and ten (10) inches in diameter at the ground. Such posts shall properly set in the ground to the depth of at least five (5) feet. Wherever any wire shall cross any street or way it shall be at a height not less than twenty-five (25) feet above such street or way, and, where practicable, cross at right angles. In cases where any such wire shall be connected with any building, it shall be attached to the top or firewall of such building.

### § 171-5. Wires; arc and incandescent; insulated.

All wires for the transmission of electricity for lighting and motive power shall at all times be so insulated as to resist abrasion and heat, and be impervious to water. When placed above the surface of the ground such wires shall be suspended upon posts, and, wherever in proximity to other wires, dead guard wires must be placed so as to prevent any possibility of contact with foreign wires. This rule must apply to both arc and incandescent wires. When any such wire shall be broken, or its insulation become imperfect, the electric current shall forthwith be discontinued and the wire not used until properly repaired and insulated.

# § 171-6. Wires; secured to insulating fastenings of glass; tiewires; joints.

Wires for the transmission of electricity for lighting and motive power shall be secured to insulating fastenings of glass, hard rubber or other approved insulating material. All tiewires shall be insulated in the same manner as conducting wires. All joints in wires shall be securely made and, where possible, soldered and wrapped with insulating material that will resist heat and abrasion and be impervious to water. Continuous wires, without joints, shall be used as far as possible.

# § 171-7. Wires passing through, in and about buildings.

Wires for the transmission of electricity for lighting and motive power passing through the exterior walls of buildings shall be firmly incased in substantial tubes of nonconducting material not liable to absorb moisture and so placed as to prevent water from entering the building along the wire. Outgoing and returning wires for arc lights shall enter and leave buildings at points one (1) foot at least from each other; those for incandescent lights shall so enter and leave buildings at points one (1) foot at least from each other. In running along outside walls, cornices and the like, all such wires shall be rigidly fastened by nonconducting fastenings and, where carried over or attached to buildings, must be at least seven (7) feet above the highest point of the roofs, and one and one-half (1 1/2) feet above pitch roofs, and placed so as to avoid ladders of the Fire Department. They shall not be run over or attached to buildings other than those desiring light and power. In the interior of buildings all such wires shall be so placed as not to come in contact with iron pipes, posts, or girders, or in any way so as to form other circuits or ground connections. In passing through floors or partitions or walls, they shall be surrounded by an insulating tube of substantial material to protect them from injury by rats or mice. All inside wires must be so placed so they can be easily and thoroughly inspected. Whenever such wires enter a building, a cutout of simple form and construction shall be provided and properly attached as near as possible to such entrance.

## § 171-8. Frame and exposed parts of arc lamps.

The frame and exposed parts of all arc lamps shall be insulated from the circuit. All such lamps shall be provided with a separate hand switch and also with an automatic switch which will close the circuit whenever the carbons do not approach each other or the resistance becomes excessive. Arc lamps must be provided with some arrangement to prevent the lower carbon from falling out in case the clamp does not hold them securely. For inside use, the globes must rest in a tight stand so that no particles of melted copper or heated carbon can escape. Converters on alternating circuits must be outside of buildings and must be placed high enough from roof to prevent possible injury to firemen.

### § 171-9. Incandescent lamps.

For incandescent lamps the conducting wire to each building and branch circuit shall be provided with an automatic switch or cutout or its equivalent, capable of protecting the system from injury by an excessive current of electricity.

# § 171-10. Authority to discontinue current in case of fire.

In the case of fire, the Chief of the Fire Department, or the assistant in command, shall have full power and authority to order and cause any electric wires to be cut or removed and electric currents discontinued until the fire is extinguished.

#### § 171-11. Removal of dead wires.

All dead wires where crossing public streets or ways shall be removed.

### § 171-12. Filing of chart showing location of wires and posts.

Upon the completion of any circuit for the transmission of electricity for lighting and motive power, and before it is used, a chart showing the location of the wires and posts of such circuit shall be filed with the Chief of the Fire Department, and any change of such posts or wires shall be reported to him within twenty-four (24) hours.

### § 171-13. Applicability of provisions.

The provisions of this article shall apply to all wires now or hereafter strung or suspended in, through or across any and all public streets, avenues, alleys, public places and squares in the City of Albany.

# § 171-14. Penalties for offenses.

[Amended 5-19-2008 by Ord. No. 25.42.08; 12-21-2009 by Ord. No. 52.71.09] Every person or corporation violating any or either of the provisions of this article shall incur a penalty not to exceed \$1,000 for each and every such violation, and a further and additional penalty not to exceed \$1,000 for each and every day he or it shall neglect after notice received from the Chief of the Fire Department to comply therewith.

# Article II. Identification of Poles Supporting Wires

### § 171-15. Owner required to affix identity on poles.

Each and every owner of poles used for the purpose of stringing or supporting cables or wires for the transmission of electricity is hereby directed and required to immediately paint, stencil or affix his or its name upon each and every one of such poles, in letters not less than one inch in height, and thereafter to keep and maintain the same in a legible condition.

# § 171-16. Penalties for offenses.

[Amended 12-21-2009 by Ord. No. 52.71.09] Any such owner failing to comply with the provisions of this article shall be guilty of a misdemeanor and shall incur a fine not to exceed \$1,000.

# Article III. Electrical Licensing

#### § 171-17. Title.

This article shall be known as the "Electrical Licensing Ordinance."

#### § 171-18. Definitions.

For the purposes of this article, the following terms shall have the meanings set forth in this section, unless different meanings are clearly indicated by the context in which they appear:

#### ADMINISTRATOR

The Director of the Office of Planning and Neighborhood Development or his/her designee. [Added 5-20-1996 by Ord. No. 10.51.96]

#### APPRENTICE

A person employed by a licensed master electrician performing electrical work for which a permit is required under the direct and immediate supervision of a journeyman electrician. An "apprentice" must be at least 18 years of age.

# APPRENTICE TRAINING PERMIT

A permit issued by the Board. It allows a person to be employed by a licensed master electrician to do electrical work for which a permit is required, under the supervision of a journeyman electrician.

#### **BOARD**

The Electrical Examining Board of the City of Albany.

#### JOURNEYMAN ELECTRICIAN

A person who meets any of the following qualifications:

- A. Five years' experience doing electrical work for which a permit is required under the supervision of a licensed master electrician.
- **B.** Four years' experience doing electrical work for which a permit is required under the supervision of a licensed master electrician plus the equivalent of one year of schooling at an accredited electrical trade school or in an approved apprentice training school.

#### JOURNEYMAN PERMIT

A permit issued by the Board. It allows a person with the requisite journeyman electrician qualifications to supervise apprentice electricians as provided in this article.

#### LICENSED MASTER ELECTRICIAN

A person who has passed the examination given by the Board of Electrical Examiners and who holds a valid license issued in accordance with the provisions of this article. [Amended 5-20-1996 by Ord. No. 10.51.96]

#### PERSON

A natural person, corporation, partnership, association, joint venture or any other entity however termed.

# § 171-19. Creation and composition of Electrical Examining Board.

[Amended 5-20-1996 by Ord. No. 10.51.96; 1-24-2008 by Ord. No. 3.21.07] There is hereby created the Electrical Examining Board. The Board shall consist of five members, who shall be appointed by the Mayor. The composition of the five members shall be as follows:

- **A.** The Director of the Division of Buildings and Codes.
- **B.** An authorized representative of National Grid (power utility).
- C. Two master electricians engaged in electrical work, employing one or more electricians, and who have been continuously licensed by the City of Albany for at least five years.
- **D.** One NYS-licensed fire alarm installer, who shall be certified to NICET Level 4.

# § 171-20. Terms of office for Electrical Examining Board.

A. The Director of the Division of Buildings and Codes shall be a member of the Board as long as he holds his position as Director. The remaining members shall serve for terms of three years.

# [Amended 5-20-1996 by Ord. No. 10.51.96; 1-24-2008 by Ord. No. 3.21.07]

- **B.** The members constituting such Board first appointed shall hold office for the following terms and until their successors are appointed: two (2) to and including December 31, 1980; two (2) to and including December 31, 1981. The certificate of appointment shall designate the terms of each appointee.
- **C.** Thereafter, at the expiration of the term for which each member shall be appointed, the Mayor shall fill the vacancy by appointment of the person with the same qualifications of the member whose office has terminated.

# § 171-21. Vacancies and terminations of Board members.

- **A.** All vacancies on the Board shall be filled within sixty (60) days by the Mayor for the remaining unexpired term of the person who vacated his membership.
- B. The service of a member may be terminated by the Mayor at any time for a good cause shown.

### § 171-22. Officers of Board.

The Board shall elect a Chairman and Secretary from its membership, who shall retain voting rights identical with those of the remainder of the Board.

# § 171-23. Quorum for Board action.

Three (3) members of the Board shall constitute a quorum for the transaction of business. All actions of the Board shall be by majority vote of the quorum present, except that action resulting in the issuance, modification, suspension or revocation of a license shall be by at least three (3) affirmative votes.

# § 171-24. Compensation of Board.

[Amended 5-20-1996 by Ord. No. 10.51.96] Except for the Director of the Office of Planning and Neighborhood Development, who shall serve without pay, the other members of the Board shall receive such compensation as may be authorized from time to time by the Common Council.

# § 171-25. Meetings.

The Board shall meet at least once each month and at such other times as the Mayor, the Chairman or a majority of the Board deems necessary for the effective discharge of the business of the Board.

# § 171-26. Duties of Board.

- A. The Board shall investigate and examine the knowledge and technical ability of each license applicant. The qualifications shall be determined in part by an examination of a practical and elementary character sufficiently rigid to test the knowledge of the applicant with respect to performing electrical work which is in compliance with City ordinances and the applicable standards of the State Building Code. The type of examination shall be determined by the Board and may be written, oral and demonstrative.
- **B.** The Board shall investigate and examine the knowledge, technical ability and past record of each applicant for renewal of a license. Where there is substantial evidence that the renewal applicant's past performance of electrical work has been inferior or has violated City ordinances, the Board may require, in addition to any other remedies, that the applicant be reexamined, as provided in Subsection  $\underline{A}$  above.
- C. The Board shall authorize the issuance of licenses by the Administrator as provided by ordinance. The Board shall not limit the number of licenses that shall be issued.

#### [Amended 5-20-1996 by Ord. No. 10.51.96]

- **D.** The Board shall investigate and examine all charges preferred against any holder of a license and his eligibility to continue to hold a license.
- **E.** The Board shall adopt rules and regulations to govern its actions in exercising its powers and duties. A majority vote of the whole Board is required for the adoption or amendment of any rule or regulation. Twenty (20) days' written notice of any proposed amendments to the rules and regulations must be given to all Board members.
- **F.** The Board shall maintain an orderly set of records and shall perform such other duties as are hereinafter required of it and as may be directed by ordinance of the Common Council.

# § 171-27. Examination for electrician's license required.

Every person desiring to engage in any business or perform any work for which an electrician's license is required and who has the experience required herein for doing so shall appear before the Electrical Board and pass an examination as to his qualifications and competency for the class of license desired by him as required by the provisions of this article.

### § 171-28. Grading of examinations; issuance of license.

# [Amended 5-20-1996 by Ord. No. 10.51.96]

- A. The Board shall grade all examinations with not less than two (2) members present, participating in and concurring with the gradings. The Board shall certify to the Administrator the name of each applicant passing an examination and the grade of license for which he was qualified. A minimum grade of seventy percent (70%) shall be required as a passing grade.
- **B.** Upon such certification and the payment of the prescribed fee and evidence of insurance where insurance is required, the applicant shall be issued a license of the grade for which he has been certified, which license shall be signed by the Administrator.

### § 171-29. Frequency of examinations; reexaminations.

**A.** The Board shall conduct examinations at least once each calendar year and in no case more than 12 months from the date of the last test.

# [Amended 12-21-2009 by Ord. No. 52.71.09]

**B.** Applicants failing their first test may be reexamined at the next scheduled test. Applicants failing more than one test may be reexamined at yearly intervals only.

### § 171-30. Period of time to obtain license.

An applicant who has passed an examination for any grade of license must obtain the license by paying the prescribed fee within 30 days of receiving notice of passing said test. Failure to do so will require the applicant to again qualify himself by passing another examination.

# § 171-31. Notification of examination grade; review of examination.

The Electrical Board shall notify by mail any applicant of his grade within 10 days of the examination. Applicants failing the examination may review their tests at the Building Department for a period of 30 days after receiving notice of failure. All tests will be destroyed after the thirty-day period.

#### § 171-32. Qualifications for master electrician's license.

#### [Amended 1-24-2008 by Ord. No. 3.21.07]

- A. Applicants for the master electrician's license examination must meet the following qualifications:
  - (1) They must pay the prescribed fee.
  - (2) They must possess the following training or experience. Said experience, defined as 1,800 work hours, constitutes one year of experience.
    - (a) Either seven years' practical experience under the supervision of a licensed master electrician performing work for which an electrical permit is required; or
    - (b) A Bachelor of Science degree in electrical power engineering from a four-year program at an accredited college or university and at least three years of practical experience, under the supervision of a licensed master electrician, in the performance of electrical work for which a permit is required in the City of Albany; or
    - (c) An Associate of Science degree or its equivalent, consisting of a two-year program of study in electrical engineering from an accredited college or university and at least five years of practical experience under the supervision of a licensed master electrician performing electrical work for which a permit is required in the City of Albany; or

- (d) A degree from an accredited electrical trade school and at least five years of practical experience under the supervision of a licensed master electrician performing electrical work for which a permit is required in the City of Albany; or
- (e) A certificate from a New-York-State-approved apprenticeship program, with in-service training totaling 5,000 hours and at least two years of practical experience under the supervision of a licensed master electrician performing electrical work for which a permit is required in the City of Albany; or
- (f) A master electrician's license issued by another licensing jurisdiction, with evidence that the applicant has continuous practical experience under that license for at least 10 years; or
- (g) Such other electrical schooling or training which the Board finds to be substantially equivalent to any of the above plus the requisite number of years of practical experience under the supervision of a licensed master electrician, so that the time of training plus practical experience is seven years. Under this subsection, however, for at least three of the seven years the applicant must have been performing electrical work under the supervision of a licensed master electrician for which a permit would have been required.

# **B.** Proof of training and experience.

- (1) The Board, by rule or regulation, shall set forth the types of proof required to prove an applicant's qualifications. Under this section, the experience required may have been under an electrician licensed by another jurisdiction whose requirements are substantially similar to those required by this article. Although various forms of proof of training and experience may be found acceptable to the Board, the following are typically considered acceptable:
  - (a) Notarized testimony from a licensed master electrician, listing dates, duration and total hours worked by the applicant.
  - (b) Official school transcripts.
  - (c) Apprenticeship training certificate.
  - (d) Payroll records or pay stubs with hours worked.
  - (e) Copies of an electrical license issued to the applicant by another licensing jurisdiction, along with an itemization of that jurisdiction's requirements for licensing.
  - (f) Copies of approvals of work issued to the applicant from a recognized inspection agency, listing the work performed and the dates completed.
- (2) The Board specifically reserves the right to accept or reject any of the above items as substantiation of an applicant's qualification. Any proof of training or experience must clearly identify the applicant and the individual, agency or institution issuing the document. Documents must be accompanied by dates of service, contact information of the individual, agency or institution and the contact information of an individual familiar with the applicant's work or schooling.

### § 171-33. Master electrician's license required.

[Amended 1-24-2008 by Ord. No. 3.21.07] No person shall contract to or conduct a business to perform any electrical work in the City of Albany for which a permit is required unless that person shall hold a valid master electrician's license or a temporary electrician's license issued by the City of Albany.

# § 171-34. Issuance of master electrician's license.

[Amended 5-20-1996 by Ord. No. 10.51.96; 1-24-2008 by Ord. No. 3.21.07] Upon certification by the Board that an applicant has met all the qualifications to be issued a master electrician's license or a temporary master

electrician's license, the Director of the Division of Buildings and Codes shall issue said applicant a master electrician's license or temporary master electrician's license, as the case may be.

# § 171-35. Apprentice and journeyman permits.

[Amended 1-24-2008 by Ord. No. 3.21.07] The Board of Electrical Examiners may, at its discretion, require the issuance of individual permits for apprentice and journeyman electricians working in the City of Albany. The Board shall promulgate the qualifications required, terms under which such permits may be issued and the fees associated with such permits.

# § 171-36. (Reserved)

Editor's Note: Former § 171-36. Scope of apprentice training permit, was repealed 1-24-2008 by Ord. No. 3.21.07.

# § 171-37. (Reserved)

Editor's Note: Former § 171-37, Qualifications for journeyman permit, was repealed 1-24-2008 by Ord. No. 3.21.07.

### § 171-38. (Reserved)

Editor's Note: Former § 171-38, Scope of journeyman permit, was repealed 1-24-2008 by Ord. No. 3.21.07.

# § 171-39. Qualifications for temporary master electrician's license.

## [Amended 1-24-2008 by Ord. No. 3.21.07]

- **A.** In lieu of passing the examination given by the Board, an individual may apply for a temporary master electrician's license. The applicant must present to the Board satisfactory evidence that he or she possesses all the qualifications for a master electrician's license as set forth in § 171-32. In addition, the applicant must also:
  - (1) Possess a master electrician's license issued by another licensing jurisdiction whose requirements for licensing are substantially equivalent to those set forth in § 171-32; and
  - (2) Demonstrate that he or she has performed work continuously under the license issued by the other jurisdiction for a period of not less than 10 consecutive years.
- **B.** The Board may accept or reject any evidence of qualification submitted by the applicant. The Board may accept or reject any applicant for a temporary master electrician's license, regardless of the applicant's qualifications.

#### § 171-40. Scope of temporary master electrician's license.

A temporary master electrician's license shall entitle the holder thereof to carry on the business of a licensed master electrician, but shall entitle the holder to undertake the execution of work on a single continuous installation only, such installation to be confined to one location or property. A temporary master electrician's license shall be valid for one year from the date of its issuance, or until the work for which it was issued is completed, whichever occurs first.

# § 171-41. Expiration and renewal of master electrician's license.

A. A master electrician's license shall expire one year after the date of its issuance. Said license may be renewed from year to year upon tender of a renewal application with the proper fees. If the application for renewal is made within two months after a license's expiration, there shall be no need for a further examination.

# [Amended 12-21-2009 by Ord. No. 52.71.09]

**B.** A temporary master electrician's license shall expire one year from the date of its issuance or at the time of the completion of the installation for which said license was issued, whichever occurs first. If, at the

end of the one-year period, the installation work for which the license was issued is not completed, a new temporary master electrician's license must be obtained.

# § 171-42. Transferability of licenses.

No person shall lend, rent, transfer, assign or exchange, in any manner, his license to any other person; nor shall any person make use of a license which is not his own.

# § 171-43. Insurance requirements.

- **A.** All holders of master electrician's licenses and temporary master electrician licenses shall carry workmen's compensation insurance, unemployment compensation insurance and disability insurance when required by law.
- **B.** All holders of such licenses shall furnish proof of bodily injury, public liability and property damage insurance, exclusive of motor vehicles, of not less than \$100,000 for one person injured in any one accident and \$300,000 for more than one person injured in any one accident and property damage insurance of not less than \$100,000 per accident.
- C. Proof of required insurance shall be submitted to the Board at the time of the issuance or renewal of the license.
- **D.** If a holder of a master electrician's license or temporary master electrician's license be regarded as having an inactive status by the Board, the license holder shall not be obligated to fulfill the above while said license holder is inactive in the City of Albany.

# [Added 1-24-2008 by Ord. No. 3.21.07]

### § 171-44. (Reserved)

Editor's Note: Former § 171-44, Fees, was repealed 3-20-1995 by Ord. No. 9.32.95. This legislation was adopted in the 1983 Code numbering and was redesignated by the Editor to fit the 1995 Code format.

#### § 171-45. Licenses issued to entities other than individuals.

- **A.** Licenses issued in the name of entities other than individuals shall also designate the name of the licensed master electrician who actually holds the license.
- **B.** Such licensed master electrician shall be an officer, partner or employee of the firm to which the license is issued.
- C. The same person shall not hold more than one master electrician's license.
- **D.** In the event that the licensed master electrician who holds an entity's license in his name becomes no longer employed by or associated with said entity, such change in circumstance shall be reported to the Administrator within 30 days of said change. The report must be made by both the entity and the actual license holder. At that time, the entity must certify to the Board the name of another licensed master electrician who shall hold the entity's license in his name.

#### [Amended 5-20-1996 by Ord. No. 10.51.96]

**E.** For good cause shown, the Board may extend the time in which an entity must certify the name of the licensed master electrician who will hold their license. No extensions shall total more than one year.

#### § 171-46. Unauthorized use of title.

It shall be unlawful for any person to hold himself out to the public as a master electrician licensed by the City of Albany unless he possesses a valid master electrician's license issued by the City of Albany.

### § 171-47. Penalties for offenses.

**A.** In addition to the penalties prescribed below, the Administrator, upon recommendation of the Board, may suspend or revoke any electrician's license issued pursuant to this article for violations of any provisions of this article or any other City ordinance, local law, state law or rule or regulation of the Board with which said license holder must comply as an electrician.

# [Amended 5-20-1996 by Ord. No. 10.51.96]

**B.** Any person violating any provision of this Electrical Licensing Ordinance shall be guilty of an offense punishable by a fine not to exceed \$1,000 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment, or for a penalty not to exceed \$1,000 to be recovered by the City of Albany in a civil action.

# [Amended 5-19-2008 by Ord. No. 25.42.08; 12-21-2009 by Ord. No. 52.71.09]

C. The City of Albany, in addition to any other penalties provided for, may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, any provision of this article.

# § 171-48. Suspension or revocation of license; hearings.

- **A.** Any person charged with the violation of any provision of this article or of any City ordinance with which a licensed electrician must comply has the right to notice of the charges in writing and an opportunity to be heard.
- **B.** Hearings shall be held before three members of the Board. If a majority of the Board members hearing the case finds that the person charged has committed the violations, it may recommend to the Administrator that said person's electrical license be suspended or revoked. Where the person charged has no electrical license, the recommendation may be to suspend the person's right to apply for an electrical license.

# [Amended 5-20-1996 by Ord. No. 10.51.96]

C. Upon recommendation of the Board, the Administrator may suspend or revoke a person's electrical license as follows:

# [Amended 5-20-1996 by Ord. No. 10.51.96]

- (1) For the first offense: up to a maximum of six months.
- (2) For the second offense within one year: up to a maximum of one year.
- (3) For the third offense within one year: up to a permanent revocation.
- **D.** During a suspension or revocation, the license shall be null and void. After the termination of the period of a suspension, such license shall become valid upon tender of any renewal fees that have become due. Upon permanent revocation, said license holder shall not be allowed to reapply thereafter.
- E. The suspension or revocation penalties are in addition to any penalties imposed by the court.

# § 171-49. Exemptions.

An electrical license is not required for the following classes of work:

- **A.** Any work done by persons employed by manufacturers or purveyors of electrical equipment in servicing their own products.
- B. Any electrical work performed on a system which requires 25 volts or less for its operation.

- C. The connection or disconnection of portable plug-in appliances to permanently installed receptacles, or the attachment or disconnect of input terminals of electrical appliances; the replacement of defective devices with directly interchangeable types, i.e., fuses, lamps, switches (when enclosing boxes are not disturbed), receptacles, sockets, motors, transformers, ballasts, relays, timers, heaters, circuit breakers or fuse holders that are part of a control assembly, and similar devices that generally do not disturb the fixed wiring system, any electrical work performed on portables themselves or within the internal assembly of appliances; all classes of normal adjustments to electrical devices; the rewinding and repair of motors and similar devices.
- **D.** Persons engaged solely in selling or solely in the attachment of ordinary electrical appliances to existing circuits where no joining or splicing of electrical conductors is required.
- **E.** Work in connection with the installation, maintenance and repair of elevators by persons principally engaged in this business.
- **F.** Work involved in the manufacture, test, assembly and repair of electrical machinery, apparatus, materials and equipment when performed by persons engaged in manufacturing as their principal business.
- **G.** Work in connection with the erection, construction, maintenance or repair of lines for the transmission of electricity from the source of supply, to and including the service connection on the premises of the consumer by authorized public service companies.
- **H.** Work of companies incorporated for the transmission of communications by electricity in the installation, maintenance or repair of wires, apparatus, fixtures or other appliances in connection therewith.
- I. Work in connection with the installation, maintenance or repair of electric wiring and equipment of establishments having their own high-voltage distribution system, provided that said work is performed by regularly assigned and trained electrical crews being employees of the owner (owners) of said establishment, and provided further that the electric wiring and equipment are subject to periodic inspection by an approved industrial insurance carrier or fire-rating organization. "High voltage," as used herein, shall be defined as a minimum of 2,300 volts.

#### § 171-50. Electrical permits; inspections.

- **A.** For work to be done in the City of Albany, it shall be unlawful for any person to contract for, allow or perform the installation of electrical wiring or equipment unless:
  - (1) Prior to any such installation the proper electrical permit is obtained from the Administrator; and

#### [Amended 5-20-1996 by Ord. No. 10.51.96]

(2) The work is performed by or under the supervision of a licensed or temporarily licensed master electrician, if said worker is employed by the licensed master electrician supervising same work.

### [Amended 12-21-2009 by Ord. No. 52.71.09]

- **B.** For the purpose of this article, electrical wiring or equipment shall include but not be limited to the following: electrical conductors; fittings; devices; raceways; signs; fixtures; motors; generators; starters; controllers; controls, motors and related electrical equipment for heating units; that part of elevator or escalator equipment consisting of feeder conductors and raceways to motor and generator disconnect switches and controllers; service, supply equipment and receptacles for trailer connections; and to all electrical equipment used for power supply to radio and television transmitting equipment, unless otherwise provided.
- C. An electrical permit shall be issued only to a licensed or temporarily licensed master electrician.
- **D.** It shall be unlawful for a person to employ anyone who is not a licensed or temporarily licensed master electrician to perform electrical work for which a permit is required.

- **E.** It shall be unlawful for any person to make a connection from a source of electrical energy to any electrical wiring, devices, appliances or equipment for the installation, extension or alteration of which a permit is required, until the work has been inspected and approved by an electrical inspector employed by the City of Albany's Bureau of Buildings.
- **F.** An electrical permit is not required for work described in § 171-49, provided that the work is performed by the person designated in that section as the proper person to perform it.
- **G.** A final inspection of finished work shall be preformed to close out all electrical permits. If a license holder fails to schedule or arrange for a final inspection of the work, the license holder may be brought before the Board to show cause. If it is determined that the license holder cannot provide adequate cause for failure to close out the permit, the license may be revoked or suspended. If, through no fault of the license holder, the inspector cannot gain access to the premises to inspect the work, the property owner shall be required to allow entry to perform the inspection.

# [Added 1-24-2008 by Ord. No. 3.21.07]

**H.** The City of Albany will apply the standards set forth by the most current addition of the New York State Building Code.

# [Added 1-24-2008 by Ord. No. 3.21.07; amended 12-21-2009 by Ord. No. 52.71.09]

I. Inspection requests shall be made by the permit holder only.

# [Added 12-21-2009 by Ord. No. 52.71.09]

### § 171-51. Effect on existing licenses.

- **A.** Upon the effective date of this article, persons holding valid Class A licenses may exchange them for master electricians' licenses under the terms governing renewal of master electricians' licenses.
- **B.** Class B licenses shall expire according to the applicable provisions of the ordinance which governed their issuance.
- **C.** Class C licenses are abolished.

# § 171-52. Severability.

If any portion of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the portion thereof directly involved in the controversy in which such judgment shall have been rendered.

#### § 171-53. Effective date.

This article shall take effect January 1, 1979.

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### **CHAPTER 175. ELEVATORS**

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# Chapter 175. ELEVATORS

# [HISTORY: Adopted by the Common Council of the City of Albany 3-15-1999 by Ord. No. 60.121.98.

Editor's Note: This ordinance repealed former Ch. 175, Elevators, adopted 7-18-1983 by L.L. No. 2-1983 as Ch. IXA of the 1983 Code. Said ordinance also stated that it shall take effect 30 days after it shall become law. Amendments noted where applicable.]

#### **GENERAL REFERENCES**

Building construction — See Ch. <u>133</u>. Commercial standards — See Ch. <u>151</u>. Electricity — See Ch. <u>171</u>. Fire prevention — See Ch. <u>197</u>. Housing — See Ch. <u>231</u>.

### § 175-1. Definitions.

**A.** Except as otherwise expressly provided, the following words, whenever used in this chapter, shall have the following meanings:

# **ADMINISTRATOR**

The Director of the Division of Buildings and Codes in the Department of Fire, Emergency and Building Services.

# **CONVEYANCE**

Any elevator, dumbwaiter, escalator, moving sidewalk or wheelchair lift, including vertical wheelchair lifts, inclined wheelchair lifts and inclined stairway chair lifts.

### DORMANT ELEVATOR, DUMBWAITER or ESCALATOR

An elevator or dumbwaiter whose cables have been removed, whose car and counterweight rest at the bottom of the shaftway and whose shaftway doors are permanently boarded up or barricaded on the inside, or an escalator whose main power feed lines have been disconnected or a hydraulic elevator whose operating fluid (oil, water, etc.) has been removed from the system and the supply line broken and capped.

#### ELEVATOR

A hoisting and lowering mechanism, equipped with a car or platform, which moves in guide rails and serves two or more landings as described in American Society of Mechanical Engineers (ASME) A17.1

#### **ELEVATOR INSPECTOR**

Any person who possesses an elevator inspector's license in accordance with the provisions of this chapter and who is engaged in the business of inspecting elevators or related mechanisms covered by this chapter.

#### ELEVATOR INSTALLER

Any person who possesses an elevator installer's license in accordance with the provisions of this chapter and who is engaged in the business of erecting, constructing, installing, altering, repairing or maintaining elevators or related mechanisms covered by this chapter.

#### **ESCALATOR**

A power-driven, inclined, continuous stairway used for raising or lowering passengers.

#### INSPECTOR'S LICENSE

A license which is issued to an elevator inspector who has proven his or her qualifications and ability and has been authorized by the Administrator to possess this type of license. It shall entitle the holder thereof to engage in the business of inspecting elevators or related mechanisms covered by this chapter.

#### INSTALLER'S LICENSE

A license which is issued to an elevator installer who has proven his or her qualifications and ability and has been authorized by the Administrator to possess this type of license. It shall entitle the holder thereof to engage in the business of erecting, constructing, installing, altering, servicing, repairing or maintaining elevators or related mechanisms covered by this chapter.

# LICENSE

A written license, duly issued by the Administrator, authorizing a person, firm or company to carry on the business of either erecting, constructing, installing, altering, servicing, repairing or maintaining or performing inspections of elevators and other related mechanisms covered under this chapter.

### LICENSEE

The elevator inspector and/or elevator installer.

### LIMITED INSTALLER'S LICENSE

A written license duly issued by the Administrator authorizing a person, firm or company to carry on the business of erecting constructing, installing, altering, servicing, repairing or maintaining vertical wheelchair lifts, inclined wheelchair lifts and inclined stairway chair lifts within any building or structure, including but not limited to private residences. The aforementioned wheelchair lifts and chair lift must conform to the requirements of ASME A17.1, Part XX, Sections 2000-2002, and may not exceed 10 feet nor penetrate a floor for private residences and conform to the requirements of ASME A17.1, Part XXI, Sections 2100-2102, and may not exceed 12 feet nor penetrate a floor for conveyances other than in private residences.

#### MATERIAL ALTERATION

Includes an increase in rated load or speed, an increase in dead weight of a car by more than 10%, an increase in rate of travel, a change in type of operation or control, a change in classification from freight to passenger service, an increase in working pressure of more than 10% in hydraulic elevators, a change in type of operation in hydraulic elevators or a change in type of control.

### MOVING SIDEWALK

A type of passenger-carrying device on which-passengers stand or walk and in which the passenger-carrying surface remains parallel to this direction of motion and is uninterrupted as described in ASME A17.1.

# PENETRATE A FLOOR

To pass through or pierce a floor in such a way that the rectangular opening has four contiguous sides.

#### PRIVATE RESIDENCE

A separate dwelling or a separate apartment in a multiple dwelling which is occupied only by members of a single-family unit.

#### **STOP**

The level at which passengers or freight can enter or exit the car.

- **B.** All other vertical transportation terms are defined in the most current edition of ASME A17.1.
- C. For the purpose of this chapter, the term "elevator" and the term "dumbwaiter" shall also include their hoistways, together with hoistway enclosures and the hoistway door or gates giving entrance thereto and the elevator or dumbwaiter machinery enclosures.

## § 175-2. License required; exceptions.

- A. No person, firm or company shall erect, construct, alter, install, service, repair, replace, maintain, remove or dismantle any conveyance contained within buildings or structures within the City of Albany or structurally a part thereof unless an installer's license has been issued as described herein or working under the direct day-to-day supervision of a person, firm or company who is licensed pursuant to this chapter. A licensed installer is not required for removing or dismantling dormant conveyances or conveyances which are destroyed as a result of a complete demolition of a secured building or structure whereby no access is permitted therein to endanger the safety and welfare of a person.
- **B.** No person, firm or company shall inspect any conveyance contained within buildings or structures, including but not limited to private residences, within the City of Albany or structurally a part thereof unless an inspector's license has been issued as described herein.

# § 175-3. Application for installer's or inspector's license; information required.

- **A.** Any person, firm or company wishing to engage in the business of elevator, dumbwaiter, escalator or moving sidewalk installation, alteration, service, replacement or maintenance within the City of Albany shall make application for a license to install or service elevators with the Administrator on a form to be provided by the Administrator.
- **B.** Any person, firm or company wishing to engage in the business of elevator, dumbwaiter, escalator or moving sidewalk, vertical wheelchair lift, inclined wheelchair lift or inclined stairway chair lift inspections within the City of Albany shall make application for a license to inspect elevators with the Administrator on a form to be provided by the Administrator.
- C. Any person, firm or company wishing to engage in the business of elevator, dumbwaiter, escalator or moving sidewalk, vertical wheelchair lift, inclined wheelchair lift or inclined stairway chair lift installation, alteration, service, replacement or maintenance within the City of Albany shall make application for a limited installer's license with the Administrator on a form to be provided by the Administrator.
- **D.** Said applications shall contain information for the following provisions:
  - (1) If a person, the name, residence and business address of the applicant.
  - (2) If a partnership, the name, residence and business address of each partner.
  - (3) If a domestic corporation, the name and business address of the corporation and the name and residence of the principal officer of said corporation; if a corporation other than a domestic corporation, the name and address of an agent located locally who shall be authorized to accept service of process or of official notices.
  - (4) The number of years the applicant has engaged in the business of installing, inspecting and/or maintaining or servicing elevators.

- (5) The approximate number of persons, if any, to be employed by the applicant and, if applicable, satisfactory evidence that employees are or will be covered by workers' compensation insurance.
- (6) Satisfactory evidence that the applicant is or will be covered by general liability, personal injury and property damage insurance.
- (7) Criminal record, if any, as verified by the Commissioner of Police.
- (8) Such other information as the Administrator may require.

# § 175-4. Qualifications of installers and inspectors; term of license.

No such license shall be granted to any person, firm or company unless he, she or it shall prove to the satisfaction of the Administrator that he/she or it can meet the current ANSI/ASME QEI standard for the qualification of elevator inspectors or other relevant criteria established by the Administrator which evaluates the qualifications of elevator installers and/or inspectors herein. If the applicant is found by the Administrator to be qualified, the Administrator shall grant a license. Licenses shall be issued for one year.

#### § 175-5. Fees.

[Amended 5-19-2008 by Ord. No. 25.42.08] The following fees shall be paid by the applicant prior to the issuance of any license or permit required herein:

A. Permit application fees; replacement elevators.

Value	Fee
Up to \$ 1,000	\$75
\$1,001 to \$5,000	\$75, plus \$13 per \$1,000
\$5,001 to \$10,000	\$115, plus \$8 per \$1,000
Over \$10,000	\$150, plus \$6 per \$1,000

**B.** Registration fees (annual).

Туре	Fee
Traction/drum elevators, hydraulic elevators and escalators	\$125
Dumbwaiters, conveyors, sidewalk elevators	\$75
Casket lifts, auto lifts and miscellaneous hoisting equipment	\$75

C. License fees (installers/inspectors) (annual): \$250.

# § 175-6. Suspension and revocation of licenses.

A license issued pursuant to this chapter may be suspended or revoked by the Administrator upon certification that any one or more of the following reasons exist:

- **A.** Any false statement as to material matter in the application.
- **B.** Fraud, misrepresentation or bribery in securing a license.
- C. Violation of any provision of this chapter.

### § 175-7. Hearing required; notice; decision.

No license shall be suspended or revoked until after a hearing before the Administrator upon notice to the licensee of at least 10 days at the last known address appearing on the license, served personally or by registered mail. The notice shall state the date, hour and place of the hearing and set forth a statement of facts constituting the grounds for the charges against the licensee. The Administrator shall suspend or revoke the license or dismiss the proceeding.

#### § 175-8. Appeals.

Any person whose license is revoked or suspended may appeal from such determination to the Board of Zoning Appeals within 30 days thereafter. The Board shall, within 30 days after such hearing, issue a decision.

### § 175-9. Registration of conveyances.

Within 30 days after the effective date of this chapter, the owner or lessee of every existing conveyance shall register with the Administrator each such elevator, dumbwaiter and escalator owned or operated by him, giving type, rated load and speed, name of manufacturer, its location and the purpose for which it is used and such other information as the Administrator may require. Elevators, dumbwaiters, escalators and moving sidewalks or other conveyances, the erection of which is begun subsequent to the effective date of this chapter, shall be registered within not more than seven days after they are completed and placed in service.

# § 175-10. Compliance with New York State Uniform Fire Prevention and Building Code.

- A. It shall be the responsibility of individuals, firms or companies licensed as described herein to ensure that installation and/or service and maintenance of elevators is performed in compliance with provisions contained in Part 1062 of the New York State Uniform Fire Prevention and Building Code and/or in accord with generally accepted standards referenced in Part 1250.3 of said code and to be prepared to certify such compliance.
- **B.** Whenever a provision of this chapter is found to be inconsistent with any provision of applicable local or state law, code or regulation, the state law shall prevail. This chapter is not intended to establish more stringent or more restrictive standards than standards set forth in applicable state law.

# § 175-11. Elevator construction permit required.

No conveyance shall be erected, constructed, installed or materially altered within buildings or structures within the City of Albany unless a construction permit has been obtained from the Division of Building and Codes before the work is commenced. Where any material alteration, as defined herein, is made, the conveyance shall conform to all existing requirements. No permit required hereunder shall be issued except to a person, firm or corporation holding a current installer's license duly issued pursuant to this chapter. A copy of such permit shall be kept at the construction site at all times while the work is in progress.

## § 175-12. Installation and inspection.

- A. Installations; certificate of operation required. All new conveyance installations must be performed by a person, firm or company to which a license to install or service conveyances has been issued. Subsequent to installation, said licensed person, firm or company must certify to the owner and/or the Administrator compliance with all applicable sections of this chapter. Prior to any conveyance being used, a certificate of operation must be obtained from the Administrator by the property owner or manager for each newly installed conveyance. The required fee as set forth in this chapter shall be paid for said certificate of operation. The certificate of operation fee for newly installed wheelchair lifts and inclined stairway chair lifts for private residences shall be waived upon proof to the satisfaction of the Administrator or his designee that the lift otherwise meets the requirements of this chapter.
- **B.** Semiannual inspections; certificate of operation required. All conveyances existing in any building or structure must be inspected semiannually by a person, firm or company to which a license to inspect conveyances has been issued. Subsequent to inspection, said licensed person, firm or company must certify to the owner and/or the Administrator compliance with applicable sections of this chapter and,

prior to use, a certificate of operation must be obtained by the property owner or manager from the Administrator in accordance with the fees set forth therein. The certificate of operation fee for existing wheelchair lifts and inclined stairway chair lifts for private residences and any renewal certificate fees shall be waived. The Administrator or his designee shall inspect, in accordance with the fees set forth therein, all newly installed and existing wheelchair lifts and inclined stairway chair lifts for private residences subsequent to an inspection by a person, firm or company to which a license to install or service conveyances has been issued.

C. Display of certificate of operation. Certificates of operation referenced in Subsections A and B above are renewable annually except for certificates issued for wheelchair lifts and inclined stairway chair lifts for private residences, which shall be valid for a period of three years. Certificates of operation must be clearly displayed on each elevator or in the elevator maintenance room for use for the benefit of City code enforcement staff.

### § 175-13. Insurance requirements.

- A. Any person, firm or corporation who shall install, service, repair, replace or maintain any conveyance contained within buildings or structures within the City of Albany shall submit to the Administrator an insurance policy or certified copy thereof, issued by an insurance company authorized to do business in the State of New York, to provide general liability coverage of at least \$1,000,000 for injury or death of any one person and \$1,000,000 for injury or death for any number of persons in any one occurrence, with coverage of at least \$500,000 for property damage in any one occurrence and the statutory workers' compensation insurance coverage.
- **B.** Any person, firm or corporation who shall inspect any conveyance contained within buildings or structures within the City of Albany shall submit to the Administrator an insurance policy or certified copy thereof, issued by an insurance company authorized to do business in the State of New York, to provide general liability coverage of at least \$1,000,000 for injury or death of any one person and \$2,000,000 for injury or death for any number of persons in any one occurrence, with coverage of at least \$500,000 for property damage in any one occurrence and the statutory worker's compensation insurance coverage.
- C. Such policies, or duly certified copies thereof, or an appropriate certificate of insurance, approved as to form and sufficiency by the Corporation Counsel, shall be delivered to the Administrator before or at the time of issuance of a license. In the event of any material alteration or cancellation of any policy, at least 30 days' notice thereof shall be given to the Administrator, City Hall, Albany, New York 12207.

# § 175-14. Enforcement; report to Common Council.

It shall be the duty of the Administrator to develop an enforcement program which will ensure compliance with regulations and requirements set forth herein. This will include but not be limited to identification of property locations which are subject to said regulations and requirements; issuing notifications to violating property owners or operators; random on-site inspections and tests on existing installations; witnessing periodic inspections in order to ensure satisfactory performance by licensed individuals, firms or companies; and assisting in development of public awareness programs during the initial licensing period subsequent to enactment of this chapter and as warranted thereafter. Within 30 days following the one-year anniversary of the enactment of this chapter, the Administrator shall report to the Common Council on its implementation and operation.

# § 175-15. Liability.

This chapter shall not be construed to relieve or lessen the responsibility or liability of any person, firm or corporation owning, operating, controlling, maintaining, erecting, constructing, installing, altering, testing or repairing any elevators or other related mechanisms covered by this chapter for damages to person or property caused by any defect therein, nor does the City of Albany assume any such liability or responsibility therefor or any liability to any person for whatever reason whatsoever by the adoption of this chapter or any acts or omissions arising thereunder.

# § 175-16. Penalties for offenses.

Any owner or lessee who shall violate any of the provisions of this chapter, upon conviction thereof, shall be fined in an amount not exceeding \$1,500 or be imprisoned for a period not exceeding 15 days, or both such fine and imprisonment.

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### CHAPTER 181. ENVIRONMENTAL QUALITY REVIEW

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# Chapter 181. ENVIRONMENTAL QUALITY REVIEW

[HISTORY: Adopted by the Common Council of the City of Albany 7-18-1983 by L.L. No. 2-1983 as Ch. IXB of the 1983 Code. Amendments noted where applicable.]

## **GENERAL REFERENCES**

Freshwater wetlands — See Ch. <u>203</u>. Pollution — See Ch. <u>267</u>. Zoning — See Ch. 375.

#### § 181-1. Legislative intent.

- A. It is the intention of the Common Council that the provisions of Article 8 of the Environmental Conservation Law (hereinafter referred to as "SEQR") and the regulations of the Department of Environmental Conservation promulgated thereunder as set forth in Part 617 of Chapter VI of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (hereinafter referred to as "Part 617") be implemented in the City of Albany.
- **B.** It is the further intention of the Common Council that the provisions of SEQR and Part 617 should be implemented and adopted by reference, unless otherwise set forth herein, as from time to time amended.
- C. It is the further intention of the Common Council that the implementation of SEQR and Part 617 pursuant hereto by any agency of the City of Albany shall in no way be more protective of the environment than the implementation mandated by SEQR and Part 617, as from time to time amended.
- **D.** It is the further intention of the Common Council that the terms and words used herein shall have the same meanings as such terms and words are defined in SEQR and Part 617, unless the context requires a different meaning.

# § 181-2. Environmental Quality Review Board.

- **A.** There is hereby created in and for the City of Albany an Environmental Quality Review Board with the following duties and powers:
  - (1) To act as a clearing house and provide assistance to any agency of the City of Albany in its attempts to comply with and implement SEQR and Part 617.
  - (2) To coordinate the efforts of the various agencies of the City of Albany and act as the lead agency for the City of Albany in any action which involves more than one (1) such agency.
  - (3) To adopt and distribute long and short environmental assessment forms.
  - (4) To carry out the provisions of Part 617.8 through 617.12 upon the determination of any agency of the City of Albany or State of New York that any action within the meaning of Part 617 is either a Type I or unlisted action likely to have a substantial impact upon the environment.
  - (5) To adopt for the City of Albany and its agencies a list of Type II actions in addition to those set forth in Part 617.13.
  - (6) To adopt, after public hearing, such regulations as may be necessary to fulfill the mandates of this legislation.
  - (7) To adopt a schedule of fees and costs in accordance with Part 617.17.
- **B.** The Environmental Quality Review Board shall consist of the Mayor, the President of the Common Council, the Director of City Planning, the Albany Urban Renewal Agency Executive Director and the Corporation Counsel. Any member of the Board may from time to time designate a representative to attend in the member's absence any meeting of the Board.

# § 181-3. Compliance required.

No action, other than an exempt, excluded or Type II action, shall be carried out, approved or funded by any agency, board, body or officers of the City of Albany, unless it has complied with this chapter.

# § 181-4. Preparation of environmental assessment form or appropriate substitute.

- A. An environmental assessment form (hereafter referred to as an "EAF") shall be prepared by or on behalf of any agency, board, body or officer of the City of Albany in connection with any Type I action such agency, board, body or officer contemplates or proposes to carry out directly.
- **B.** For an unlisted action, an EAF in a short or long form may be prepared to facilitate a preliminary determination of environmental significance.
- C. An application for permit or funding of a Type I action shall be accompanied by an EAF and for an unlisted action may be accompanied by a short or long form EAF as may be needed to assist the appropriate agency or Environmental Quality Review Board in making a preliminary determination of environmental significance.
- **D.** An applicant may prepare a draft environmental impact statement (hereinafter referred to as an "EIS") to accompany the application in place of the EAF.
- E. In lieu of an EAF, the Environmental Quality Review Board may adopt different procedures for reviewing environmental significance of unlisted actions.

### § 181-5. Preliminary determination of environmental significance.

A. The appropriate agency or, in the case of the designation of it as the lead agency pursuant to §§ 181-3 through 181-9 hereof, the Environmental Quality Review Board shall make a preliminary determination of

- environmental significance of the action on the basis of the EAF, draft EIS or, with respect to unlisted actions, in accordance with its own procedures, as the case may be, and such other information it requires.
- **B.** Such determination shall be made within fifteen (15) days of the determination by the agency of whether the provisions of § 181-2 hereof apply with respect to the Environmental Quality Review Board or within fifteen (15) days of the receipt of all information the agency or board requires, whichever is later.

### § 181-6. Procedure upon determination of nonsignificance.

- **A.** For Type I actions, a determination of nonsignificance shall be noticed and filed as provided in Part 617.10(b).
- **B.** For unlisted actions, a determination of nonsignificance shall be sent to the applicant and maintained in accordance with Part 617.7(e) and 617.10(f).
- C. After a determination of nonsignificance, the action, including one involving a permit or funding, shall be processed without further regard to SEQR, Part 617 or this chapter.

# § 181-7. Time limitation to file applications for approval or funding.

The time of filing an application for approval or funding of an action shall commence to run from the date the preliminary determination of environmental nonsignificance is rendered or, if in lieu of an EAF the applicant prepares a draft EIS, from the date the applicant files a draft EIS acceptable to the appropriate agency or the Environmental Quality Review Board.

# § 181-8. Preparation of environmental impact statement.

- A. If the appropriate agency or the Environmental Quality Review Board determines that an EIS is required, the Environmental Quality Review Board shall proceed as provided in Part 617.8 and 617.10, and the individual agency shall refer the application to the Board for such action.
- **B.** Commencing with the acceptance of the draft EIS by the Environmental Quality Review Board, the time for it to complete the SEQR process with respect to the same shall run concurrently with the time limitations applicable to processing the application for approval or funding of the action, and a public hearing on the draft EIS, if any, shall be held concurrently with any hearing to be held on such application.
- **C.** The draft EIS shall be prepared by the applicant.
- **D.** Failure by the applicant to prepare an EIS acceptable to the Environmental Quality Review Board shall, at the option of the Board, be deemed an abandonment and discontinuance of the application.

# § 181-9. Processing of review of actions involving federal agency.

Environmental review of actions involving a federal agency shall be processed in accordance with Part 617.16.

# § 181-10. Severability.

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in the operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

### § 181-11. Repealer.

All ordinances or parts of ordinances and local laws or parts of local laws in conflict herewith are hereby repealed.

# § 181-12. When effective.

This chapter shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

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## Chapter 187. FAIR HOUSING

[HISTORY: Adopted by the Common Council of the City of Albany 7-18-1983 by L.L. No. 2-1983 as Ch. IXC of the 1983 Code. Amendments noted where applicable.]

#### GENERAL REFERENCES

Housing — See Ch. 231.

### § 187-1. Establishment.

It is hereby ordained and directed that the City of Albany by this chapter adopts and establishes an Office of Fair Housing and establishes a fair housing policy. The purpose, policy, duties and procedures to be followed by the City of Albany under this Fair Housing Ordinance are set forth below.

### § 187-2. Policy and purposes.

### [Amended 6-1-1998 by Ord. No. 27.41.98]

- A. In accord with Title 8 of the United States Code, the Human Rights Law of the State of New York, as amended, *Editor's Note: See Article 15 of the New York State Executive Law*, and Article III of Chapter 48 of this Code, it is the policy of the City of Albany to provide fair housing.
- **B.** The purposes of this chapter are those in accord with Title 8 of the United States Code, § 296 of the Human Rights Law of the State of New York, *Editor's Note: See § 296 of the Executive Law.* and Article III of Chapter 48 of this Code, as such provisions apply to fair housing.

### § 187-3. Definitions.

[Amended 6-1-1998 by Ord. No. 27.41.98] All such definitions of the Human Rights Law of the State of New York, as amended, Editor's Note: See Article 15 of the New York State Executive Law. or Article III of Chapter 48 of this Code, as pertain to fair housing are hereby restated by the City as the provisions of this chapter.

### § 187-4. Unlawful discriminatory practices.

[Amended 6-1-1998 by Ord. No. 27.41.98] All such unlawful discriminatory practices contained in the Human Rights Law of the State of New York, as amended, Editor's Note: See Article 15 of the New York State Executive Law. and §§ 296 and 296-a, Editor's Note: See §§ 296 and 296-a of the Executive Law. or Article III of Chapter 48 of this Code, as pertaining to fair housing are hereby restated by the City of Albany as the provisions of this chapter. All such procedures as delineated within §§ 296 and 296-a as pertaining to fair housing are hereby replaced by the provisions set forth in § 187-7 of this chapter.

# § 187-5. Establishment of Fair Housing Office; Housing Officer.

There is hereby established a Fair Housing Office, which is designated to administer this chapter. The head of such Office shall be appointed by the Mayor of the City of Albany and shall hereinafter be called the "Fair Housing Officer of the City of Albany."

# § 187-6. Powers and duties of Fair Housing Office.

The Fair Housing Office, by and through the Fair Housing Officer, shall have the following functions, powers and duties:

- A. To establish and maintain a principal office within the City as may be necessary.
- **B.** To function at any place within the City of Albany.
- C. To employ such personnel as may be necessary to effectively carry out its powers and duties.
- **D.** Upon request, to obtain and utilize the services of all governmental departments and agencies.
- E. To formulate policies to effectuate the purposes of this chapter and to make recommendations to agencies and officers of the City of Albany in aid of such policies and purposes.
- F. To receive and investigate complaints alleging violations of this chapter.
- G. To develop human rights plans and policies for the City and to assist in their execution; to make investigations and studies appropriate to effectuate this chapter; to inform persons of the rights assured and remedies provided under this chapter; to promote goodwill; to review and approve, prior to publication, any form, brochure, application or publication issued or utilized by any City agency or department which contains a statement on nondiscriminatory practices to assure that such statement is in conformance with the provisions of this chapter and Article III of Chapter 48 of this Code; and to minimize or eliminate discrimination.

### [Amended 6-1-1998 by Ord. No. 27.41.98]

- **H.** To render each year to the Mayor and to the Common Council a written report of all of its activities and of its recommendations.
- I. To furnish any person with such technical assistance that the Office deems appropriate to further compliance with the purposes or provisions of this chapter.
- **J.** Such other powers and duties described hereinafter and as may be designated by the Mayor or otherwise authorized by the Common Council.

### § 187-7. Procedures.

### [Amended 7-21-1986]

- **A.** Any person claiming to be aggrieved by an unlawful discriminatory practice may, by himself or by his attorney, make, sign and file with the Office a verified complaint, which shall state the name and address of the person or persons alleged to have committed the unlawful discriminatory practice complained of and which shall set forth the particulars thereof and contain such other information as may be requested by the Office.
- B. After the filing of the complaint, the Office shall make a prompt investigation in connection therewith.
- C. In connection with the filing of a complaint, the Office is authorized to issue subpoenas to require the attendance of witnesses and production of documents as are reasonably necessary for the furtherance of the investigation.
- **D.** If, in the judgment of the Office, the circumstances so warrant, it may, at any time after the filing of the complaint, endeavor to eliminate such discriminatory practice by conference, conciliation and persuasion.
- E. If the Office, in its discretion, finds it is not feasible to eliminate such unlawful practices by conference, conciliation or persuasion, the Office may report the complaint to the New York State Division of Human Rights under Article 15 of the Executive Law; or, in the alternative, the Office may cause to be issued and served a written notice, together with a copy of the complaint, requiring the person to answer the charges at a hearing at a time and place to be specified in the notice.
- **F.** If, upon all evidence at the hearing, the Office finds that the person has engaged in any unlawful discriminatory practice, the Office shall state its finding of fact and shall issue and cause to be served on the person an order requiring the person to cease and desist from such unlawful practices and to take such affirmative action which, in the judgment of the Office, will effectuate the purposes of this chapter, including but not limited to an order directing the person to extend full, equal and unsegregated accommodations, advantages, facilities and privileges to all persons.
- **G.** Nothing contained in this chapter shall be construed so as to limit or prohibit investigation by any other governmental unit of competent jurisdiction, nor shall anything contained herein limit any aggrieved party from pursuing any remedy available therefrom. In the event of such a situation, the Office is hereby empowered to place any and all of its material obtained through the investigation at the disposal of such other governmental unit.

### § 187-8. Enforcement.

In the event that any person fails to comply with the provisions of this chapter, the Corporation Counsel shall conduct all legal proceedings instituted for the enforcement of the preceding sections of this chapter or the recovery of any penalty.

### § 187-9. Penalties for offenses.

[Added 7-21-1986; amended 5-19-2008 by Ord. No. 25.42.08] Any person who shall willfully resist, prevent, impede or interfere with the Office or any of its employees or representatives in the performance of duty pursuant to the provisions of this chapter or who shall fail to comply with the provisions of this chapter shall be guilty of a violation punishable by a fine which shall not exceed \$300 in amount or by imprisonment not exceeding 15 days, or both.

#### § 187-10. Severability; supersession of inconsistent provisions.

[Amended 7-21-1986] If any part of this chapter or its application to any person or circumstances is adjudged by a court to be invalid or ineffectual, such judgment shall not affect the remainder of the chapter or its application to any other person or circumstance. This chapter shall supersede all laws inconsistent with it to the extent of such inconsistency, but in all other respects shall be deemed supplemental to such laws.

# § 187-11. When effective.

[Amended 7-21-1986] This chapter shall be effective upon final passage.

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# **Chapter 193. FIREARMS AND AMMUNITION**

[HISTORY: Adopted by the Common Council of the City of Albany as indicated in article histories. Amendments noted where applicable.]

#### **GENERAL REFERENCES**

Departments and commissions — See Ch. <u>42</u>.

# Article I. Carrying of Loaded Firearms

[Adopted 7-18-1983 by L.L. No. 2-1983 as Ch. XV, Art. III, of the 1983 Code]

§ 193-1. Unlawful to carry loaded firearms; exception.

[Amended 11-18-1991; 1-22-2004 by Ord. No. 47.121.03] Any person, other than a peace officer, who shall in any public street, highway or place within the City of Albany have upon his person or carry any loaded pistol, revolver or other firearm without having been authorized as provided by law to carry the same shall be guilty of a

misdemeanor, punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or by both such fine and imprisonment.

# § 193-2. Commissioner of Police authorized to issue permit to carry loaded firearms.

Any person, except as provided in this article, who has occasion to carry a loaded revolver, pistol or firearm for his protection may apply to the Commissioner of Police, and such officer, if satisfied that the applicant is a proper and law-abiding person, shall give said person a permit allowing him to carry such loaded firearm for such period of time as he may deem proper. Any nonresident who does business in the City of Albany and has occasion to carry a loaded pistol, revolver or firearm while in said City must make application for permission to do so, to the Commissioner of Police, in the same manner as is required of residents of said City and shall be subject to the same conditions and restrictions.

### § 193-3. Concealed firearms; at time of arrest.

If, at the time of arrest, a loaded pistol, revolver or firearm of any description shall be found concealed on the person of the one arrested, the officer making the arrest shall state such fact to the Magistrate before whom the prisoner is brought and shall make a separate complaint against such prisoner for violation of the provisions of this article.

### § 193-4. Commissioner of Police authorized to revoke permits.

The Commissioner of Police is hereby authorized and empowered, for reasons appearing to be satisfactory to him, to annul or revoke any permission given under this article. Every person to whom permit shall be granted as above provided shall pay therefor the sum of two dollars and fifty cents (\$2.50), which shall be applied in aid of the Police Pension Fund; and a return, in detail, shall be made monthly by the Commissioner of Police to the Comptroller of the City of the amount so received and credited. All persons to whom such permission shall be granted are hereby declared to be individually responsible for their own acts, or the consequences that may arise from the use of loaded pistols, revolvers, or firearms, carried under the permission obtained as provided in this article.

#### § 193-5. Repealer.

All ordinances or parts of ordinances of the City of Albany, inconsistent with the provisions of this article are hereby repealed.

#### **Article II. Firearms and Ammunition**

[Adopted 7-18-1983 by L.L. No. 2-1983 as Ch. VII, Art. II, Div. 6, of the 1983 Code]

#### § 193-6. Purpose.

[Amended 12-22-2005 by Ord. No. 33.92.04, effective 3-1-2006] The Common Council hereby finds that the storage, possession and display of firearms and the storage, possession, display and sale of ammunition in the City of Albany require the regulation thereof in the public interest, convenience and necessity.

#### § 193-7. Definitions.

Unless otherwise expressly stated, whenever used in this article, the following words shall have the meanings given to them by this section. When used herein:

#### **AMMUNITION**

Any projectile commonly known as a "bullet" or "shell."

#### **FIREARM**

Any weapon from which a shot is discharged by force of an explosive, or a weapon which acts by force of gunpowder, and shall include any weapon capable of being loaded with powder, ball or ammunition, and shall include any weapon which is otherwise capable of being loaded with powder, ball or ammunition, whether completed, assembled or from which any part or piece has been removed therefrom.

#### **PERSON**

Any person, firm, partnership, association, corporation, company or organization of any kind.

### § 193-8. Storage.

### [Amended 12-22-2005 by Ord. No. 33.92.04, effective 3-1-2006]

- A. Firearms and ammunition for sale shall be kept secured at all times when the place in which they are held for sale is not open for business. The manner in which the firearms and ammunition are to be secured must be approved by both the Chief of Police and the Chief of the Fire Department upon receipt of appropriate application for such approval. Such approval shall in no case be unreasonably withheld.
- **B.** The regulations provided for herein shall not apply to personal possession, use or ownership of firearms or ammunition therefor.

[Added 12-22-2005 by Ord. No. 33.92.04, effective 3-1-2006]

### § 193-9. Sale of ammunition.

[Added 12-22-2005 by Ord. No. 33.92.04, effective 3-1-2006] Ammunition shall only be sold to persons possessing a valid firearms license, when a license is required for the type of firearm for which the ammunition is used. When purchasing any other type of ammunition, where a firearms license would not be required for the type of ammunition being purchased, a driver's license shall be required. A record shall be kept by the dealer of each sale of ammunition which shall show the type, caliber and quantity of ammunition sold, the name and address of the person receiving the same, the caliber, make, model, manufacturer's name and serial number of the firearm for which the purchaser is purchasing ammunition, the date and time of the transaction, and the identifying number of the firearms or driver's license. Such record shall be maintained for 10 years and shall be made available to state and local enforcement agencies upon request.

# § 193-10. Report of theft or loss to Police Department.

Any theft or loss of ammunition or firearms from a storage vault or otherwise shall be reported immediately to the Police Department of the City of Albany.

#### § 193-11. Declaration of state of emergency by Mayor.

In the event of disaster, riots, catastrophe, insurrection, war or acts of war and at which time the Mayor of the City of Albany or the Acting Mayor shall declare a state of emergency, then and in that event he may order such additional security measures as he may deem advisable.

### § 193-12. Penalties for offenses.

[Amended 1-22-2004 by Ord. No. 47.121.03] Any person who shall violate or shall neglect or refuse to comply with this article or any provisions thereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or by both such fine and imprisonment, and each day of violation shall constitute a separate offense and be subject to punishment as such.

### Article III. Firearms

[Adopted 5-15-1989]

### § 193-13. Findings and declaration.

The Common Council of the City of Albany finds and declares that the proliferation and use of assault weapons pose and present a threat to the health, safety, welfare and security to the citizens of Albany.

### § 193-14. Scope and intent.

As used herein, "assault weapon" generally means a firearm of such a nature and with such a high rate of fire and/or capacity for firepower that its function as a legitimate sports or recreational firearm is substantially outweighed by the danger that it can be used to kill and injure human beings. While it is the intent, then, of this legislation to restrict the use and possession of assault weapons, it is not the intent of the Common Council to place restrictions on the use of those firearms which are primarily designed and intended for hunting, target practice or other legitimate sports or recreational activities.

### § 193-15. Assault weapons.

- A. As used herein, "assault weapon" includes any of the following or their copies:
  - (1) Pistols:

Bushmaster Firearms Company auto pistol

Calico Model 100-P auto pistol

Federal Engineering Corporation XP 450, XP 900

Holmes Firearms MP-83, MP-22 assault pistols

Intratec Tec-9 Auto, Tec-9M, Scorpion auto pistols

Israeli Military Industries UZI pistol

Iver Johnson Enforcer Model 300 auto

Ingram or S.W.D. MAC 10, MAC 11

Spectre double-action auto pistol

Ruger Mini 14

(2) Rifles and shotguns by manufacturers in the United States:

Auto-Ordinance Corporation Thompson M1, Mix, 27 A-1

Thompson A-1 Thompson Deluxe, 1927 A5

Colt AR-15A2-Delta H-Bar, AR-15A2 H-Bar

Federal Engineering Corporation XC-900, XC-450 auto carbines

Springfield Armory Inc. BM-59, SAR-48

S.W.D. Street Sweeper shotgun

Weaver Arms Corporation nighthawk

(3) Rifles and shotguns by manufacturers outside the United States:

Avtomat Kalashnikovs manufactured or imported by American Arms, Bushmaster Firearms, Daewoo, Mitchell, Norinco and Poly Technologies

Beretta AR-70 Sporter rifle

Fabrique National FN, FNC rifle

Franchi LAW 12 auto, SPAS 12 pump/auto shotguns

Heckler and Koch HK 91, 93, 94 rifles

Israeli Military Industries Galil Rifles, UZI carbines

Steyr Daimler-Pusch A.U.G. autoloading rifle

Striker 12 shotgun

Valmet M-76 standard rifle, M78 semi-auto

- (4) Any other weapon to be subsequently designated by law.
- **B.** A copy of any of the weapons listed in Subsection A(1), (2) and (3) of this section shall include any other model by the same manufacturer with the same action design having slight modifications or enhancements, provided that such weapon as modified or enhanced employs only ammunition of more than .22 caliber rimfire; any weapon with an action design identical or nearly identical to any of the listed weapons which has been designed from, renamed, renumbered or patterned after any of the listed weapons regardless of the manufacturer or country of origin, provided that such weapon employs only ammunition of more than .22 caliber rimfire; or any weapon which has been manufactured and sold by another company under a licensing agreement to manufacture or sell a weapon identical or nearly identical to any of the listed weapons regardless of the company or production or country of origin, provided that such weapon employs only ammunition of more than .22 caliber rimfire.
- C. "Assault weapon" does not include weapons that do not use cartridges, manually operated bolt-action weapons, lever-action weapons, slide-action weapons, single-shot weapons, multiple-barrel weapons, revolving-cylinder weapons except shotguns, semiautomatic weapons that use exclusively a rotary Mannlicher-style magazine, any antique firearm as defined in Article 265 of the Penal Law or any assault weapon which has been modified either to render it permanently inoperable or permanently make it a device no longer defined as an assault weapon.

### § 193-16. Prohibition; penalty; registration of existing weapons.

- A. Any person, firm or corporation who or which shall, on or after the effective date of this article, manufacture, import, keep, offer or expose for sale, give, lend or possess any assault weapon in the City of Albany, except as provided for herein, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding one thousand dollars (\$1,000.) and/or to imprisonment not exceeding one (1) year.
- **B.** Any individual who lawfully acquired and possessed an assault weapon, as defined herein, prior to the effective date of this article shall register the firearm with the Chief of the Albany Police Department pursuant to the provisions of § 193-17 herein. The registration shall be made within ninety (90) days of the effective date hereof and shall contain a description of the firearm that identifies it uniquely, including all identification marks and the full name, address, date of birth and fingerprints of the owner, together with such other information as the Chief of Police may deem appropriate. Any change of address of the owner must be registered with the Department within ninety (90) days of the change. The Department may charge a fee for registration not to exceed the actual processing costs of the Department. Such registration shall allow the possession of the firearm on the registrant's property or for the uses specified in § 193-17.
- C. On and after the date fixed herein for the registration of assault weapons, no such weapon possessed pursuant hereto shall be sold or transferred to anyone within the City of Albany other than at a licensed gun dealer as defined in the Penal Law. Any individual who obtains title to an assault weapon registered under this section by bequest or intestate succession must, within ninety (90) days, either render the

weapon inoperable in accordance with § 193-15, apply for a license pursuant to § 193-17 herein, sell the weapon to a licensed gun dealer or remove the weapon from the City.

### § 193-17. Possession for competitive use; licensing and transportation.

- **A.** A license for an assault weapon may be issued as provided in Subsection B to possess such weapon for the purpose of loading and firing the same while participating as a competitor in organized competitive matches or league competition under the auspices of or approval by a law enforcement agency or a nationally or state recognized organization that fosters proficiency in or promotes education about firearms or to possess such weapon for the purpose of loading and firing the same at a range located on premises owned and occupied by such agency or organization. Such license shall not permit use for any other purpose and shall not be transferable.
- **B.** Application for such license as hereinbefore specified shall be made to the Chief of the Albany Police Department on forms prescribed by him for that purpose. Every person so licensed shall have such license on his or her person when engaged in such activity and while transporting such weapon to or from such competition or range.
- C. All such weapons shall be transported in a case, together with a copy of the match program, match schedule or match registration. Where such person is transporting such weapon to or from a range, it shall be transported in a case. Magazines and ammunition for such weapon shall be carried and transported in a locked container separate from the weapon.
- **D.** A licensed gun dealer, as defined in the Penal Law of the State of New York, who lawfully possessed an assault weapon prior to the effective date of this legislation or who gains possession thereof pursuant to this legislation may transport the weapon between dealers or out of the City, display it at any gun show licensed by a state or local governmental entity or sell it to a person licensed under this section. Any transporting allowed herein shall be accomplished as required in Subsection  $\underline{\mathbb{C}}$ .

### § 193-18. Applicability to police and military forces.

The provisions of this article shall not apply to the sale to, purchase by or the use or possession of firearms by the Police Department, Sheriff's office, Marshal's office, corrections officers and the like or the military forces of this state while engaged in the discharge of their official duties or as otherwise permitted by regulation or law.

#### § 193-19. Severability.

If any provisions of this article or the application thereof to any person or circumstance is held unenforceable or invalid, in whole or in part, by any court of competent jurisdiction, such holding of unenforceability or invalidity shall in no way affect or impair any other provision of this article or the application of any such provision to any other person or circumstance.

#### § 193-20. When effective.

This article shall take effect immediately upon final passage, publication and signing as required by law.

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### **CHAPTER 197. FIRE PREVENTION**

#### ARTICLE I. Fire Prevention Code

- § 197-1. Legislative intent.
- § 197-2. Acceptance of standards.
- § 197-3. Administration and enforcement.
- § 197-4. Inspections.
- § 197-5. Fires in yards and buildings.
- § 197-6. Combustible substances.
- § 197-7. Driving over fire hose prohibited.
- § 197-8. Storage of liquefied petroleum gases restricted.
- § 197-9. Permit applications.
- § 197-10. Maximum storage capacity for liquefied petroleum gas installations.
- § 197-11. Transferability of permits.
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### ARTICLE II. Fireworks and Pyrotechnics

- § 197-15. Legislative purpose and intent.
- § 197-16. Permit required; discharge of fireworks near hospital.
- § 197-17, Application for permit; fee.
- § 197-18. Investigation.
- § 197-19. Other involved permitting agencies.

# **Chapter 197. FIRE PREVENTION**

[HISTORY: Adopted by the Common Council of the City of Albany 7-18-1983 as Ch. XI of the 1983 Code. Amendments noted where applicable.]

### **GENERAL REFERENCES**

Building construction — See Ch. 133.

Commercial standards — See Ch. 151.

Electricity — See Ch. 171.

Elevators — See Ch. 175.

Pollution — See Ch. 267.

### **Article I. Fire Prevention Code**

#### § 197-1. Legislative intent.

The purpose of this article is to provide for a local fire prevention code of the City of Albany and to provide the basic method of administration and enforcement of the State Fire Prevention Code.

### § 197-2. Acceptance of standards.

The City of Albany has adopted the State Fire Prevention Code effective November 1, 1978, by a resolution of the Common Council dated October 2, 1978.

### § 197-3. Administration and enforcement.

The Department of Fire of the City of Albany is hereby designated to administer and enforce the State Fire Prevention Code and this article within the City of Albany.

### § 197-4. Inspections.

The Chief of the Fire Department or his representative shall conduct periodic inspections for compliance with the provisions of this article and the State Fire Prevention Code. Such inspection may be made at any reasonable time.

### § 197-5. Fires in yards and buildings.

No person shall kindle, make or keep a fire in any yard or building in the City unless in a wire, steel, concrete, brick or other fireproof enclosure or receptacle. A fire so kindled, built or maintained, as aforesaid, on the outside of any building shall be continuously under the care and direction of a competent adult from the time it is kindled until it is extinguished. Any fire kindled or built outside of any building shall be at least 25 feet from any wood structure, and in no event shall such fire be built within 10 feet of any type of structure. The Chief of the Department of Fire or his representative shall have the authority in all cases to prohibit the use of any fireplace or fire-burning receptacle within or outside of any building, as aforesaid, which in his opinion shall be deemed hazardous and dangerous. In no event shall this article be construed to permit the burning of garbage or any material which would produce noxious odors.

### § 197-6. Combustible substances.

No hay, straw or other combustible substance or material shall be deposited within 15 feet of any place where fire or ashes are kept unless such place is a closed and secure building, under penalty of \$50 for every offense, and the like sum for every 24 hours that such matter so deposited shall remain there. Whenever an inspector shall find in any building or upon any premises combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulations of wastepaper, boxes, shavings or any highly flammable materials and which are so situated as to endanger life or property, or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows liable to interfere with the operations of the Fire Department or egress of occupants in case of fire, he shall order the same to be removed or remedied.

### § 197-7. Driving over fire hose prohibited.

No person shall drive any vehicle over any hose stretched or laid, or being stretched or laid, at any fire or alarm of fire in the City of Albany.

### § 197-8. Storage of liquefied petroleum gases restricted.

[Amended 11-20-1989] No person shall place or permit to be placed upon his control any container of liquefied petroleum gas, LPG, having a water capacity of more than 40 pounds unless he shall first have obtained a permit from the Building Department of the City of Albany.

### § 197-9. Permit applications.

### [Amended 11-20-1989]

- A. Each application for a permit for the storage of LPG shall be made on such forms as are prescribed by the Building Department and in accordance with such rules and regulations prescribed by the Building Department.
- **B.** A site plan showing the proposed installation must accompany each application.
- **C.** Each application must be accompanied by a nonrefundable fee of \$100.

- **D.** The Building Commissioner shall review the application jointly with the Chief of the Fire Department. Both Departments shall inspect the proposed installation to ensure compliance with the New York State Uniform Fire Prevention and Building Code, Standard No. 58 of the National Fire Protection Association and any other applicable statutes, rules or regulations. In addition to the requirements of these standards, the maximum storage capacity of LPG installations within the City of Albany is set forth in § 197-10. In considering each application for a permit for the storage of LPG, the Building Commissioner may reduce this maximum limit where, in his judgment or that of the Fire Chief, the storage of a greater amount of LPG would be dangerous with respect to:
  - (1) The nearest important building or group of buildings.
  - (2) Busy thoroughfares or sidewalks.
  - (3) Adjoining property occupied by schools, churches, hospitals, athletic fields or other points of public gathering.

### § 197-10. Maximum storage capacity for liquefied petroleum gas installations.

- A. The maximum single container capacity shall be 1,000 gallons.
- B. The maximum aggregate multicontainer storage capacity shall be 12,000 gallons.
- C. Installations in excess of 1,000 gallons shall be installed below ground.
- **D.** Aboveground installations shall be enclosed within a chain link fence with a minimum height of six feet and a minimum of two grates on opposite ends.
- **E.** In all other respects, the standards as set forth in Standard No. 58 of the National Fire Protection Association shall be adhered to.

### § 197-11. Transferability of permits.

[Amended 11-20-1989]Permits for LP gas installations shall not be transferable, and any change in activity, operation, location, ownership or use shall require a new permit.

### § 197-12. Penalties for offenses.

Any person, firm or corporation violating any of the provisions of this article shall be guilty of an offense punishable by a fine of not less than \$50 nor more than \$500. Each day's continuous violation shall constitute a separate additional offense.

#### § 197-13. Appeals.

Any person aggrieved by a decision of the Building Commissioner may appeal such decision to the Board of Building and Zoning Appeals Editor's Note: Now the Board of Zoning Appeals. pursuant to Chapter 375, Zoning, of the Code of the City of Albany.

### § 197-14. Severability.

If any section or provision of this article shall at any time be declared to be unconstitutional, it is the express legislative intent that no other section or provision hereof be thereby affected.

### **Article II. Fireworks and Pyrotechnics**

[Amended 6-17-1991]

### § 197-15. Legislative purpose and intent.

The Common Council hereby finds and declares it to be in the overall interest of the public health, safety and welfare that displays of fireworks and other pyrotechnics be regulated and authorized to minimize the risk of injury to persons and property.

### § 197-16. Permit required; discharge of fireworks near hospital.

[Amended 6-7-2010 by Ord. No. 50.41.10] No display of fireworks or other pyrotechnics shall be conducted within the City of Albany without a permit therefor, obtained from the City of Albany Department of Fire. Fireworks shall not be discharged within 1,800 feet of any hospital.

### § 197-17. Application for permit; fee.

Application for a permit to conduct a display of fireworks or other pyrotechnics shall be made at least 15 days prior to the date of the intended display to the Chief of the City of Albany Department of Fire on forms provided by him.

### **A.** Such application shall set forth:

- (1) The name of the organization sponsoring the display, together with the names of the persons actually in charge of firing the display.
- (2) Evidence of financial responsibility, including insurance carrier and amount of and policy number of insurance coverage (minimum amount to be \$1,000,000).
- (3) Date, time and duration of the display.
- (4) Exact location of the display.
- (5) A description setting forth the age, experience and physical characteristics of the persons who are to do the actual discharging of the display.
- (6) The number, quantity and types of displays to be discharged and the methods and materials used to ignite them.
- (7) The manner and place of storage of such materials used in the display.
- (8) Any and all fire suppression devices to be placed or used or any fire suppression apparatus required to attend or stand by during the display.
- (9) For outside displays, a diagram of the grounds on which the display is to be held showing the point at which the display is to be discharged, the location of all buildings, highways and other lines of communication, the lines behind which the audience is to be restrained and the location of all nearby trees, telegraph or telephone lines or overhead obstructions.
- (10) For indoor displays, a diagram of the structure in which the display is to be held showing the point or points at which the display will be discharged, proximity to all stage and structural appurtenances and their combustibility and proximity to any person or persons, whether members of the audience or part of the performance or display.
- **B.** A fee of \$75 shall be charged for processing such application, which shall be paid at the time of submission of the application.

#### [Amended 5-19-2008 by Ord. No. 25.42.08]

#### § 197-18. Investigation.

Upon receipt of a complete application and payment of the fee aforesaid, the Fire Chief or his designee shall do an investigation of the site and surroundings of the proposed display for the purpose of determining whether issuance

of the permit will be consistent with and adequately preserve the public health, safety and welfare. Failure of the Fire Chief to approve the application shall prohibit the intended display within the City of Albany and shall constitute sufficient cause for any other state or municipal agency having jurisdiction to deny any other required permit.

### § 197-19. Other involved permitting agencies.

All displays of fireworks or other pyrotechnics shall be operated and conducted in accordance with the New York State Uniform Fire Prevention and Building Code, New York Penal Law and all other applicable New York State and City of Albany requirements. Nothing contained herein shall be construed or interpreted to supersede such laws of the rules, regulations or permitting process of any state or other agency having jurisdiction over said display.

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CHAPTER 203. FRESHWATER WETLANDS

§ 203-1. Exercise of regulatory authority.

§ 203-2. When effective.

# Chapter 203. FRESHWATER WETLANDS

[HISTORY: Adopted by the Common Council of the City of Albany 7-18-1983 by L.L. No. 2-1983 as Ch. XIIA of the 1983 Code. Amendments noted where applicable.]

### **GENERAL REFERENCES**

Building construction — See Ch. <u>133</u>. Environmental quality review — See Ch. <u>181</u>. Water and waterways — See Ch. <u>371</u>. Zoning — See Ch. <u>375</u>.

#### § 203-1. Exercise of regulatory authority.

Pursuant to § 24-0501 of the New York State Freshwater Wetlands Act (Article 24 of the New York Environmental Conservation Law), the City of Albany shall fully undertake and exercise its regulatory authority with regard to activities subject to regulations under the Act in freshwater wetlands, as shown on the Freshwater Wetlands Map, as such map may from time to time be amended, filed by the Department of Environmental Conservation pursuant to the Act, and in all areas adjacent to any such freshwater wetland up to one hundred (100) feet from the boundary of such wetland. Such regulatory authority shall be undertaken and exercised in accordance with all of the procedures, concepts and definitions set forth in Article 24 of the New York Environmental Conservation Law and Title 23 of Article 71 of such law relating to the enforcement of Article 24, as such law may from time to time be amended, and in accordance with the procedures, recommendations and guidelines set forth in the publication of the Department of Environmental Conservation of August 6, 1976, entitled "Criteria for Reviewing Local Freshwater Wetlands Protection Ordinances and Laws Pursuant to the Freshwater Wetlands Act (Article 24 of the New York Environmental Conservation Law)."

#### § 203-2. When effective.

This chapter shall take effect upon the filing with the Clerk of the City of Albany of the final Freshwater Wetlands Map by the New York State Department of Environmental Conservation pursuant to § 24-0301 of the Freshwater Wetlands Act applicable to any or all lands within the City of Albany.

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# Chapter 211. GRADING AND MINING

### Attachments:

211a Appendix I

211b Appendix II



# 211c Appendix III

[HISTORY: Adopted by the Common Council of the City of Albany 7-18-1983 by L.L. No. 2-1983 as Ch. VII, Art. IV, of the 1983 Code. Amendments noted where applicable.]

#### GENERAL REFERENCES

Building construction — See Ch. <u>133</u>. Environmental quality review — See Ch. <u>181</u>. Solid waste — See Ch. <u>313</u>. Streets and sidewalks — See Ch. <u>323</u>. Zoning — See Ch. <u>375</u>.

### **Article I. General Provisions**

### § 211-1. Purpose.

The purpose of this chapter is to safeguard life, limb, health, property and public welfare of the residents of the City of Albany by regulating and controlling the design, construction and quality of materials used in all grading and mining operations conducted within the City of Albany.

### § 211-2. Scope; exceptions.

### [Amended 4-7-1986]

- A. No person shall grade, excavate or fill any land except as provided by this chapter. All provisions of this chapter shall be limitations for protection of life, limb, health, property and public welfare. If two (2) or more pertinent sections of this chapter are not consistent, those sections providing the greater safety to the public, in the opinion of the City Engineer, shall prevail.
- B. The provisions of this chapter shall not govern the following:
  - (1) Work within the public right-of-way, dams and drainage structures constructed by or under contract with the City Engineer, Bureau of Public Works or the Department of Water and Water Supply of the City of Albany.
  - (2) Work accomplished under the auspices of and owned and controlled by the federal government or the State of New York.
  - (3) The depositing of rubbish or debris at any landfill owned or operated by the City of Albany.

### § 211-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

#### APPROVED PLANS

Grading site plans signed and approved by the City Engineer of the City of Albany, New York.

#### CITY

The City of Albany, New York.

#### CITY ENGINEER

The authorized head of the Bureau of Engineering of the City of Albany.

#### **EXCAVATION**

Any act by which earth, sand, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

### **FILL**

Any act by which earth, sand, gravel, rock or any other similar material is deposited, placed, pushed, pulled or transported to a place other than the place from which it was excavated, and shall include the conditions resulting therefrom.

#### GRADING

An excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

#### **GRADING PERMIT**

A permit required by this chapter.

#### GRADING SITE PLAN

The site plans prepared to indicate the proposed grading operations.

#### GROUNDWATER

Subsurface water in a zone of saturation.

#### PROPERTY LINE

A line separating parcels of real property having separate legal descriptions.

#### **PUBLIC RIGHT-OF-WAY**

Any parcel of land appropriated for the free passage of the general public.

#### RETAINING WALL

Any wall resisting the lateral pressure of any retained liquid or solid.

#### **SEEPAGE**

The flow of water through soil masses caused by gravitational forces.

### § 211-4. Permit required; exceptions.

- **A.** No person shall commence or perform any grading and no person shall import or export any earth materials to or from any grading site without fist having obtained a permit therefor from the City Engineer's office.
- **B.** A permit will not be required under any one (1) of the following conditions:
  - (1) The excavation or fill does not exceed two (2) feet in vertical depth at its deepest point measured from the original ground surface and does not exceed fifty (50) cubic yards of material on any one (1) lot; however, no fill shall be placed on a surface having a slope steeper than one (1) vertical to ten (10) horizontal, and no fill shall be placed that will alter the existing drainage pattern.
  - (2) An excavation below finished grade for basements, footings, swimming pools or any underground structure authorized by a valid building permit issued by the Building Department of the City of Albany. This exception shall not affect the applicability of this chapter regarding the requirement of a grading permit for any fill made with the material from such excavation exceeding fifty (50) cubic yards of material.

### § 211-5. Scope of permit; withholding of permit; compliance required.

- A. Neither the issuance of a permit nor the approval by the City Engineer of any document shall constitute an approval of any violation of any provision of this chapter or of any other law or ordinance in effect within the City limits, and a permit or other document purporting to give authority to violate any law shall not be valid with respect thereto.
- **B.** The City Engineer shall have the authority to withhold a grading permit where the proposed site is located in an area subject to slides or unstable soil. If the City Engineer determines that the proposed grading is not likely to be of such extent as to cause an immediate hazard on the proposed site, he may issue a

- permit upon receipt of a sworn affidavit which has been recorded in the office of the County Clerk, stating that the applicant is fully aware that the site is in an area subject to slides or unstable soil.
- C. The City Engineer shall have the authority to withhold a grading permit where the proposed site is in an area subject to inundation. If it can be shown by authentic past records that any possible inundation is not likely to be of such extent as to be an immediate hazard to the site, he may issue a permit upon receipt of a sworn affidavit which has been recorded in the office of the County Clerk stating that the applicant is fully aware that the grading is in an area subject to inundation.
- **D.** No owner of property or other person or agent in control of property shall permit or allow any grading made after the effective date of this chapter, and not expressly within the exceptions set forth in this chapter, to exist on such property unless a grading permit has been issued therefor.

### § 211-6. Obtaining a permit.

- **A.** To obtain a permit, the applicant shall file an application on a form furnished by the City Engineer. One (1) complete application for each permit shall be filed.
- **B.** Upon compliance with the provisions of this chapter, a permit shall be issued to the applicant.
  - (1) Whenever there has been a false statement or misrepresentation in the application as to a material fact on which the permit was based, or whenever the permit was issued in error and conditions are such that a permit should not have been issued, the permit shall be revoked.
  - (2) Expiration of permits. Every permit issued shall be valid for a period of one (1) year from the date thereof, provided that any permit shall expire on the 180th day from date of issuance if the work permitted thereunder has not been commenced. After expiration, a new permit shall be obtained before any work is done, and the fee therefor shall be the fee required for an original permit, determined by the total valuation of the uncompleted portion of the work.
- C. If the holder of a grading permit presents satisfactory reasons for his failure to complete the work during the period of validity of the permit, the City Engineer, upon application by the permittee, may grant extensions of time reasonably necessary by reason of such difficulties. No request for such extensions shall be considered after the date on which the permit would have otherwise expired.
- **D.** Grading permits shall be presumed to incorporate the provision that the applicant, his agent, employees or contractor shall carry out the proposed work in accordance with the approved plans and with all requirements of this chapter and any other laws or regulations applicable thereto, whether specified or not.
- E. If a permit has not been secured within six (6) months after plans have been submitted for review, no permit shall be issued until the plans have been rechecked and approved and the plan-checking fee paid for such rechecking. The City Engineer may waive this provision in instances where he is satisfied that the nature of the work involved makes it impractical to secure a permit within six (6) months after filing the plans.

#### § 211-7. Plans and specifications.

A site plan must be submitted to the City Engineer for his review and approval. The following items shall be included on the site plan:

- **A.** A location plan at a scale of one (1) inch equals two thousand (2,000) feet showing all existing streets, public rights-of-way and true North within a radius of four thousand (4,000) feet of the site.
- **B.** A site plan showing:
  - (1) The name and address of the owner and/or developer of the property.
  - (2) The boundary of the property described by angle and distance at a scale of one (1) inch equals one hundred (100) feet or larger, and all proposed property lines within the project.

- (3) The existing and proposed contours at an interval of two (2) feet.
- (4) The stamp, signature and address of the licensed engineer of land surveyor responsible for the preparation of the plans.
- (5) Details of all drainage structures, including plan and profile of all storm drains or other proposed utilities.
- (6) All existing utilities to be affected by the proposed grading.
- (7) All drainage ditches, streams or existing drainage structures affected by the proposed grading.
- (8) Location of top and toe of all cuts and fills.
- (9) Location of all "daylight lines." ("Daylight lines" means the intersection of the cut or fill with the original ground surface.)
- (10) Amount of cut and fill.
- (11) Location and details of all retaining structures.
- (12) Location of all soil borings and test pits. Two (2) copies of the soils report from a licensed soils engineer indicating type of soil, depth of soil, recommended angle of repose and required compacted density for the proposed usage.
- (13) Location of trees twelve (12) inches and larger in diameter.
- (14) Location and nature of the building or buildings proposed for the site.
- (15) Location of disposal site for excess material and estimated dates for starting and completing grading work.
- (16) All other details required by this chapter due to the specific type of grading to be done.
- (17) Where fill material is to be delivered to a proposed site, or excess material is to be removed from the site over dedicated roads, these routes shall be specified by the City Engineer.
- C. The City Engineer may waive the requirement of the site plan or subsurface exploration as required by this section if he finds that the information on the application is sufficient to show that the work will conform to the provisions of this chapter and other relevant laws.
- **D.** The applicant shall submit four (4) copies of the plans and specifications with each application for a permit. The fees required for review shall also become due at the time the application is submitted.

#### § 211-8. Approval and permit issuance.

After the plans and specifications have been reviewed by the City Engineer or his authorized representative and are in compliance with the provision of this chapter and all other related laws, each sheet of every copy of the plans shall be signed by the City Engineer, subject to the following conditions:

- A. Permits issued under the requirements of this chapter shall not relieve the applicant of responsibility for securing required permits for work to be done which is regulated by any other code, ordinance, law, department or division of the City of Albany.
- **B.** The approval of any plans or specifications shall not be held to permit or to be an approval of the violation of any provision of this chapter.
- C. Alteration of approved plans or specifications, unless authorized by the City Engineer, shall void the approval.

**D.** A signed set of plans and specifications issued to the applicant shall be kept at the site of the construction and shall be available to the City Engineer or his authorized representative at all times.

### § 211-9. Enforcement; inspection; performance bond.

- **A.** All construction or work for which a permit has been signed shall be subject to inspection by the authorized representative of the City Engineer.
- **B.** No person shall hinder or prevent any authorized representative of the City Engineer from entering and making a reasonable inspection of any site covered by a valid grading permit or under construction for approval of a grading permit.
  - (1) Whenever any construction or work is being done contrary to the provisions of this chapter, the City Engineer or his authorized representative shall issue a written notice to the responsible party to stop work on that portion of the site on which the violation has occurred. The notice shall state the nature of the violation, and no work shall be done on that portion until the violation has been rectified and approval obtained from the office of the City Engineer.
  - (2) Whenever any work on which called inspections are required as specified in this section is covered or concealed by additional work without first having been inspected, the City Engineer shall require, by written notice, that such work be exposed for examination. The work of exposing and recovering shall not entail expense to the City.
  - (3) When the City Engineer finds that any grading site or portion thereof has become a hazard to life or limb, health or safety of the persons in or around the site, he shall, by written notice, direct that the site, by a time specified in said notice, be restored to a condition of stability or safety. No person shall occupy the site in question until the hazard has been rectified to the satisfaction of the City Engineer and notice of approval has been received in writing from him.
  - (4) The permittee or his agent shall notify the office of the City Engineer when the grading operation is ready for each of the following inspections:
    - (a) When the permittee is ready to begin work, but before any grading or grubbing has started.
    - (b) Toe inspection: after the natural ground is exposed and prepared to receive fill, but before fill is placed.
    - (c) Excavation or fill inspection: after the excavation or fill has started, but before the vertical depth exceeds ten (10) feet.
    - (d) Drainage device inspection: after forms and pipe are in place, but before any concrete has been placed.
    - (e) Rough grading: when all rough grading has been placed.
    - (f) Final: when all work, including installation of all drainage structures, retaining walls and other protective devices, has been completed according to the approved plans.
    - (g) Other inspections. In addition to the called inspections specified above, the inspector may make any other inspections of any of the work to ensure compliance with the provisions of this chapter.
  - (5) If the inspector finds the soil or other conditions not as stated in the application for a grading permit, he may refuse to approve further work until approval is obtained for a revised grading plan which will conform to the existing conditions.

### § 211-10. Performance bond.

**A.** Before a grading permit is issued, the permittee shall file with the City Engineer a performance bond for the benefit of the City. The bond shall be executed by the permittee and a corporate surety authorized to

- do business in this state as a surety in an amount sufficient to cover all work included on the approved plans and specifications.
- **B.** In lieu of a surety bond, the applicant may file a cash bond with the City Engineer upon the same terms and conditions and in an amount equal to that which would be required in the surety bond.
- C. Where grading is required on property adjacent to the grading site under permit, to complete a project satisfactorily, the owner of such adjacent property need not provide an additional grading bond if the original bond is of sufficient amount to include such additional grading. The permittee shall obtain all necessary easements when work is to be performed outside the project boundary.
- **D.** Said performance bond shall among things cover the cost of any grading and landscaping to return the land to an approved condition, to cover the cost of replacing any trees that were to be saved as shown on the site plan and to cover any costs incurred by the City in cleaning the streets after the trucks hauling dirt, if this is not done to the City's satisfaction by the permittee.
- **E.** Every bond shall be conditioned that the permittee shall:
  - (1) Comply with all the conditions of this chapter and all other applicable laws.
  - (2) Comply with all of the terms and conditions of the permit to the satisfaction of the City Engineer.
  - (3) Complete all of the work contemplated under the permit within the time limit specified in the permit. Upon application by the permittee, the City Engineer may, for sufficient cause, extend the time specified in the permit, but no such extension shall release any surety upon the bond.
- F. Each surety bond shall be effective on the date of filing for the permit and shall remain in effect until the completion of the work to the satisfaction of the City Engineer. Such satisfactory completion shall be evidenced by written notice, signed by the City Engineer. In the event of failure to complete the work and failure to comply with all of the conditions and terms of the permit, the City Engineer may order the work to be completed as required under the permit and to his satisfaction. The surety executing such bond, or such deposit, shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the City in causing any and all of such required work to be done, and that said surety or the depositor assents to any lawful extension of time within which to construct and complete such work. In the case of a cash bond, the deposit or any unused portion thereof shall be refunded to the permittee upon the issuance of a notice of completion.
- **G.** The amount of the bond shall be based upon the number of cubic cards of material in either excavation or fill, whichever is lesser, as described in the following table:

Quantity of Fill or Excavation Material (which-ever is lesser) (cubic yards)		Difference Between Fill (per cubic yard)	+	Retaining Walls and Drainage Structures	=	Total
0 to 10,000 \$1.00 per cubicyard		\$1.50		Estimate sub mitted on a linear foot basis for pipe or cubic yard		
10,001 to 100,000 \$0.75 per cubic yard		\$0.75		basis for concrete		

Over 100,000: submit contractor's estimates for the total job

### § 211-11. Fees.

**A.** Before issuing any grading permit, the City Engineer shall collect a fee, the amount of which shall be as shown in the following table:

### [Amended 5-19-2008 by Ord. No. 25.42.08]

### **Grading Permit Fees**

The following quantities shall be based on the total amount of cuts or fills, whichever is larger:

Cubic Yards	Fee
50 to 100	\$35
101 to 1,000	\$50
1,001 to 10,000	\$50 plus \$15 for each additional 1,000 cubic yards or fraction thereof
Over 10,000	\$200 plus \$35 for each additional 10,000 yards or fraction thereof

**B.** The City Engineer may, at his discretion, refer the applicant to an authorized representative of the City Engineer for plan checking and inspection. All fees for these services shall be borne by the applicant and will be substituted for the grading permit fees listed above.

### Article II. Excavations and Fills

### § 211-12. General.

- A. All grading shall be performed in accordance with the provisions of this chapter and with all rules and regulations established by the City Engineer and shall be in accordance with the zoning and subdivision regulations and the approved Master Plan for the area in which the grading is to be done.
- **B.** Property lines shall not be located midway between top and bottom of cut or fill slopes when the slope is greater than fifteen percent (15%).
- C. No person shall conduct any grading, excavation or filling, including the export or import of earth material, between the hours of 5:00 p.m. and 7:00 a.m. on any day nor on Sunday at any time.

### § 211-13. Safety.

- A. If at any stage of work on an excavation or fill the City Engineer determines, by inspection, that further work as authorized by an existing permit is likely to endanger any property or public way, he may require, as a condition to allow the work to continue, that plans for such work be amended to include adequate safety precautions. Safety precautions may include, but shall not be limited to, specifying a flatter exposed slope or construction of additional drainage facilities, berms, terracing, compaction, cribbing, retaining walls or buttress fills, slough walls, desilting basins, check dams, benching, pavement, revetments or diversion walls.
- **B.** No person shall excavate or fill so as to cause falling rocks, soil or debris in any form to fall, slide or flow onto adjoining properties.
- C. The City Engineer may impose such regulations with respect to access routes to or from grading sites as he shall determine are required in the interest of the public health, safety and welfare, and safety precautions involving pedestrian or vehicular traffic. Traffic control devices, including flagmen, lights, signs and markers, shall be used at appropriate places along the designated routes of access to the site; temporary no-parking restrictions may be imposed with the approval of the City along such routes when determined necessary. The City Engineer may designate the routes of ingress and egress to or from a grading site when it is determined that such is necessary in the interest of the public health, safety and welfare. Such designation of routes shall in all cases take into consideration the most practical means of

- transporting the earth materials to or from the grading site consonant with the safety and welfare of residents along the routes.
- **D.** All loads shall be properly trimmed and watered, or otherwise secured so as to prevent spillage from the equipment. The permittee shall be responsible for the removal of all spilled material along the access routes during the performance of the work specified in the permit.

### § 211-14. Excavations.

- **A.** No cut slopes shall exceed a vertical height of one hundred (100) feet unless horizontal benches with a minimum width of thirty (30) feet are installed at each one hundred (100) feet of vertical height.
- **B.** No excavation shall be made with a cut face steeper in slope than two (2) horizontal to one (1) vertical unless a soil report is submitted by a licensed soils engineer showing, through subsurface exploration, that the material making up the slope of the excavation and the underlying bedrock is capable of standing on a steeper slope.
  - (1) No slopes shall be cut steeper than the bedding planes in any formation where the cut slope will lie on the dip side of the strike line.
  - (2) Where the excavation exposes strata above the top of the cut which will permit the entry of water along bedding planes, this area shall be sealed with a compacted soil blanket having a minimum thickness of two (2) feet. This soil shall be relatively impervious and shall be approved by the soils engineer and the City Engineer before placement.
  - (3) If the material of the slope is of such composition and character as to be unstable under the anticipated maximum moisture content, the slope angle shall be reduced to a stable value. This requirement shall be confirmed by the soils engineer's written certification following laboratory testing.
- C. Paved interceptor benches on cut slopes shall have a minimum width of eight (8) feet and shall be spaced at intervals of twenty-five (25) feet measured vertically. The longitudinal slope of interceptor benches shall be not less than three percent (3%) nor more than eight percent (8%). Any change in rate of grade within these allowable slopes shall increase the grade in the direction of flow. A single run of an interceptor bench shall not exceed one hundred fifty (150) feet to a catch basin. The design of catch basins, inlet and outlet structures shall be shown on the plans.
- **D.** Berms shall be constructed at the top of all cut slopes.
- E. Finished ground shall slope a minimum of two percent (2%) from any building to an approved drainage device. The drainage system shall be an adequately designed collection system of catch basins and drain lines which conduct the water to its natural point of discharge. All systems shall be designed to carry the tributary flow from a ten-year storm, unless the City Engineer requires a design storm of lesser frequency to be in the best interest of the public safety. Twelve-inch diameter shall be the smallest acceptable pipe diameter in these systems. Sump area inlet capacities shall be designed for a storm of fifty-year frequency. All other inlets shall be designed on the ten-year storm frequency.

### § 211-15. Fills.

- A. No fill slope shall exceed a vertical height of one hundred (100) feet unless horizontal benches with a minimum width of thirty (30) feet are installed at each one hundred (100) feet of vertical height.
- **B.** No fill shall be made that creates an exposed surface steeper in slope than two (2) horizontal to one (1) vertical unless a soil report is submitted by a licensed soils engineer showing, through subsurface exploration, that the material making up the fill and the underlying bedrock is capable of standing on a steeper slope.
- C. Interceptor paved terraces on fill slopes shall have a minimum width of eight (8) feet and shall be spaced at intervals of twenty-five (25) feet measured vertically. The longitudinal slope of interceptor benches shall be a minimum of three percent (3%) and a maximum of eight percent (8%). Any change in the rate

of grade within these allowable slopes shall increase the grade in the direction of flow. A single run of an interceptor bench shall not exceed one hundred fifty (150) feet to a catch basin. The design of the catch basins, inlet and outlet structures shall be shown on the plans.

- D. All man-made fills shall be compacted to a minimum of ninety-percent relative compaction as determined by ASTM Method D 1557-64T. If the required degree of compaction cannot be attained on sloped surfaces, the slope shall be cut back until the compacted inner core is exposed. Fills which do not exceed twelve (12) inches in depth need not be compacted but such fills shall not change the existing drainage pattern. Every man-made fill shall be tested for relative compaction by a soil testing agency. The results of the tests shall be certified by this agency and submitted to the City Engineer before the fill can be approved.
- E. The toe of fill slopes shall not be made nearer to a property line than one-half (1/2) the height of the fill.
- **F.** Fill shall not be placed on slopes exceeding one (1) vertical to ten (10) horizontal. In these areas, existing slopes must be benched prior to the placement of fills.
- **G.** Berms shall be constructed at the top of all fill slopes.
- H. All fills shall be underdrained.
- I. Finished ground shall slope a minimum of two percent (2%) from any building to an approved drainage device. The drainage system shall be an adequately designed collection system of catch basins and drain lines which conduct the water to its natural point of discharge. All systems shall be designed to carry the tributary flow from a ten-year storm, unless the City Engineer requires a design storm of lesser frequency, to be in the best interest of the public safety. Twelve-inch diameter shall be the smallest acceptable pipe diameter in these systems. Sump area inlet capacities shall be designed for a storm of fifty-year frequency. All other inlets shall be designed on the ten-year storm frequency.
- **J.** Special drainage systems other than described under Subsection <u>I</u> have to be submitted in details prepared by a licensed professional engineer and substantiated by a soils engineer's recommendations.

### § 211-16. Combined cut and fill.

Where a combined cut and fill slope exceeds twenty-five (25) feet in height, the required drainage bench shall be placed at the top of the cut slope. The effect of surcharge of the fill material on the cut sections shall be investigated by a soils engineer and a report shall be submitted to the City Engineer with the application.

### § 211-17. Construction limitations.

- **A.** Buildings shall be located clear of the toe of all cut or fill slopes a minimum of one-half (1/2) of the height of the slope.
- **B.** Where a fill exceeds one hundred (100) feet in vertical height, no building or permanent structure shall be built on such fill within seven (7) years from the completion of the fill.
- C. If buttress fills are to be used for lateral support of unstabilized material, the design and calculations must be submitted by a licensed engineer along with the soils report on the foundation soil. All buttress fills shall be completely underdrained. The exposed surface shall not have a slope exceeding one (1) vertical to two (2) horizontal.
- **D.** Areas tributary to a specific point of discharge shall not be altered so that stormwater is diverted to a different drainage area.
- **E.** Relocation of natural watercourses or fills placed over natural watercourses will be permitted only if the stream is totally enclosed in a conduit designed to carry the tributary flow from a storm of fifty-year frequency.

### § 211-18. Erosion control.

- **A.** All fill and cut slopes which are determined to be subject to erosion shall be planted with an approved grass seed or ground cover, irrigated and maintained by the owner. No portion of the performance bond being held for planting will be released until a stand of grass or ground cover is growing. When slope heights exceed twenty (20) feet, approved shrubs having a minimum one-gallon size shall be planted at ten (10) feet on center in both directions or trees planted at twenty (20) feet on center, if approved by the City Engineer.
- **B.** When project work must be suspended for a period of thirty (30) days or longer, existing slopes and areas stripped of plant growth shall be seeded with a fast-growing seed to help control erosion before expiration of the work. Earthen ditches subject to erosion shall be equipped with temporary energy dissipating devices to minimize the effects of the flowing water.
- C. Drainage devices discharging into natural watercourses shall be equipped with properly designed energy dissipators which maintain a discharge velocity not larger than the velocity in the natural watercourse at mean flow condition.

# **Article III. Mining Operations**

# § 211-19. Purpose.

For the purpose of promoting the safety, health and general welfare of the residents of the City of Albany, it is hereby declared to be the policy of the City to prevent all manner of commercial excavations which create a danger to health and life caused by steep slopes, deep excavations remaining in the ground, exposure of the bare earth to wind action, erosion by surface water drainage, the creation of pools of water and excavation operations which create dangerous dust or mud conditions.

### § 211-20. Application for permit.

Before any excavation is commenced or continued for any purpose, the owner, lessee, or agent of the premises shall obtain a written permit therefor from the City Engineer. A mining operation shall be considered minor in nature when the total area to be mined on a specified parcel of land does not exceed one acre and the depth of excavation does not exceed ten (10) feet. All other mining operations shall be considered as major operations. Grading operations not included in either of these categories shall be subject to the provisions of Articles I and II of this chapter.

- A. Permit for minor operation. The applicant shall file with the City Engineer a statement of the nature and extent of the work proposed to be done, including a sketch of the area to be affected, the kinds of materials to be removed, structures to be erected, if any, the manner in which it is proposed to do the work, and the period of time required to do such work. The number and type of trucks and other machinery to be used on the site shall be listed.
- **B.** Permit for major operation. The applicant shall file with the City Engineer a detailed statement of the proposed work, together with a plan prepared by a duly licensed engineer or land surveyor of the State of New York setting forth in detail the following information:
  - (1) A detailed statement of the nature and extent of the work proposed to be done, including the number of acres to be affected, the kinds of materials to be removed, structures to be erected, if any, the manner in which it is proposed to do the work and the period of time required to do such work. The number and types of trucks and other machinery to be used on the site shall be listed.
  - (2) An area map drawn to a scale of not larger than one (1) inch to eight hundred (800) feet showing all land proposed to be mined, all contiguous land which is or has been used by the owner or applicant for mining or other related uses, all lands within two thousand (2,000) feet of the proposed mining area, including all public lands, and all public and private roads with the access roads to the property designated as such. Site plan at a scale of not larger than one (1) inch to one hundred (100) feet showing boundary of the entire planned mining area by courses and distances, site topography and

natural features at a two-foot contour interval to include the location of watercourses within the mining area and two hundred (200) feet from the boundary of the project. The names of all adjoining property owners and existing structures should also be indicated. Test borings shall be taken within the planned mining area and their locations shown on the site plan. The written soils report shall be submitted with the application. Groundwater elevations at the borings will be indicated on the map as well as the average thickness of the overburden. If the mining is planned to be executed in phases, the limits of each phase should be indicated along with the anticipated time of completion. A rehabilitation plan showing both existing and proposed final contours after operations are completed shall be submitted.

C. The site plan shall be reviewed by the City Engineer and the site inspected by him or his authorized representative prior to the issuance of any permit.

# § 211-21. Limitation on excavations.

- **A.** No pit or bank excavation shall be made within 50 feet of the outside property line of the area affected by the permit application.
- **B.** Where any open excavation will have a depth of 10 feet or more and a slope greater than one vertical on two horizontal there shall be a fence of a height of six feet, with suitable gates where necessary, effectively blocking access to the area in which such excavation is located. Such fence shall be located 50 feet or more from the edge of the excavation.
- C. Bank excavation will be permitted within 200 feet of a public roadway when the depth of excavation does not go below the elevation of the road.
- **D.** The slope of material in any excavation shall not exceed the normal angle of repose or 45°, whichever is lesser.
- E. Access roads shall be paved or treated to protect the surrounding areas from windblown sand or dust.
- **F.** At all stages of the operation, proper drainage shall be provided to prevent the collection and stagnation of water and prevent harmful effects on surrounding properties.
- G. After any such operation the site shall be made reusable for a use permitted in the district. Where topsoil is removed, sufficient arable soil shall be respread over the premises after the operation. The area shall be brought to final grade by a layer of earth three inches in depth capable of supporting vegetation. Fill shall be of suitable material approved by the City Engineer and shall be placed as described in Article II of this chapter.
- H. The applicant is responsible for material spilled or tracked onto public roads and will be required to clean such streets using a combination of mechanical vehicles and hand labor as may be necessary to perform the required cleaning to the satisfaction of the City Engineer.
- **I.** The applicant shall load his trucks carefully to minimize spillage.

#### § 211-22. Permit issuance.

- A. At the time site plan approval is granted, the City Engineer may, at his discretion, require that the applicant post a bond in the amount to be determined by him sufficient to secure the rehabilitation of the site in accordance with the approved site plan. Such bond shall be approved by the City Engineer as to form, sufficiency and manner of execution and shall run for the same term as the term of the site plan approval.
- **B.** If on-site mining or processing operations are not carried out for one year according to the operational plan described in § 211-20A or B, the same will be considered to have been abandoned, and, prior to any further excavation, a new permit will be required.

- C. Permits shall be issued for a period of up to two years. Should excavation and processing continue beyond this time limit, review of the original application and compliance with the same will be considered by the City Engineer before issuance of another permit. Minor operations shall be permitted to continue beyond the one-acre limitation if areas previously excavated are restored as described in § 211-21G.
- **D.** The applicant shall pay a fee of \$35 for a minor operation or a fee of \$250 for a major operation before any permit or renewal thereof may be issued.

# [Amended 5-19-2008 by Ord. No. 25.42.08]

### § 211-23. Waiver of requirements.

The City Engineer reserves the right to waive any of the above requirements or require additional restrictions if, in his judgment, the safety and best interests of the people of the City of Albany will be protected by such adjustments.

### § 211-24. Enforcement.

The City Engineer may cancel the permit for mining if there is any violation of the above regulations. If such an action is taken, the applicant immediately forfeits the performance bond for rehabilitation of the site.

### § 211-25. Separability.

If any clause, sentence, paragraph, section or part of these regulations shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

### § 211-26. Prior inconsistent ordinance.

This chapter shall supersede any existing ordinance theretofore enacted which is in conflict with or contrary to the provisions of this chapter.

### § 211-27. Diagrams.

Editor's Note: The diagrams referred to in this section are included at the end of this chapter.

- **A.** Diagrams for interceptor terrace and horizontal bench, interceptor terrace and down-drain detail attached hereto as Appendix 1, 2 and 3, respectively, are made part hereof.
- **B.** Forms for application for minor commercial mining operations, major commercial mining operations and grading permit attached as Appendix 4, 5 and 6, respectively, are made part hereof.

#### Article IV. Penalties

#### § 211-28. Penalties for offenses.

### [Amended 5-19-2008 by Ord. No. 25.42.08]

- A. Any person, firm, partnership, corporation or other entity who or which commences or performs any grading, excavation, filling or mining operations, including the export or import of any earth material to or from any grading or mining site, without first obtaining a permit as required by this chapter, shall be guilty of a violation and subject to a fine not to exceed \$250 for each such offense.
- **B.** Any person, firm, partnership, corporation or other entity who or which shall knowingly and willingly violate or assist in the violation of the provisions of this chapter or who or which fails to comply with a lawful directive from the City Engineer concerning the provisions of this chapter shall be guilty of a violation and subject to a fine not to exceed \$250 for each such offense.

# Article V. Environmental Review

[Added 4-7-1986]

### § 211-29. Procedure.

Every application for a permit under this chapter shall include a properly prepared long-form environmental assessment form (EAF), which shall be reviewed by the City Engineer and referred by him, if appropriate, to the City Environmental Quality Review Board and/or site plan review agency for further review and recommendation.

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### CHAPTER 217. HANDBILLS

- § 217-1. Intent and purpose.
- § 217-2. Definitions.
- § 217-3. Distribution and posting.
- § 217-4. Licenses; fees.
- § 217-5. Penalties for offenses.
- § 217-6. Severability.
- § 217-7. Effective date.

# Chapter 217. HANDBILLS

[HISTORY: Adopted by the Common Council of the City of Albany 8-19-1985. Amendments noted where applicable.]

# GENERAL REFERENCES

Solid waste — See Ch. 313.

#### § 217-1, Intent and purpose.

[Added 6-1-1998 by Ord. No. 29.42.98 Editor's Note: This ordinance also provided for the renumbering of former  $\S\S 217-1$  through 271-6 as  $\S\S 217-2$  through 217-7, respectively.; amended 1-22-2009 by Ord. No. 24.41.08]

- A. The Common Council of the City of Albany finds and declares that the illegal posting and distributing of handbills is a nuisance and form of visual pollution which negatively impacts the quality of life in residential and commercial neighborhoods. Particularly offensive is the defacement of public property through the illegal placement of bumper stickers and similar matter and the placement of posters or lawn signs by candidates for public office on vacant or boarded up buildings and on public spaces. It is the intent of this chapter to prohibit the illegal posting of handbills and to regulate distribution in a manner which informs persons distributing handbills of the requirements herein and minimizes street litter.
- **B.** Unwanted telephone books have become a waste problem, as well as a litter and nuisance problem. Residents and businesses complain about unwanted telephone books. The taxpayers bear the burden for cleanup, recycling and disposal of unwanted books. As the number of telephone directory distributors increases, it has become a serious environmental concern. In the interest of improving the quality of life for our residents, of reducing waste removal and recycling costs to local governments, and of reducing the use of natural resources, the Common Council amends this chapter to include telephone directories within its provisions.

### § 217-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

### **COMMERCIAL HANDBILL**

Any handbill which:

A. Advertises for sale at a commercial establishment any commodity or service;

### [Amended 6-1-1998 by Ord. No. 29.42.98]

- **B.** Directs attention to any business, commercial establishment or other activity for the purpose of either directly or indirectly promoting its interest; or
- C. Directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profit.
- **D.** A publication that lists and publishes the names, addresses and telephone numbers of telephone customers or the advertisements, products or services of businesses or professional firms by alphabetical category, commonly known as a "local telephone directory."

### [Added 1-22-2009 by Ord. No. 24.41.08]

#### HANDBILL

Any printed or written matter, poster, lawn sign, sample circular, leaflet, pamphlet, paper, booklet, printed matter of literature, bumper sticker, decal or similar matter with a self-adhesive backing intended to affix to a surface. [Amended 6-1-1998 by Ord. No. 29.42.98]

#### **PERSON**

Any natural person, firm, partnership, association, corporation, company, public utility or organization of any kind.

#### PUBLIC PLACE

Any street, sidewalk, alley, public way, public park, public square, public space, public grounds or public building.

### § 217-3. Distribution and posting.

#### A. Public places.

(1) No person shall leave any handbill or local telephone directory upon a public place within the City of Albany. This provision shall not be construed as prohibiting the distribution of handbills to persons willing to accept them.

### [Amended 1-22-2009 by Ord. No. 24.41.08]

(2) No person shall affix any handbill to any lamppost, public utility pole, street sign, traffic sign, bus shelter, tree or upon any public structure or public building.

### B. Private property.

(1) No person shall leave any handbill or local telephone directory upon any private property which is temporarily or continuously uninhabited or vacant.

#### [Amended 1-22-2009 by Ord. No. 24.41.08]

(2) No person shall leave any handbill upon private property if requested by the owner or any person in control of the property not to do so or if there is posted on the property in a conspicuous place near the entrance a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertising," or any similar notice indicating that the occupants of the property do not desire to have any handbills left upon the property. Local telephone directories may be left upon properties where there is posted a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertising," or any similar notice indicating that the occupants of the property do not desire to have any handbills left upon the property, subject to the requirements of § 217-3D.

### [Amended 1-22-2009 by Ord. No. 24.41.08]

- (3) Handbills may be distributed to inhabited private property which is not posted as provided in this chapter, provided that the handbills are left in a manner that prevents them from being carried by the elements upon any public place or private property.
- (4) Local telephone directories shall be delivered to within 10 feet of the entranceway of any residential or commercial structure, whether it be public or private.

### [Added 1-22-2009 by Ord. No. 24.41.08]

- C. Motor vehicles. No person shall place any handbills on a motor vehicle.
- **D.** All local telephone directories distributed within the City of Albany shall conspicuously print on the front cover and/or in the Table of Contents a statement that reads, "IF YOU NO LONGER WISH TO RECEIVE THIS DIRECTORY, PLEASE CALL THE FOLLOWING NUMBER OR CONTACT THE COMPANY AT THE FOLLOWING ADDRESS:" along with a toll-free number and mailing address, or electronic mailing address, for the business that residents may use to provide verbal or written notice to the business that the resident no longer wishes to receive the directory. Local telephone directories shall not be distributed to the resident at that address for a period of five years.

### [Added 1-22-2009 by Ord. No. 24.41.08]

### § 217-4. Licenses; fees.

A. License required. Any person engaged in the distribution of commercial handbills or local telephone directories within the City of Albany shall make application to and obtain from the City Clerk a commercial handbill distribution license. The application shall be written on a form prescribed by the City Clerk. Any person obtaining a commercial handbill distribution license shall be permitted to distribute handbills or local telephone directories pursuant to the provisions of this chapter and the rules and regulations promulgated by the City Clerk.

#### [Amended 1-22-2009 by Ord. No. 24.41.08]

- **B.** Rules and regulations. The City Clerk may promulgate rules and regulations which are necessary and proper to carry out the purposes of this chapter.
- C. Suspension or revocation. A license may be suspended or revoked by the City Clerk only after notice in writing and an opportunity to be heard is given to the licensee. Written notice of intent to suspend or revoke a license shall be given to the licensee by registered or certified mail to the address set forth on the application. The City Clerk shall suspend or revoke the license of any licensee found to have violated or to have permitted a violation of any provision of this chapter or any other ordinance, rule or regulation or state or federal law pertaining to the distribution of commercial handbills.
- D. Transferability of license. No license issued under this chapter shall be transferable.
- E. Fees.
  - (1) License fees for a commercial handbill distribution license shall be as follows:

# [Amended 11-25-2002 by Ord. No. 42.112.02; 5-19-2008 by Ord. No. 25.42.08]

- (a) For a period of more than nine months to one year: \$150.
- (b) For a period of more than six months to nine months: \$115.
- (c) For a period of more than three months to six months: \$75.
- (d) For the period of more than one week to three months: \$50.

- (e) For the period of one week or less: \$25.
- (2) The yearly license shall be for a one-year period commencing at the time of issuance of the license.
- (3) Upon revocation of the license, the license fee shall be forfeited.
- **F.** Any commercial handbill, with the exception of local telephone directories, distributed in accordance with this section shall bear a license number and expiration date issued by the City Clerk.

### [Added 6-1-1998 by Ord. No. 29.42.98; amended 1-22-2009 by Ord. No. 24.41.08]

G. Nothing herein shall be interpreted to require a license for the placement of a commercial handbill, which is in the form of a poster or lawn sign, on private property when such placement is with the prior consent of the property owner and advertises the availability of such property for sale or rent or advertises the services of an individual, company or other entity making improvements on such property.

[Added 6-1-1998 by Ord. No. 29.42.98]

### § 217-5. Penalties for offenses.

### [Amended 6-1-1998 by Ord. No. 29.42.98]

- **A.** Any person in violation of any of the provisions of this chapter shall be subject to penalties in accordance with the following schedule:
  - (1) For a first offense: a fine not to exceed \$650.

### [Amended 5-19-2008 by Ord. No. 25.42.08]

(2) For a second offense: a fine not to exceed \$900.

### [Amended 5-19-2008 by Ord. No. 25.42.08]

- (3) For third and subsequent offenses: a fine not to exceed \$1,000.
- **B.** Any person posting a handbill in violation of this chapter which is in the form of a bumper sticker, decal or similar matter shall be subject to an additional penalty not to exceed the maximum authorized by Subsection A of this section.
- C. Notwithstanding Subsection A of this section, upon presentation of a handbill posted or distributed in violation of the provisions of this chapter, the City Clerk may issue a warning letter for a first offense informing the person in violation of the requirements of this chapter.
- **D.** The name of a person, organization, establishment or other entity on a handbill shall be considered prima facie evidence of the identity of a person posting or distributing a handbill.
- E. A telephone number that appears on any handbill shall be utilized to identify a person responsible for placing a handbill if no other form of identification is readily available on such handbill; provided, however, that if the telephone number that appears on any handbill belongs to a telephone answering service, such telephone answering service shall be held liable for handbills posted or distributed in violation of this chapter.

#### § 217-6. Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holdings shall not affect the validity of the remaining portions hereof.

# § 217-7. Effective date.

[Amended 1-22-2009 by Ord. No. 24.41.08] Section 217-3B(4) shall take effect February 1, 2009. Section 217-3D shall take effect October 1, 2009, and shall cease to have force and effect after December 31, 2011. All other such amendments shall take effect immediately upon passage.

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# Jump to Content CHAPTER 223. HEALTH ARTICLE I. (Reserved) § 223-1. (Reserved) § 223-2. (Reserved)

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§ 223-15. Decayed or unsound substances; Department of Health; duty of.

§ 223-16. Unlawful to empty, cast or lay contents of tub or privy on public property.

§ 223-17. Owner responsible for offensive matter; written notice; Department of Health.

§ 223-18, Block or row of buildings; requirements to erect.

§ 223-19. Unlawful to slaughter without Common Council permission within following territory.

§ 223-20. Separation of lavatory facilities for female employees.

§ 223-21. Penalties for offenses.

§ 223-22. Killing, butchering or selling diseased animals.

§ 223-23. Disposing of dead animals in Hudson River.

§ 223-24. Establishment of place for depositing dead animals.

§ 223-25. Use of appropriate receptacles.

§ 223-26. Burying contents of cesspools.

§ 223-27. Drain to connect vault with main sewer.

§ 223-28. Construction of vault or privy.

§ 223-29. Stench traps.

§ 223-30. Penalties for offenses: stench traps.

# Chapter 223. HEALTH

[HISTORY: Adopted by the Common Council of the City of Albany 7-18-1983 by L.L. No. 2-1983 as Ch. XIII of the 1983 Code. Amendments noted where applicable.]

# **GENERAL REFERENCES**

Pollution — See Ch. 267.

Sewers — See Ch. 299.

# Article I. (Reserved)

Editor's Note: Former Article I, Sale of Contraceptive Devices, comprising §§ <u>223-1</u> through <u>223-7</u>, was repealed 8-1-1994 by Ord. No. 32,72,94. This legislation was adopted in the 1983 Code numbering and was redesignated by the Editor to fit the 1995 Code format.

§ 223-1. (Reserved)

§ 223-2. (Reserved)

§ 223-3. (Reserved)

§ 223-4. (Reserved)

§ 223-5. (Reserved)

§ 223-6. (Reserved)

§ 223-7. (Reserved)

# Article II. Sanitary Code

# § 223-8. Removal, disturbance or exposure of dead body or coffin.

No person, while making a grave or interring a dead body, shall remove, disturb or expose any dead body or coffin, under the penalty of \$25 for each offense.

## § 223-9. Interment provisions.

No person shall inter any corpse in any cemetery or burying ground in the City without the consent of the owners or the person having charge of the same, previously obtained; nor shall any person enter any corpse in any cemetery or other place in the City, unless in vaults, or graves at least six feet deep; and any person violating either of the provisions of this section shall be liable to a penalty of \$5.

#### § 223-10. Burial boundaries.

Any person who shall deposit any corpse in public or private vault in the City of Albany, east of Winthrop Avenue (formerly Nineteenth Street) and north of Second Avenue, or shall suffer the same to remain in such vault, shall incur a penalty for each offense of the sum of \$25, and \$25 for each day said corpse is allowed to remain in such vault; provided, however, that nothing herein contained shall prevent the burial of any person within the boundaries of the property occupied by the Cathedral of the Immaculate Conception, All Saints Cathedral and the Monastery of Nuns of St. Dominic of the Immaculate Conception, and that nothing herein contained shall prevent the deposit of human ashes in niches in a columbarium within the boundaries of the property occupied by St. Peter's Episcopal Church or the suffering of any corpse which has been heretofore deposited within the boundaries of the property occupied by St. Peter's Episcopal Church to remain so deposited.

# § 223-11. Private vaults and privies.

[Amended 1-5-2009 by Ord. No. 72.122.08] No privy vault or privy shall be erected or maintained at a distance less than 30 inches from any partition fence, adjoining lot or dwelling, unless otherwise specially permitted by the Department of Health, and any person violating any of the provisions of this section, or who, having authority to remove it, shall suffer and allow it to remain after having been notified by the Department of Health, Health Inspector, Commissioner of General Services or Assistant Commissioner of General Services to remove the same, shall incur a penalty in the sum of \$10 for each and every day the violation or refusal is continued.

# § 223-12. Cleaning or cutting up of fresh fish.

It shall not be lawful to open, clean, cut up, skin or dress any kind of fresh fish (shell fish excepted) within any of the slips, or within the basin, or in or upon any of the docks or wharves of this City, or within 40 feet from the

outer edge of said docks or wharves, or in or upon any street, lane or alley, or in or upon any public square or avenue or vacant lot in said City, under the penalty of \$5 for each offense.

# § 223-13. Disposal of garbage after killing any sheep, hogs or cattle.

Every butcher or other person, immediately after killing any beef, calves, sheep, hogs or other cattle, shall destroy the offal, garbage and other offensive and useless parts thereof, or convey the same into some place where they shall not be injurious or offensive to the inhabitants, under the penalty of \$25 for every offense.

#### § 223-14. Carcass of dead animals.

No person shall cast or leave exposed the dead carcass of any horse, cow, hog, dog or other animal in any street, lane, alley, yard or lot within this City, under the penalty of \$25 for every offense.

# § 223-15. Decayed or unsound substances; Department of Health; duty of.

Whenever any putrid or unsound beef, pork, fish, poultry, hides or skins of any kind, or any other putrid or unsound substance, shall be found in any part of the City, it shall be the duty of the officers and members of the police, and the inspectors of the Department of Health, to cause the same to be destroyed, or to be disposed of in such other manner as may be equally secure as regards the public health; and if any person shall resist the said officers, or either of them, in the execution of the duties hereby imposed, or shall disturb, hinder or molest them therein, such offender shall incur a penalty of \$25.

# § 223-16. Unlawful to empty, cast or lay contents of tub or privy on public property.

No person shall, under the penalty of \$25 for each offense, empty, cast, or lay the contents of any tub or privy in any slip or dock, or in any street, lane or alley, or on any public property.

# § 223-17. Owner responsible for offensive matter; written notice; Department of Health.

Any owner or occupant of any barn, yard, lane, alley or other place, in which there shall be any garbage, dirt, or filth, or any other impure or offensive matter or substance, calculated to create or engender disease, who shall receive a written or printed notice from the Mayor, Department of Health, or the clerk or inspectors thereof, or any officer of the police, to remove the same, and shall not remove the same within 24 hours after the receipt of said notice, shall be liable to pay a penalty of \$25 for the first 24 hours' neglect after the same should have been removed, and of \$10 for every subsequent 24 hours' neglect, and any tenant of any house, barn or other premises who, upon removal therefrom, shall leave thereon any garbage, ashes, filth, rubbish or any impure or offensive matter of substance shall be guilty of a misdemeanor and punished by a fine of not less than \$10, nor more than \$25, or by imprisonment in the county jail one day for each dollar of fine unpaid.

# § 223-18. Block or row of buildings; requirements to erect.

It shall not be lawful for any person to erect or construct any block or row of buildings, intended for or to be used as dwellings, on any lot, piece or parcel of ground within the fire limits of the City of Albany, fronting upon any private lane, court or alley, unless such lane, court or alley is of the width of 25 feet, and paved, with a suitable drain therein, connecting with the public drain in the street upon which said lot is situated. The term "block or row of buildings," herein mentioned, shall be taken and construed to apply to any building, continuous or otherwise, extending 30 feet from the line of any street. Any person violating the provisions of this section shall be liable to a penalty of \$25 and costs, and to a like penalty for every day after the first conviction that such block or row of buildings shall be suffered by him to remain standing.

# § 223-19. Unlawful to slaughter without Common Council permission within following territory.

It shall not be lawful for any person, without permission from the Common Council, to slaughter cattle, sheep or swine in any building now erected or hereafter to be erected, or otherwise, within the territory hereinafter described; nor shall it be lawful for any person, without such consent, to conduct or carry on any business or occupation within such territory, which shall be noxious to health or comfort, nor shall it be lawful for any person, without such permission, to pollute or suffer or cause to be polluted within said territory, any running stream of water with blood or offal, or other deleterious or offensive matter, from cattle, sheep or swine, nor to permit or

suffer any such cattle, to remain within or upon said territory or any portion thereof, whereby the comfort or health of others may be or shall be affected. Any person who shall violate any of the provisions of this section shall incur a penalty of \$100 for each offense, to be recovered by civil action in the name of the City of Albany, or by a prosecution before a magistrate as for a criminal offense, as provided by law. The following shall be the territory hereinbefore mentioned, viz.: Commencing at a point on Warren Street, 40 rods west of Allen Street, and running thence on a line down Warren Street to Delaware Avenue; thence along Delaware Avenue to Second Avenue; thence along Second Avenue to the east bounds of the City; thence along the east bounds of the City to a point where the same is intersected by North Ferry Street; thence westerly along North Ferry Street to Broadway; and thence southerly to Van Woert Street; thence westerly along Van Woert Street to Lexington Avenue; thence along Lexington Avenue to Livingston Avenue; thence along Livingston Avenue to a point 160 rods west of Allen Street; thence along a line 160 rods west from Allen Street to Warren Street and the place of beginning.

# § 223-20. Separation of lavatory facilities for female employees.

Every proprietor of a manufactory, bindery, printing office or establishment, workshop or other place of business where women or girls are employed at labor, within the City of Albany, shall erect, maintain and keep in proper repair and condition for use, upon and within such manufactory, bindery, printing office or establishment, workshop or place of business aforesaid, or its appurtenances, a suitable urinal and water closet for the use of said woman and girls so employed, which urinal and water closet shall be distinct and separate from any urinal or water closet used by the male employees of such factory, bindery, printing office, workshop or place of business.

## § 223-21. Penalties for offenses.

Every person who shall neglect to comply with the provisions of § 223-20 of this article shall forfeit and pay the sum of \$10 upon conviction thereof and shall also forfeit and pay the sum of \$10 for each and every day after such first conviction during which said neglect shall continue.

#### § 223-22. Killing, butchering or selling diseased animals.

It shall not be lawful for any person to kill, butcher or sell within the City of Albany (whether alive or butchered, or if in parts or otherwise) any cattle, sheep or hogs subject to any disease, or that may have been bruised, or so debilitated as to injuriously affect their health. Any person offending against the provisions hereby shall be liable to a penalty of not less than \$10 nor more than \$50 for each offense.

#### § 223-23. Disposing of dead animals in Hudson River.

Any person who shall throw, deposit, place or cast, or cause to be thrown, deposited, placed or cast, into the Hudson River, within the limits of the City, or in the Albany Basin any dead animal, ordure, or deleterious, offensive, filthy or impure matter, liquid or thing, including oils of any kind, or who shall place, locate or deposit any dead animal, ordure, or deleterious, offensive, filthy or impure matter, liquid or thing, including oils of any kind, near said river or basin, so that the same or any part thereof may be washed or carried, by rain, flood or otherwise, into said river or basin, shall incur a penalty of not less than \$50 nor more than \$100 for each offense.

# § 223-24. Establishment of place for depositing dead animals.

The Common Council or Department of Health of the City of Albany shall, whenever deemed advisable, fix and establish some place or places for the depositing or destruction of any dead animals or offensive matter required to be removed from said City.

# § 223-25. Use of appropriate receptacles.

No person or persons shall throw, allow to fall or deposit in any vault, sink, privy or cesspool any offal, ashes, meat, fish, garbage or other substance, except that of which any such place is the appropriate receptacle.

# § 223-26. Burying contents of cesspools.

No tenant, occupant, owner or agent of any building or premises shall employ, cause or permit any part of the contents of any vault, privy, sink or cesspool therein or thereon to be buried or placed upon any lot, ground, yard

or any structure, shed or building within the limits of the City, without the permission of said Department of Health.

#### § 223-27. Drain to connect vault with main sewer.

Every owner, occupant, tenant or agent of any building or premises adjacent to a street or public place in which there is a main or common sewer shall construct or cause to be constructed a drain to connect each and every vault or privy in such building or upon said premises with said main or common sewer.

#### § 223-28. Construction of vault or privy.

Every person or persons who shall construct or cause to be constructed a vault or privy upon any ground which, from its location, subjacent position or otherwise, cannot have access, connection with or passage to some main drain or common sewer, shall cause said vault or privy to be made watertight, to be built of brick or stone and cement, or of wooden planks not less than two inches in thickness. No vault or privy shall contain less than 80 nor more than 216 cubic feet, nor be more than six feet in depth; nor shall any such vault or privy be nearer than 30 inches from an adjacent lot or premises, and every vault or privy shall be so constructed as to be conveniently approached, opened and cleaned.

## § 223-29. Stench traps.

Every sewer or drain leading from a dwelling house or other building in the City of Albany which is or may be inhabited or occupied by a human being shall be provided with a good and sufficient stench trap, which shall be placed therein and connected therewith outside of said dwelling house or other building as aforesaid.

# § 223-30. Penalties for offenses: stench traps.

The owner of any dwelling house or other building described in the foregoing section who shall fail, neglect or refuse to comply with, or in any manner violate the provisions of said section shall incur a penalty of \$1 for each and every day of the continuance of such violation, and in addition thereto shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not exceeding \$50 or imprisonment not exceeding six months for each and every offense. Editor's Note: Former Art. III, Department of Public Health, consisting of \$\$\frac{223-31}{2}\$ through 223-51, which immediately followed this section, was repealed 2-22-2001 by L.L. No. 1-2001.

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City of Albany, NY Monday, February 6, 2012

# Chapter 231. HOUSING

[HISTORY: Adopted by the Common Council of the City of Albany 7-18-1983 by L.L. No. 2-1983 as Ch. XIV of the 1983 Code. Amendments noted where applicable.]

#### **GENERAL REFERENCES**

Building construction — See Ch. 133. Electricity — See Ch. 171. Fair housing — See Ch. 187. Fire prevention — See Ch. 197. Plumbing — See Ch. 261. Sewers — See Ch. 299. Solid waste — See Ch. 313. Zoning — See Ch. 375.

# Part 1. General Provisions

[HISTORY: Adopted by the Common Council of the City of Albany 7-18-1983 by L.L. No. 2-1983 as Ch. XIV of the 1983 Code. Amendments noted where applicable.]

#### **GENERAL REFERENCES**

Building construction — See Ch. 133. Electricity — See Ch. 171. Fair housing — See Ch. 187. Fire prevention — See Ch. 197. Plumbing — See Ch. 261. Sewers — See Ch. 299. Solid waste — See Ch. 313. Zoning — See Ch. 375.

# Article I. Definitions; penalties

#### § 231-1. Definitions.

As used in this Part 1, the following terms shall have the meanings indicated:

#### **PUBLIC BUILDINGS**

Buildings or parts of buildings in which persons congregate for the purpose of witnessing, with or without an admission fee, any tragedy, comedy, opera, play, farce and/or moving or motion pictures.

# § 231-2. Attendant on duty while building in use.

The owner or person having direct control of the operation of such public buildings shall have in attendance at the time when such public building is being used for any of the above-mentioned

purposes a competent person or persons for the purpose of overseeing, operating and controlling apparatus used in such building for heating purposes.

# § 231-3. Penalties for offenses.

Any person violating any of the provisions of this Part 1 shall be guilty of a misdemeanor and, upon being found guilty of such violation, shall be liable to a fine which shall not exceed \$150 in amount or imprisonment not exceeding 150 days, or to both such fine and imprisonment.

# Part 2. Housing Code

Any person violating any of the provisions of this Part 1 shall be guilty of a misdemeanor and, upon being found guilty of such violation, shall be liable to a fine which shall not exceed \$150 in amount or imprisonment not exceeding 150 days, or to both such fine and imprisonment.

#### Article II. General Provisions

# § 231-4. Purpose.

The Common Council, in order to improve upon living conditions for the citizens of the City of Albany, does deem it in the best interest of the City of Albany that there be adopted and enacted the following provisions to carry out such purposes, to be known as the "Housing Code of the City of Albany, New York."

# § 231-5. Title; Director.

This code shall be known as the "Housing Code of the City of Albany, New York," which provides housing standards applicable to residential premises within the boundaries of said City and all annexations thereto. The Commissioner of Buildings shall also be known as the "Director of Housing" under the provisions of this code.

# § 231-6. Scope.

This code shall apply to premises as follows:

- A. Lots, plots or parcels of land on which residential buildings, buildings of mixed occupancy or accessory structures may be or are located.
- B. Residential buildings, including one- and two-family dwellings, rooming and lodging houses and multiple dwellings, except as specifically excluded in § 231-7.
- C. Residential occupancies in buildings of mixed occupancy.
- D. Structures accessory to residential occupancies.
- E. Hotels, motels, motor courts and motor hotels.

#### § 231-7. Nonapplicability.

- A. Whereas, mobile homes, mobile home courts, tourist camps, farm labor camps, travel trailers and trailer parks are not permitted for dwelling purposes within the boundaries of the City of Albany; and
- B. Whereas, housing standards applicable to nursing and convalescent homes have been established and regulated by the State of New York; therefore
- C. The provisions of this section are hereby deleted from this code.

# § 231-8. Application and availability of remedies; authority to issue regulations.

- A. Except as provided in §§ 231-104 and 231-126, the provisions of this code shall supplement local laws, ordinances, codes or regulations. When a provision of this code is found to be inconsistent with any provision of a local law, ordinance, code or regulation, the provision or requirement which is the more restrictive or which establishes the higher standard shall prevail. A greater penalty shall not be considered as more restrictive or a higher standard.
- B. Notwithstanding the availability of other remedies for enforcement of the provisions contained in the Building Code, Plumbing Code, Electrical Code, Sanitary Code of the Albany County Health District and Zoning Ordinances of the City of Albany, the remedies and enforcement procedures as set forth in this code are made available to enforce the provisions of the aforesaid enumerated City codes and ordinances and shall be deemed cumulative to other procedures and remedies; subject, however, to the provisions of §§ 231-104C and 231-126 of this code.
- C. The Commissioner of Buildings as Director of Housing shall have the authority to issue such regulations as may be necessary to implement the provisions of this code.

# § 231-9. Severability.

If a chapter, part, provision, section, subdivision or paragraph or term of this code shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to invalidate the remaining chapter, parts, provisions, sections subdivisions, paragraphs or terms.

# § 231-10. Definitions and word usage.

- A. The following definitions shall be used in the interpretation and construction of this code. Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; the singular number shall include the plural, and the plural the singular; the word "shall" is mandatory and not optional; the words "dwelling," "dwelling unit" or "premises" include the words "or any part thereof."
- B. Words and terms used in this code shall have the following meanings:

#### **ACCESSORY STRUCTURE**

A structure, the use of which customarily is incidental to that of the residential building and which is located on the same premises.

#### **ACCESSORY USE**

A use, occupancy or tenancy customarily incidental to the principal use or occupancy of a residential building. Such accessory uses may include, among others, the following: offices for the building management; dining rooms, banquet rooms, public kitchens and ballrooms; recreation and play rooms; laundries for the use of tenants and occupants and in connection with the management and operation of a residential building maintenance and work shops; storage rooms for linen, bedding, furniture, supplies and tenants' equipment and effects; rooms or space for the incidental sale or display of merchandise to occupants and tenants, such as newspaper, candy and cigar stands; garages within a residential building or on the premises thereof used primarily for the storage of passenger -type motor vehicles.

#### APPROVED

Approved by the administrative officer under the regulations of this code or approved by an authority designated by law or this code.

#### BASEMENT

That space of a building that is partly below grade which has more than one-half (1/2) its height measured from floor to ceiling above the average established curb level or finished grade of the ground adjoining the building.

# **BATHROOM**

Enclosed space containing one or more bathtubs or showers, or both, and which may also contain water closets, lavatories or fixtures serving similar purposes. See definition of "toilet room."

#### **BOARDINGHOUSE**

See definition of "rooming house."

#### BUILDING

Any structure having a roof supported by columns or walls, either wholly or partially enclosed within exterior walls or within exterior or party walls, intended to be used for the shelter or enclosure of persons, animals or property.

#### **CELLAR**

An enclosed space in a dwelling having more than one-half (1/2) of its height below the curb level. However, where a dwelling is set back from the curb level in such a manner that the enclosed space in the dwelling is above curb level but at least one-half (1/2) of its height is below the land immediately adjacent to the dwelling, such space shall be deemed a "cellar." A "cellar" shall not be counted as a story.

# CONVALESCENT HOME

See definition of "nursing home."

#### **COURT**

Any portion of the interior of a lot or a building site which is wholly or partially surrounded by buildings, and which is not required as a front, side or rear yard.

#### CURB LEVEL

The level of the curb at the center of the front of the building, for the purpose of measuring the height of any portion of a building; except that where a building faces on more than one street, the "curb level" is the average of the levels of the curbs at the center of each front. Where no curb elevation has been established, the mean level of the land immediately adjacent to the dwelling shall be considered the "curb level," unless the Municipal Engineer shall establish such "curb level" or its equivalent.

#### **DORMITORY**

Any room occupied for sleeping purposes by five or more persons. A "cubicle" is a small, partially enclosed sleeping space within a dormitory, with or without a window.

#### **DWELLING**

Any building, house or structure or portion thereof, which is occupied as, in whole or part, or intended to be used as a home, residence, living or sleeping place of one or more human beings, either permanently or transiently.

#### DWELLING, ONE-FAMILY

A detached building which shall be intended or designed for, or occupied exclusively for residential purposes by, one family and containing not more than one dwelling unit.

# **DWELLING, TWO-FAMILY**

A detached or semidetached building which shall be intended or designed for, or occupied exclusively for residential purposes by, two individual family or dwelling units entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar. A "two-family dwelling" includes a flat.

# DWELLING UNIT

Any room or group of rooms within a dwelling which are used or intended to be used by one or more persons for living and sleeping with or without facilities for cooking and eating.

#### **EXIT**

A safe and unobstructed way of departure from the interior of a building or structure to the exterior at street or grade, including doorways, passageways, hallways, corridors, stairways, ramps, fire escapes and all other elements necessary for egress or escape.

#### **EXTERMINATION**

Control and elimination of insects, rodents and vermin by eliminating their harborage places; by removing or poisoning, spraying, fumigating, trapping; or by any other approved means of pest elimination.

#### **FAMILY**

A collective body of persons forming a household and for the purpose of this code may consist of a single person.

#### **FARM LABOR CAMP**

A property consisting of a tract of land and all tents, vehicles, buildings or other structures pertaining thereto, any part of which may be occupied by persons employed as laborers in farm activities who are provided with sleeping facilities, in whole or in part, by the owner, lessee or operator thereof, with or without stipulated agreements as to the duration of their stay, whether or not they are supplied with meals but who are supplied with such services or facilities as are necessary for their use of such property.

#### FLOOR AREA

The horizontal area of a building which is enclosed by the exterior walls of the structure.

#### **GARBAGE**

The animal, vegetable and mineral waste resulting from handling, preparation, cooking and consumption of food.

# GENERALLY ACCEPTED STANDARD

A specification, code rule, guide or procedure in the field of construction or related thereto recognized and accepted as authoritative. Publications and standards issued by the following organizations shall be considered "generally accepted standards":

	organizations shall be considered "generally accepted stand
ACI	American Concrete Institute, 18263 West McNichols Road, Detroit 19, Michigan
AFM	Associated Factory Mutual Fire Insurance Companies, Factory Mutual Engineering Division, 1151 Boston- Providence Turnpike, Norwood, Massachusetts
AGA	American Gas Association Laboratories, 1032 East 62nd Street, Cleveland 3, Ohio
AISC	American Institute of Steel Construction, Inc., 101 Park Avenue, New York 17, New York
AISI	American Iron and Steel Institute, 350 Fifth Avenue, New York 1, New York
API	American Petroleum Institute, 50 West 50th Street, New York 20, New York
ARA	Agricultural Research Administration, United States Department of Agriculture
ASA	American Standards Association, Inc., 70 East 45th Street, New York 17, New York
ASCE	American Society of Civil Engineers, 29 West 39th Street, New York 18, New York
ASHAE	American Society of Heating and Air-Conditioning Engineers, 62 Worth Street, New York 13, New York
ASME	American Society of Mechanical Engineers, 29 West 39th Street, New York 18, New York
ASTM	American Society for Testing Materials, 1916 Race Street, Philadelphia 3, Pennsylvania

Atomic Energy Commission

New York 17, New York

American Water Works Association, 521 Fifth Avenue,

**AEC** 

AWWA

AWS	American Welding Society, 33 West 39th Street, New York 18, New York			
AWPA	American Wood Preservers' Association, 111 West Washington Street, Chicago 2, Illinois Army-Air Forces Specifications, Commanding General, Air Material Command, Wright-Patterson Air Force Base, Dayton, Ohio			
CS	Commercial Standards, United States Department of Commerce, Office of Technical Services			
DEPA	Douglas Fir Plywood Association, Tacoma 2, Washington			
DH	Department of Health, New York State, Albany 1, New York			
FCC	Federal Communications Commission			
FPL	Forest Products Laboratory, Forest Service, United States Department of Agriculture			
FS	Federal Supply Service, Standards Division, General Services Administration			
Н	Handbooks, United States Department of Commerce, National Bureau of Standards			
HHFA	Housing and Home Finance Agency			
IC	Industrial Code Rules,			
New York State Department of Labor, Board of Standards and Appeals, 80 Centre Street, New York 13, New York, or Bureau of Printing, Room 912, State Office Building, Albany 1, New York				
ICC	Interstate Commerce Commission Regulations, H. A. Campbell, 30 Vesey Street, New York 7, New York			
MIL	Military Specifications, Commanding General, Air Materiel Command, Wright-Patterson Air Force Base, Dayton, Ohio			
NBBPVI	National Board of Boiler and Pressure Vessel Inspectors, 145 North High Street, Columbus 15, Ohio			
NBFU	The National Board of Fire Underwriters, 85 John Street, New York 38, New York			
NFPA	National Fire Protection Association, 60 Batterymarch Street, Boston 10, Massachusetts			
NLMA	National Lumber Manufacturers Association, 1319 Eighteenth Street, N. W., Washington 6, D.C.			
SJI .	Steel Joist Institute, 1346 Connecticut Avenue, N. W., Washington, D.C.			
SPR	Simplified Practice Recommendations, United States Department of Commerce, Office of Technical Services			

ULI Unde

Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago 11, Illinois, or 161 Sixth Avenue, New York 13, New York

# GRADE, FINISHED

Natural surface of the ground or surface of ground after completion of any change in contour, abutting building or premises.

#### HABITABLE SPACE

Space occupied by one or more persons for living, sleeping, eating or cooking. Kitchenettes shall not be deemed to be "habitable space." See definitions of "nonhabitable space," "public space" and "exit."

#### HOTEL

A dwelling in which there are 30 or more sleeping rooms in one building or structure occupied primarily by transients who are lodged with or without meals; and there are provided such services as are incidental to the use thereof as a temporary residence.

#### INFESTATION

The presence, within or contiguous to a dwelling, dwelling unit, rooming house, rooming unit, lodging house, lodging unit or premises, of wild rodents, insects, vermin or other pests.

#### KITCHEN

Space, 60 square feet or more in floor area, with a minimum width of five feet, used for cooking or preparation of food.

#### KITCHENETTE

Space, less than 60 feet in floor area, used for cooking or preparation of food.

#### LODGING HOUSE

A dwelling, other than a hotel, in which persons are housed in a dormitory or dormitories, whether or not the space for sleeping accommodations therein is divided into cubicles.

#### **LODGING UNIT**

A room or group of rooms forming a single habitable unit, used or intended to be used for lodging.

#### MIXED OCCUPANCY

Occupancy of a building in part for residential use, in part for some other use not accessory thereto.

# MOBILE HOME

A movable living unit equipped with a chassis and provided with the following mechanical systems and equipment: plumbing, heating, electrical, cooking and refrigeration. See "trailer."

# MOBILE HOME COURT

A parcel of land which has been planned and improved for the placement of two or more mobile homes.

#### MOTELS, MOTOR COURTS and MOTOR HOTELS

A series of attached or semi-attached dwellings where each unit has convenient access to parking space for the use of the unit's occupants. The units, with the exception of the manager's or caretaker's, are designed to provide sleeping accommodations for automobile transients or overnight guests.

#### MULTIPLE DWELLING

A dwelling which is either rented, leased, let or hired out to be occupied or is occupied as the temporary or permanent residence or home of three or more families living independently of each other, including but not limited to the following: a tenement, flat, house, maisonette apartment, apartment house, apartment hotel, tourist house, bachelor apartment, studio apartment, duplex apartment, kitchenette apartment, hotel, lodging house, rooming house, boardinghouse, boarding and nursery school, furnished room house, club, sorority house, fraternity house, college and school dormitory, convalescent, old age or nursing homes or residences. It shall also include a dwelling, two or more stories in height, and with five or more boarders, roomers or lodgers residing with any one family. See § 231-7 for certain multiple dwellings not within the scope of this code.

#### MULTIPLE RESIDENCE

See definition of "multiple dwelling."

#### NONHABITABLE SPACE

Space used as kitchenettes, pantries, bath, toilet, laundry, rest, dressing, locker, storage, utility, heater and boiler rooms, closets and other spaces for service and maintenance of the building and those spaces used for access and vertical travel between stories. See definitions of "habitable space," "public space" and "exit."

#### **NURSING HOME**

A home for the care of the sick or infirm for compensation, where three or more inmates thereof are or may be accommodated, including nursing homes, homes for the care of the sick, convalescent or infirm patients or inmates.

#### **OCCUPANT**

That person or persons occupying a dwelling unit.

#### **OPENING PROTECTIVE**

Assembly of materials and accessories, including frames and hardware, installed in a wall, partition, floor, ceiling or roof opening to prevent, resist or retard the passage of fire, flame, excessive heat or hot gases.

- (1) **AUTOMATIC** Constructed and arranged to operate other than manually, if open, it will close when subjected to a predetermined temperature or rate of temperature rise.
- (2) **SELF-CLOSING** Arranged and equipped with devices which will ensure closing after having been opened.

#### **OPERATOR**

That person or persons charged and authorized by the owner for specific responsibilities involving the care, maintenance and operation of one or more dwelling units.

#### OWNER

That person or persons in whom is vested ownership, dominion or title of property.

#### PLUMBING SYSTEM

The plumbing system of building includes water supply distribution pipes; the fixtures and fixture traps; the soil, waste and vent pipes; the house drain and house sewer; the stormwater drainage, with their devices, appurtenances and connections all within or adjacent to the building.

#### POTABLE WATER

Water which is approved for drinking, culinary and domestic purposes.

## **PREMISES**

A lot, plot or parcel of land, including the building or structure thereon.

#### PRIVY

Any place for the voiding of excreta that is not connected by plumbing to an approved sewage disposal system.

## **PUBLIC SPACE**

Space within a residential building for public use, such as lobbies, lounges, reception, ball, meeting, lecture and recreation rooms, banquet and dining rooms and their kitchens and swimming pools.

# **ROOMING HOUSE**

A multiple dwelling in which there are fewer than 30 sleeping rooms occupied primarily by transients who are lodged with or without meals and in which there are provided such services as are incidental to its use as a temporary residence. Also, a dwelling two or more stories in height, occupied by one or two families and with five or more transient boarders, roomers or lodgers residing with any one family. Where "rooming house" is used in this code it shall mean boardinghouse, furnished room house or tourist house.

# **ROOMING UNIT**

Any room or group of rooms forming a single habitable unit used or intended to be used for living or sleeping but not designed for cooking or eating purposes.

#### RUBBISH

All combustible and noncombustible waste, except garbage.

#### **SEWAGE**

Liquid waste containing animal or vegetable matter in suspension or solution and which may include industrial wastes and liquids containing chemicals.

#### STORY

A space between the level of one finished floor and the level of the next higher finished floor or, if the top story, the space between the level of the highest finished floor and the top of the highest roof beams or, if the first story, the space between the level of the finished floor and the finished ceiling immediately above. For the purpose of measuring height by stories of dwellings erected on or after July 1, 1952, one additional story shall be added for each 12 feet or fraction thereof that the first story exceeds 15 feet in height and for each 12 feet or fraction thereof that any story above the first story exceeds 12 feet in height.

# STRUCTURE

An assembly of materials forming a construction framed of component structural parts for occupancy or use, including buildings.

#### TENANT

That person or persons who is given possession of real estate for a fixed period or at will.

#### TOILET ROOM

Enclosed space containing one or more water closets and one or more lavatories, which may also contain urinals and other plumbing fixtures. See definition of "bathroom."

#### TRAILER

A movable living unit equipped with a chassis but lacking any of the following mechanical systems and equipment: plumbing, heating, electrical, cooking and refrigeration.

#### VENTILATION

Supply and removal of air to and from a space by natural or mechanical means.

## VENTILATION, MECHANICAL

Ventilation by power-driven devices, other than wind-driven.

# VENTILATION, NATURAL

Ventilation by opening to outer air through windows, skylights, doors, louvers or stacks with or without wind-driven devices.

# WINDOW DIMENSIONS

The measurements between the stop-beads or, if there are no stop-beads, between the sides and the head and sill of the sash opening.

# Article III. Space, Occupancy, Light, Ventilation and Toilet Requirements

# § 231-11. General requirements.

- A. Buildings occupied in whole or in part as defined in this code shall comply with the requirements hereinafter set forth concerning occupancy, size, light and ventilation in order to provide safe and healthful environment.
- B. The term "accessory use" shall have a uniform meaning and shall apply in the same manner and under the same conditions or restrictions to all residential buildings.

#### § 231-12. Maximum occupancy.

- A. Every dwelling unit shall contain at least 120 square feet of habitable floor space for the first occupant thereof and at least 90 additional square feet of habitable floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable floor area within the dwelling unit.
- B. In lodging units and rooming units the maximum number of occupants shall be limited to the number determined on the same basis as for dwelling units.
- C. In buildings occupied as clubs, dormitories, sorority or fraternity houses and providing sleeping accommodations for more than five persons, the maximum number of occupants so

accommodated in any habitable room shall be limited to the number determined on the basis of the floor area, in square feet, of the room divided by 50 square feet per occupant.

#### § 231-13. Prohibited uses.

- A. It shall be prohibited to use for sleeping purposes any kitchen, nonhabitable space or public space.
- B. It shall be prohibited, in lodging houses and rooming houses, to use for dining purposes any communal kitchen containing less than 100 square feet of floor area or any nonhabitable space or public space other than dining space.
- C. It shall be prohibited to use any cellar space in a multiple dwelling as habitable space. Cellars in one- and two-family dwellings may be used as habitable space, provided that the cellar complies with all the following requirements:
  - (1) Combustion air shall not be taken from habitable space directly or indirectly.
  - (2) All habitable space in cellars shall be ventilated by mechanical means. The ventilating system shall replace the air in the habitable spaces at least three times per hour. The air supply of said ventilation system shall be from the exterior or may be drawn from the floor above, provided that the floor above is occupied by the same tenancy as the cellar.
  - (3) Walls of cellars shall be constructed to prevent condensation forming thereon when the relative humidity in the habitable area is 35%.
  - (4) All fuel-burning equipment shall be separated from habitable space by a partition having a minimum fire rating of one hour.

# § 231-14. Habitable space; size.

- A. Habitable space shall have a minimum ceiling height of seven feet six inches over 50% of the floor area; and the floor area where the ceiling height is less than five feet shall not be considered in computing floor area.
- B. A dwelling unit shall contain at least one habitable room having a minimum of 120 square feet of floor area and a minimum horizontal dimension of 10 feet.
- C. Kitchens shall have a minimum of 60 square feet of floor area, and other habitable spaces shall contain not less than 70 square feet of floor area and shall have a minimum horizontal dimension of seven feet.
- D. Every alcove less than 60 square feet in area, except a cooking space or foyer, shall be deemed to be part of a habitable room. The area of the opening in the dividing partition between the alcove and the room shall be at least 80% of the wall area of such partition, measured on the alcove side, but not less than 40 square feet. The depth of such alcove shall not exceed half its width. The floor area of the alcove shall be added to the floor area of the room in determining light and ventilation requirements for the room. An alcove with an area of 60 square feet or more, but less than the required area of a habitable room, shall be separately lighted and ventilated as required for habitable space.

# § 231-15. Basements.

Basements shall not be deemed habitable unless all of the following conditions shall be met: Such room shall be at least seven feet six inches in height in every part from the finished floor to the ceiling. Ceilings of such rooms shall be at least three feet six inches above the surface of the street, alley, yard or court adjoining the same. There shall be appurtenant to such room if used for sleeping purposes the use of a water closet. Every room shall have a window or windows opening upon the street, an alley or upon a yard or court. The total area of windows in every room shall be at least one-

eighth (1/8) of the floor area of the room, and the sash shall be made to open the full width, and the top of each window shall be within six inches of the ceiling. All exterior walls surrounding such room shall be dampproof. The floor of such room shall be dampproof and waterproof.

## § 231-16. Light and ventilation for habitable space.

- A. Habitable space shall be provided with natural light through one or more windows, skylights, transparent or translucent panels, or any combinations thereof, that face directly on legal open spaces at least six inches above the adjoining finished grade or are above a roof. The amount of light required for each room shall be equivalent to that transmitted through clear glass equal in area to 10% of the floor area of the habitable space.
- B. Habitable space shall be provided with electric light.
- C. Every habitable room shall be provided with natural ventilation through at least one window opening that faces directly on legal open space. No such window shall be less than 12 square feet in area between stop-beads, and the top of at least one window shall not be less than six feet six inches above the floor. It shall be constructed so that at least 45% of its area may be opened. A skylight arranged to give a clear ventilating opening of eight square feet shall be deemed the equivalent of the window called for, but such skylight shall not be placed on any shaft on which a window of a toilet room opens.
- D. Habitable space also may be provided with mechanical ventilation, in lieu of or in addition to natural ventilation.

# § 231-17. Miscellaneous requirements for habitable space.

- A. Dwelling units shall be separated from each other and from other spaces outside the dwelling unit.
- B. Sleeping rooms within dwelling units shall be separated from each other and from other spaces outside the sleeping rooms to provide privacy.
- C. Lodging units and boarding units shall be separated from each other and from other spaces outside the lodging units.
- D. A communal kitchen or dining room in a lodging house shall be accessible to the occupants sharing such kitchen or dining room without going through a dwelling unit or lodging unit of another apartment.

#### § 231-18. Height of public space.

Public space shall have a minimum height of seven feet six inches measured from finished floor to finished ceiling.

#### § 231-19. Light and ventilation for public space.

- A. Public spaces shall be provided with electric light.
- B. In public stairs, stairways and passageways, electric lighting shall be available at all times so as to afford safe passage for occupants and users. Such lighting shall conform to the following:
  - (1) A sufficient number of fixtures shall be provided so that the distance between fixtures is not more than 30 feet and so that no wall is more than 15 feet distant from a fixture.
  - (2) Incandescent lighting shall be based on not less than one-four (1/4) watt per square foot of floor area, except that each fixture shall have a lamp or lamps with a total of not less than 25 watts.

- (3) Fluorescent lighting shall be based on not less than one-tenth (1/10) watt per square foot of floor area, except that each fixture shall have a lamp or lamps of a total of not less than 15 watts.
- (4) Where under these formulas the calculated wattage does not correspond to that of a standard lamp, the next larger size shall be used.
- C. Public spaces shall be provided with either natural ventilation, conforming to the requirements for habitable space, or with mechanical ventilation.

#### § 231-20. Height of nonhabitable space.

Nonhabitable space, except crawl spaces and attics, in multiple dwellings shall have a minimum height of seven feet measured from floor to ceiling.

# § 231-21. Toilet rooms and bathrooms.

- A. In every private dwelling, apartment house and multiple residence, there shall be a separate water closet for each family. Each such water closet shall be placed in a room completely separated from every other water closet; such room shall be not less than three feet wide and shall be enclosed with partitions which shall extend to the ceiling. No drip trays shall be permitted in connection with any water closet nor shall a water closet fixture be enclosed.
- B. Toilet rooms and bathrooms shall have provisions for privacy.
- C. Toilet rooms and bathrooms for dwelling units in multiple dwellings shall be located within the dwelling units and shall be accessible from any sleeping room without passing through any other sleeping room.
- D. Unless located within dwelling units or directly connected with sleeping rooms, toilet rooms and bathrooms in multiple dwellings shall be provided in each story containing habitable space and shall be accessible thereto.
- E. Toilet rooms for employees in multiple dwellings shall be in separate room for each sex where there are five or more employees, shall be readily accessible to such employees and shall not open directly into any public kitchen or other public space used for the cooking or preparation of food.
- F. In one- and two-family dwellings, bathrooms and toilet rooms shall be provided with floors of moisture-resistant material.
- G. In multiple dwellings, floors of bathrooms, toilet rooms and similar spaces shall be waterproof; such waterproofing shall extend six inches or more above floors except at doors, so that floors can be flushed or washed without leaking. Walls shall be constructed or covered with a moisture-resistant material.
- H. All shower enclosures shall have waterproof floors and water-resistant walls.
- I. No water closet shall be placed out of doors.

#### § 231-22. Light and ventilation for nonhabitable space.

- A. Kitchenettes, bathrooms and toilet rooms shall be provided with electric light appropriate for the use of such rooms.
- B. Laundry rooms, furnace rooms and similar nonhabitable spaces shall be provided with electric light appropriate for the use of such rooms.
- C. Stairs shall be provided with electric light to allow safe ascent or descent.

- D. Kitchenettes, bathrooms and toilet rooms shall be provided with ventilation in accordance with either of the following: Natural ventilation as required for habitable space, except that for toilet rooms and bathrooms, a window shall not be less than one foot in width measured between the stop-beads and shall not be less than five square feet in area, and the openable area of a window in a kitchenette shall not be less than three square feet; or mechanical ventilation exhausting not less than 25 cubic feet per minute for bathrooms and toilet rooms and not less than 100 cubic feet per minute for kitchenettes.
- E. Spaces in multiple dwellings which contain central heat-producing, air-conditioning and other equipment shall be ventilated to the outer air, and air from these spaces shall not be recirculated to other parts of the building.
- F. Ventilation shall be provided in unheated attics, spaces below flat roofs and in crawl spaces. Location and net areas of ventilation openings shall be such as to minimize deterioration of structural members from condensation or other causes, in conformity with generally accepted standards.

## § 231-23. Access and vertical travel between stories.

- A. Stairs, both interior and exterior, shall be of sufficient width in conformity with generally accepted standards so as to serve the occupants.
- B. Railings shall be provided on open portions of stairs, balconies, landings and stairwells.

#### § 231-24. Exits.

- A. Safe, continuous and unobstructed exit shall be provided from the interior of the building to the exterior at street or grade level.
- B. Exits shall be arranged, constructed and proportioned so that occupants may escape safely from the building in case of emergency.
- C. In one- and two-family dwellings, in addition to a primary exit from the building, there shall be provided a secondary exit or, in lieu thereof, one or more openings for emergency use as defined in § 231-25.
- D. In multiple dwellings approved exits shall be provided.

# § 231-25. Opening for emergency use in dwellings not more than three stories in height.

- A. At least one opening or secondary exit shall be provided at each floor level containing a habitable space or recreation room.
- B. Such openings shall include doors and openable parts of windows, located so as to provide ready access to legal open spaces.
- C. Such openings shall have a minimum area of five square feet, with a minimum dimension of 16 inches, with bottom of openings no higher than three feet above finished floor in all above-grade stories and no higher than four feet six inches where required in basement and cellar.

#### § 231-26. Exits for dwellings more than three stories in height.

One- and two-family dwellings exceeding three stories in height shall have exits from every story which shall provide safe continuous passage to a legal open space and which shall comply with one of the following requirements:

A. One interior stairway enclosed in a fire separation having a fire resistance rating of at least one hour. All openings in such enclosures shall be provided with a self-closing opening protective as set forth in the following table:

#### **Opening Protectives For Interior wall Openings**

Fire-resistance rating of wall separation in which opening occurs, in hours	Fire-resistance rating of opening protective, in hours	
2 or more	1 1/2	
1 or 3/4	1	

- B. Two interior stairways with all doors opening upon such stairways equipped with a self-closing device.
- C. One interior stairway with all doors opening upon such stairway equipped with a self-closing device and one exterior stairway or fire escape providing exit from each dwelling unit on any story.
- D. One interior stairway equipped with an automatic sprinkler system, with all doors opening upon such stairway equipped with a self-closing device.

# **Article IV. Structural Requirements**

# § 231-27. General requirements for buildings.

- A. Buildings and parts thereof shall be maintained so as to be capable of sustaining safely their own weight and the loads to which they may be subject.
- B. Buildings shall be maintained so that loads are transmitted to the soil without undue differential settlement, unsafe deformation or movement of the building or any structural part.
- C. Buildings shall be maintained so that protection is provided for all structural members which may become structurally unsound if left unprotected. Causes of such deterioration include, among others, action of freezing and thawing, dampness, corrosion, wetting and drying and termites or other destructive insects.
- D. Buildings built in soil which is water bearing at any season of the year shall be maintained so that ground and surface water will not penetrate into habitable spaces, basements and cellars.

#### § 231-28. Foundation walls.

- A. The foundation walls of every structure used for human habitation shall be maintained in good repair and be structurally sound.
- B. Foundation walls shall be considered in good repair and structurally sound if found free from damage or defects and capable of bearing imposed loads.

#### § 231-29. Stairs, porches and railings.

- A. The stairs, porches and railings affixed to the exterior of every structure used for human habitation shall be kept in good repair and structurally sound. Railings shall be provided for stairs and balconies and, where necessary, for porches and accessible roofs.
- B. Stairs and porches shall be considered to be in good repair and structurally sound when found to be free of holes and cracks and capable of supporting imposed loads. Properly balustraded railings shall be provided when there is clear danger of accident or personal injury and must be capable of bearing normally imposed loads.

#### § 231-30. Weather- and watertight.

- A. Every structure used for human habitation shall be so maintained that it will be weather- and watertight.
- B. Exterior walls, roofs and all openings around doors, windows, chimneys and all other parts of the structure shall be so maintained as to keep water from entering the structure and to prevent undue heat loss. Damaged materials must be repaired or replaced. All parts of the structure that show evidence of dry rot or other deterioration shall be repaired or replaced and refinished. Such replacement, wherever practical, shall be in conformity with the remainder of the structure.

## § 231-31. Protective coating for exterior wood surfaces.

- A. All exterior wood surfaces of a structure used for human habitation that are not of a species inherently resistant to decay shall be treated, when necessary, with a protective coating or other preservative coatings, when necessary.
- B. Exterior wood surfaces shall be adequately protected against deterioration through the application of approved protective coatings when necessary.

# § 231-32. Overhanging objects.

- A. Every structure used for human habitation shall be free of loose overhanging objects.
- B. Exterior walls, roofs and all other parts of the structure shall be free from loose and unsecured objects and materials. Such objects or materials shall be removed, repaired or replaced.

# § 231-33. Free from dampness.

- A. Cellars, basements and crawl spaces in every structure used for human habitation shall be reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure.
- B. Ventilation shall be provided in every basement, cellar and crawl space by means of windows, openings or vents or mechanical vents.

#### § 231-34. Structural members.

- A. Supporting structural members of every structure used for human habitation shall be structurally sound.
- B. Supporting structural members shall be considered to be structurally sound if such members are capable of bearing imposed loads safely and if there is no evidence of deterioration.

# § 231-35. Chimneys, flues and vents.

- A. Chimneys and all flue and vent attachments thereto, and all other flues and vents of every structure used for human habitation, shall be structurally sound and free from defects, to assure the performance of the function for which they were designed and are used.
- B. Chimneys, flues, gas vents or other draft-producing equipment shall provide sufficient draft to develop the rated output of the connected equipment. Chimneys, flue linings, where required, flues, gas vents and their supports shall be structurally safe, durable, smoke-tight and capable of withstanding the action of the flue gases.

#### § 231-36. Interior stairs and railings.

- A. Interior stairs of every structure used for human habitation shall be structurally sound and free from defects. Railings shall be provided for stairs, balconies, landings and stairwells.
- B. Treads or risers that evidence excessive wear or are broken, warped or loose shall be repaired. Stairs shall be securely fastened to supporting structural members and be capable of supporting normally imposed loads. Properly balustraded railings capable of bearing normally imposed loads shall be placed on the open portions of stairs, balconies, landings and stairwells. (For multiple dwellings, see also Multiple Residence Law.)

#### § 231-37. Floors, walls and ceilings.

- A. Floors, walls and ceilings of every structure used for human habitation shall be structurally sound and maintained in a clean and sanitary condition.
- B. Floors shall be considered to be structurally sound where capable of safely bearing imposed loads. Walls and ceilings shall be considered to be structurally sound and in good repair when clean, free from breaks, loose plaster and similar conditions.
- C. Toilet room and bathroom floors shall be maintained so as to prevent leakage of water through the floor, under normal conditions of use and floor washing, and thus prevent the resultant deterioration or defects in structural members and ceilings below.

# § 231-38. Prohibited accumulations and storage.

It shall be prohibited:

- A. To accumulate or store on residential premises, except in approved locations, any highly flammable or explosive matter, such as paints, volatile oils, cleaning fluids and similar materials, or any combustible refuse, such as wastepaper, boxes, rags or similar materials; and
- B. To accumulate or store materials on fire escapes or stairs, in stairways or passageways, at doors or windows or under public stairs or in any other location where in the event of fire such materials may obstruct egress of occupants or interfere with fire-fighting operations.

## § 231-39. Prevention of fire spread.

- A. Walls and ceilings shall be maintained free from cracks and openings which would permit flame or excessive heat to enter the concealed space.
- B. In buildings of mixed occupancy, nonresidential space shall be separated from residential space by approved fire separations which will retard the spread of fire in accordance with generally accepted standards. (See § 231-10, Definitions and word usage.)
- C. Garages in or attached to a residential building shall be separated from other spaces in the building by approved fire separations which will retard the spread of fire and prevent flammable or toxic vapors originating within the garage from being transmitted to other parts of the building in accordance with generally accepted standards. (See § 231-10, Definitions and word usage.)

# § 231-40. Interior finishes, trim and decorative materials.

Interior finish materials for acoustical correction, surface insulation and decorative treatment on the surfaces of walls and ceilings and interior trim shall be of materials that will not, in burning, give off excessive amounts of smoke or toxic gases.

# § 231-41. Fireplaces.

- A. Fireplaces and similar construction used or intended to be used for burning fuel in open fires shall be connected to approved chimneys and shall be installed so that nearby or adjacent combustible material and structural members shall not be heated to unsafe temperatures.
- B. Hearths and linings or other parts of fireplace exposed directly to flame shall be of materials that will not melt, disintegrate, spall or shatter at high temperatures.
- C. Wood mantels and trim on fireplaces shall be placed and attached so that they cannot be heated to unsafe temperatures or ignited by sparks or embers from the fire.

# Article V. Equipment

## § 231-42. Equipment; maintenance.

- A. Plumbing, heating, electrical, ventilating, air-conditioning, refrigerating, cooking, fire protection and radiation-production equipment, elevators, dumbwaiters, moving stairs and other mechanical additions, installations or systems for the use of the building shall be installed, located and maintained so that under normal conditions of use such equipment and systems will not be a danger to health or welfare, a danger because of structural defects or a source of ignition or a radiation hazard and will not create excessive noise or otherwise become a nuisance or a hazard. Equipment and systems include, but are not limited to, apparatus, devices, fixtures, piping, pipe hangers, pipe covering, wiring, fittings and materials used as part of or in connection with such installations.
- B. Equipment and systems subject to damage from freezing shall be adequately protected against freezing.
- C. Moving parts of equipment which may be a potential hazard shall be guarded to protect against accidental contact.

#### § 231-43. Plumbing.

- A. Plumbing systems shall be maintained in sanitary and serviceable condition and installed and maintained in accordance with the Plumbing Code of the City of Albany.
- B. Plumbing systems shall be maintained so as not to weaken structural members nor cause damage or deterioration to any part of the building through fixture usage.

#### § 231-44. Water supply.

- A. Potable water from an approved source shall be available at all times in residential buildings. The domestic water supply system of the building shall be connected to such approved source and shall not be subject to contamination. When supplied from a public source, the potable water supply system shall not be connected to private or unsafe water supplies.
- B. Water supply systems shall be installed and maintained so as to provide at all times a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily and without undue noise under all normal conditions of use.
- C. Water supply systems shall be installed and maintained so that water used for purposes of cooling or heating shall not be reintroduced into the domestic water supply system or be distributed through such equipment to plumbing fixtures.
- D. Domestic hot water supply systems shall be provided with safety devices arranged to relieve hazardous pressures and excessive temperatures.

E. Every dwelling unit shall be supplied with water-heating facilities which are installed in an approved manner, properly maintained and properly connected with hot-water lines to the fixtures required to be supplied with hot water. Water-heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower and laundry facility or other similar units, at a temperature of not less than 130° F. at any time needed.

# § 231-45. Sewage drainage system.

- A. Plumbing fixtures shall be drained to a sewage drainage system and such system shall be connected to a public sewer or to an adequate and approved system of sewage disposal in accordance with the requirements of the Albany County Health District and the Building Department of the City of Albany.
- B. Where a public sewer is not available, a system shall be provided to receive and dispose of sewage without health hazard or nuisance in accordance with the requirements of the Albany County Health District and the Building Department of the City of Albany.
- C. Sewage or other waste shall not be discharged into the ground or into a waterway unless it has first been rendered harmless through subjection to treatment or to natural processes in conformity with generally accepted standards in accordance with the requirements of the Albany County Health District and the Building Department of the City of Albany.
- D. Substances which will clog the pipes, produce explosive mixtures, destroy the pipes or their joints or interfere unduly with the sewage disposal process shall not be discharged into the building drainage system unless it is provided with approved devices suitable for intercepting such substances in accordance with the requirements of the Albany County Health District and the Building Department of the City of Albany.
- E. Each fixture directly connected to the sewage drainage system shall be equipped with a water seal trap except as provided in the Plumbing Code of the City of Albany.
- F. Adequate cleanouts shall be provided and maintained so that pipes may be readily cleaned.
- G. The drainage system and its attendant vent piping shall be maintained so as to provide adequate circulation of air in all pipes in order that siphonage, aspiration or pressure will not cause a loss of trap seal under ordinary conditions of use.
- H. Each vent terminal to the outer air shall be installed and maintained so as to minimize the possibilities of clogging, frost closure, the return of foul air to the building or the creation of a nuisance to adjacent premises.
- I. Drains provided for fixtures, devices, appliances or apparatus containing food, water, sterile goods or similar materials shall be equipped with air breaks adequate to prevent contamination of such contents from any possible backup of sewage through the direct or indirect drainage piping.

# § 231-46. Storm drainage.

- A. Roofs and paved areas, including yards and courts, shall be properly drained. Storm drainage shall be conveyed to an adequate and approved system of water disposal where available. Storm drains shall be discharged in such manner that water will not flow onto sidewalks. Gutters and leaders shall adequately protect adjoining property from the water flowing from such roofs.
- B. Where a drainage system may be subject to backwater, suitable provision shall be made to prevent its overflow into the building as provided in the Plumbing Code of the City of Albany.

C. Leaders and gutters, if used, shall be constructed of noncombustible material, except that wood leaders and gutters may be used for buildings not more than three stories high.

# § 231-47. Plumbing facilities.

- A. Buildings shall be provided with plumbing systems designed to dispose of the sewage from all fixtures and to furnish cold water to every water closet and urinal and hot and cold water to every sink, lavatory, bathtub and shower required therein.
- B. There shall be provided within each dwelling unit plumbing fixtures consisting of at least:
  - (1) One kitchen sink;
  - (2) One water closet;
  - (3) One bathtub or shower; and
  - (4) One lavatory.
- C. Where multiple dwellings contain sleeping accommodations arranged as individual rooms or suites, for each multiple of six sleeping rooms or fraction thereof there shall be provided plumbing fixtures consisting of at least:
  - (1) One water closet;
  - (2) One bathtub or shower; and
  - (3) One lavatory.
- D. Where multiple dwellings contain sleeping accommodations arranged as a dormitory, for each multiple of 15 persons or fraction thereof so accommodated there shall be provided and located adjacent thereto plumbing fixtures consisting of at least:
  - (1) One water closet;
  - (2) One bathtub or shower; and
  - (3) One lavatory.
- E. Urinals may be substituted in men's toilet rooms for not more than one-third (1/3) of the required number of water closets.
- F. Privies, privy yaults and outhouses shall be prohibited on residential premises.

# § 231-48. Plumbing fixtures.

- A. Plumbing fixtures shall be made of smooth, nonabsorbent material and shall be free from concealed fouling surfaces.
- B. Plumbing fixtures shall be so spaced as to be reasonably accessible for their intended use.
- C. Plumbing fixtures shall be located in spaces that are accessible, lighted and ventilated.

#### § 231-49. Swimming pools.

A. Water supply used for filling or for cleaning of the pool shall be clean. Water supply shall be protected against potential pollution from all sources, including cross-connection and backflow.

- B. Drains shall be provided so that the pool can be safely and adequately drained. Drains shall be provided in floors surrounding the swimming pool and arranged so that water from such areas will drain without entering the pool.
- C. Filtering, sterilizing and auxiliary equipment, where required, shall be adequate to maintain the sanitary quality of water during each period the pool is in use. Equipment containing gases or disinfectants capable of giving off irritating toxic or flammable fumes shall be located in ventilated rooms.
- D. The installation shall be arranged and maintained to prevent dirt, sand or other foreign matter from entering the bathing area.

## § 231-50. Water supply tanks.

- A. Water supply tanks shall be installed and maintained so as to be watertight, verminproof, rodentproof, resistant to corrosion and capable of withstanding the working pressures under normal operation.
- B. Supports for tanks shall be of noncombustible construction.
- C. Tanks and their supports shall not be used to support equipment or structures other than for tank use, except where specially designed for such other use.
- D. Means for emptying water supply tanks shall be provided and maintained in proper working condition.
- E. Potable water supply tanks for domestic supply and standpipe or automatic sprinkler systems shall be installed and maintained to furnish water in sufficient quantity and pressure for such systems.

#### § 231-51. Requirements for fuel gas.

- A. Fuel gas piping systems shall be installed and maintained so as to remain gastight, safe and operative under conditions of use.
- B. Fuel gas piping systems shall provide a supply of gas sufficient to meet the maximum expected demand of the installed gas-burning appliances connected thereto.
- C. Fuel gas piping and equipment shall not be located in ducts, chimneys, flues, stairways or exits.

# § 231-52. Fuel gas shutoff valves.

- A. Gas piping systems shall have at least one accessible means for shutting off all gas supply, and such means shall be maintained in good operating condition.
- B. An easily accessible shutoff valve or cock shall be provided in the piping in close proximity to and ahead of every outlet for gas appliance.

# § 231-53. Service equipment for gas supplied from utility mains.

Gas services, gas meters and gas-pressure regulators shall be located so that they are protected from damage.

## § 231-54. Gas appliances.

- A. Gas appliances shall be installed with clearance for ventilation and shall be maintained in good operating condition.
- B. Water-cooled gas refrigerators are prohibited.

- C. New installations of air-cooled gas refrigerators are prohibited.
- D. Existing air-cooled gas refrigerators must be equipped with:
  - (1) A flue which is resistant to the corrosive action of flue gases.
  - (2) A fixed, mounted dust-incinerating type of gas burner, gas-pressure regulator, gas supply filter and thermostat.
  - (3) Proper operating automatic regulating and safety devices.
- E. The owner or agent of a residential building in which there is a gas appliance or a lessee in control of such building shall keep each appliance in good order and repair at all times.

# § 231-55. High-pressure gas.

Any service connection supplying gas at a pressure in excess of one pound per square inch gage shall be provided with a device to reduce such pressure to not more than one-half (1/2) pound per square inch gage prior to entering the meter, except where such service supplies equipment using gas at high pressures.

# § 231-56. Liquefied petroleum gas.

- A. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in buildings.
- B. Liquefied petroleum gas shall not be vaporized by devices utilizing open flame or open electrical coil.
- C. Where two or more containers are installed, connection shall be arranged so that containers can be replaced without shutting off the flow of gas to equipment.
- D. Containers shall be designed, stored and located so as not to be a hazard to the premises served or to the surrounding property.
- E. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
- F. Systems shall have at least one accessible means for shutting off the gas. Such means shall be located outside the building and shall be maintained in good operating condition.

#### § 231-57. Heating requirements.

Every dwelling and multifamily dwelling shall have heating facilities, and the owner of the heating facilities shall be required to see that they are properly installed, safely maintained and in good working condition and that they are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located herein to a temperature of at least an average of 70° F. with an outside temperature of 10° below zero. The owner of the heating facilities shall maintain a minimum average room temperature of 70°F. in all habitable rooms, including bathrooms and toilet rooms, when rented, at all times on the basis of 10° below zero outside.

# § 231-58. Smoke control.

Fuel-burning, heat-producing equipment shall be installed and maintained so that emission or discharge into the atmosphere of smoke, dust, particles, odors or other products of combustion will not create a nuisance or be detrimental to the health, comfort, safety or property of any person.

# § 231-59. Warm air heating.

Ducts and other air-handling equipment used for heating shall conform to the requirements of such equipment used for ventilating purposes.

#### § 231-60. Prohibited locations for heat-producing equipment.

Fuel-burning water heaters shall not be located in sleeping rooms, bathrooms or toilet rooms.

#### § 231-61. Fuel supply connection.

Fuel-burning equipment shall be permanently fastened and connected in place. Fuel supply connection to such equipment shall be made with approved pipe or with an approved flexible tubing connector and be protected against mechanical injury and corrosion.

#### § 231-62. Installation and clearance.

Where heat-producing equipment is installed on or adjacent to combustible materials, the location, insulation, clearance and the control of the equipment shall be such that the temperature on the surface of the combustible materials will not exceed a safe temperature.

# § 231-63. Air supply.

- A. Direct-fired heat-producing equipment and the enclosure in which it is located shall be provided with a supply of air adequate to replenish that consumed by complete combustion at the rated gross output of the equipment and for the ventilation of the enclosure to prevent the accumulation of heat.
- B. Such air shall be supplied by means of one or more openings to the exterior or by means of fixed openings to interior spaces which open to the exterior.

# § 231-64. Removal of products of combustion.

- A. Equipment for burning solids or liquid fuel shall be connected to suitable chimneys or flues and shall not be connected to gas vents. Unvented heaters burning liquid fuel shall be prohibited.
- B. Fuel-burning space heaters located in sleeping rooms or rooms normally kept closed shall be connected to a suitable chimney, flue or gas vent.
- C. Gas-fired equipment shall be connected to a suitable chimney, flue or gas vent when the discharge of products of combustion into the space where the equipment is installed would be a hazard.

## § 231-65. Safety devices.

- A. Equipment capable of developing hazardous pressures or temperatures shall be provided with means to relieve safely such pressures and temperatures.
- B. Controls for the safe operation of automatically operated heat-producing equipment shall be provided to function as follows: When failure or interruption of flame or ignition occurs, the fuel supply shall be cut off. When a predetermined temperature or pressure is exceeded, the input of additional heat shall be prevented or reduced to a safe rate. When the water level in a steam boiler drops below a predetermined level, the fuel supply shall be cut off. When failure or interruption of pilot light or main burner in liquefied petroleum gas equipment occurs, the fuel supply to each pilot light and main burner shall be shut off.

#### § 231-66. Heating of garages.

Fuel-burning equipment for garages serving multiple dwellings shall be located in heater rooms, except that equipment burning gas or liquid fuel located in the vehicle storage space shall be permitted in stories at or above grade where the equipment is elevated so as not to be exposed to possible accumulation of flammable gases and shall conform to the requirements set forth in § 231-64, Removal of products of combustion.

# § 231-67. Requirements for chimneys, flues and gas vents.

- A. Chimneys, flues, gas vents and their supports shall be installed and maintained so as to be structurally safe, durable, smoketight, noncombustible and capable of withstanding the action of flue gases without softening, cracking, corroding or spalling.
- B. Such facilities shall effectively convey the products of combustion to the outer air.
- C. Masonry chimneys shall have noncombustible foundations. Approved prefabricated chimneys shall be installed according to the requirements of the Building Department of the City of Albany.
- D. Flue linings shall be capable of withstanding the action of flue gas without softening, cracking, corroding or spalling at the temperature to which they will be subjected.
- E. Openings for smoke pipes or gas vent connections shall be provided with means for easy connection without restriction of flue.
- F. Fuel-burning equipment and fireplaces located in different tenancies shall not be connected to the same flue.
- G. Smoke pipes and gas vents shall be securely supported and be prevented from falling out of the flue.

# § 231-68. Firesafety.

Chimneys, flues and gas vents shall be installed and maintained so that under conditions of use the temperature of any combustible material adjacent thereto, insulated therefrom or in contact therewith does not exceed a safe temperature.

# § 231-69. Incinerator requirements.

- A. Incinerators shall be of adequate capacity for the intended use.
- B. Flue-fed incinerators shall be equipped with means for burning auxiliary fuel in sufficient quantity to assure complete combustion of refuse.
- C. A flue serving an incinerator shall be provided with a substantially constructed spark arrestor.
- D. Incinerators shall be connected to a suitable noncombustible chimney, smokestack or flue.
- E. Connections to incinerators shall provide free passage of refuse without clogging.

# § 231-70. Incinerator service openings.

- A. Service openings shall be readily accessible to the building occupants.
- B. No person shall deposit any highly flammable substances or objects which will clog the flue of an incinerator. Durable signs with plainly legible letters prohibiting disposal of such substances shall be provided near each service opening.

#### § 231-71. Requirements for electrical equipment.

- A. Electrical wiring and equipment shall be installed in conformity with the Electrical Code of the City of Albany *Editor's Note: See Ch. 171, Electricity.* and be maintained so as not to be a potential source of ignition of combustible material or a potential source of electrical hazard.
- B. Electrical wiring and equipment shall be firmly secured to the surface on which it is mounted.
- C. Electrical wiring and equipment installed in damp or wet locations or where exposed to explosive or flammable gases or to excessive temperatures shall be of a type approved for the purpose and location.
- D. Electrical wiring and equipment shall be protected against excessive current by properly rated overcurrent devices.
- E. Electrical wiring and equipment shall be grounded or otherwise protected by insulation, isolation or guarding so as to minimize the danger of high voltages from lightning or other causes.
- F. Electrical equipment which in ordinary operation produces arcs, sparks or excessive heat shall be enclosed or separated and isolated from all combustible material.
- G. Service equipment and overcurrent protection devices shall be installed and maintained in a readily accessible location.
- H. Where there is electric service available to the building or structure, every habitable room of a dwelling or multifamily dwelling shall contain at least two separate and remote outlets, one of which may be a ceiling- or wall-type electric light fixture. In the kitchen, three separate and remote wall-type electric convenience outlets or two such convenience outlets and one ceiling-or wall-type electric light fixture shall be provided. Every public hall shall contain at least one electric light fixture. In addition to the electric light fixture in every bathroom and laundry room there shall be provided at least one electric outlet.

#### § 231-72. Artificial lighting.

- A. Residential buildings and occupancies shall be wired for electricity, and lighting equipment shall be installed throughout to provide adequate illumination for the intended use of each space. Each electric wiring system shall be connected to an adequate source of supply.
- B. There shall be a switch or other means for controlling a light in each dwelling unit near the point of entrance to such unit.

#### § 231-73. Cooking and refrigeration requirements.

- A. Each dwelling unit shall be provided with appropriate cooking and refrigeration equipment. Cooking and refrigeration equipment shall be provided by the owner or by the tenant in accordance with their mutual written agreement.
- B. Cooking and refrigeration equipment shall be maintained in good operating condition.
- C. Gas-burning cooking equipment shall be permanently connected in place. Gas supply connection to such equipment shall be made with approved pipe or with an approved flexible tubing connector in accordance with the generally accepted standards (see § 231-10, Definitions and word usage).
- D. The combustion chambers of solid fuel-burning cooking equipment shall be appropriately vented.

## § 231-74. Communal cooking and dining facilities.

Every communal kitchen and dining room located in a rooming house shall have adequate space facilities and shall be so located as to be accessible to the occupant of each rooming unit, sharing the use of such facilities, without going through a dwelling unit or rooming unit of another occupant.

# § 231-75. Mechanical ventilation in one- and two-family dwellings.

- A. Exhaust air from a dwelling unit shall not be circulated to another dwelling unit.
- B. Ducts shall be securely fastened in place and appropriately firestopped.
- C. Equipment shall be secured so as not to present a hazard.

# § 231-76. Multiple dwellings; air-conditioning systems.

- A. Refrigerants that are highly flammable shall not be used.
- B. Direct systems using refrigerants that are flammable or toxic shall not be used for air-conditioning purposes.
- C. Equipment shall be secured so as not to present a hazard.

# § 231-77. Ventilation; multiple dwellings.

- A. Ventilating systems shall be installed and maintained so that the rapid spread of heat, flame or smoke through the system will be prevented and so that under conditions of use the temperature of any combustible material adjacent thereto or in contact therewith will not exceed a safe temperature.
- B. Stairways, shafts, hoistways or attics shall not be used as plenum chambers.
- C. Ducts shall be securely fastened in place and appropriately firestopped.
- D. Ducts and other air-handling equipment shall be of noncombustible material.
- E. Filters shall be installed and maintained so as not to constitute a fire or smoke hazard.
- F. Ducts passing through or located within combustible construction shall be separated from such construction by a clearance of at least one-half (1/2) inch or by a noncombustible insulating material at least one-fourth-inch thick.
- G. Air required for ventilation shall be taken from the exterior or shall be quality controlled.
- H. Exhaust air from a dwelling unit or a space the contents of which may emit odors, fumes or vapors shall not be circulated to other occupied spaces within the building.

# § 231-78. Air intake and exhaust openings.

- A. Air intake and exhaust openings shall be installed, located and maintained so as not to constitute a hazard or nuisance and so as to prevent the possibility of fire, smoke, fumes or foreign matter being drawn into the system.
- B. Ventilating systems shall be provided with adequate openings for incoming and outgoing air to obtain the required circulation. Intake openings shall provide air from an uncontaminated source.
- C. Where openings for mechanical exhaust are located in spaces that also contain fuel-burning equipment, there shall be provided fixed intake openings from the exterior to supply sufficient air so that the fuel-burning equipment is not adversely affected.

D. Exhaust openings shall be located so that the exhaust air will not create a nuisance.

#### § 231-79. Ventilation requirements.

Enclosures or spaces where heat, gases, vapors or odors may accumulate and become a potential source of hazard or nuisance shall be provided with adequate means of ventilation to remove such excess.

## § 231-80. Air-conditioning safety controls.

- A. Manually operated controls shall be provided to stop the operation of all central fan equipment. Such controls shall be conspicuously identified and in readily accessible locations outside the fan room.
- B. Every system using recirculated air and serving an assembly space or more than one fire area or more than one story of a building shall be provided with controls arranged so that under abnormal rise in temperature of the air in the system the fans causing normal circulation shall stop and require manual restart.
- C. Every system for ventilating an assembly space shall be provided with an emergency switch conveniently located and with a durable sign giving instructions for shutting down the system in case of fire.

#### § 231-81. Fuel oil requirements.

Fuel oil shall be received, stored and conveyed by means of fixed liquidtight equipment.

# § 231-82. Storage tanks.

- A. Tanks shall be provided with means for venting.
- B. Tanks shall be installed and maintained so as not to be a hazard to the premises served or the surrounding property and in accordance with the applicable codes and ordinances of the City of Albany.

#### § 231-83. Piping.

- A. Automatically operated boilers and furnaces using fuel oil shall be provided with remote control to stop the flow of oil during fire or other emergency.
- B. Filling, emptying and venting of tanks shall be by means of fixed piping. Pipes to underground tanks shall be pitched toward tanks. Terminals of fill and vent pipes shall be located outside of buildings at a safe distance from building openings.

#### § 231-84. Fire alarm systems in multiple dwellings.

Required fire alarm systems shall be maintained in proper operating condition at all times.

#### § 231-85. Sprinkler equipment in multiple dwellings.

- A. Required sprinkler equipment shall be maintained in proper operating condition at all times. Storage of materials shall cause minimum interference to effective discharge of water.
- B. Valves controlling water supply to sprinklers shall be secure in the open position.
- C. Sprinkler heads shall be maintained free of corrosion and paint.
- D. An automatic alarm system shall be installed in connection with a required sprinkler system. Such alarm system shall be activated by the operation of the sprinkler system.

# § 231-86. Standpipe systems.

- A. Standpipe systems shall be maintained in proper operation condition at all times.
- B. Gate valves at hose stations shall be maintained tight against leaks.
- C. Hose shall be in proper position ready for operation, dry and free of deterioration.

## § 231-87. Portable extinguishers in multiple dwellings.

- A. Each oil burner for boiler, furnace or central hot-water heater shall be provided with an approved hand fire extinguisher or two rounded-bottom pails filled with sand.
- B. Portable extinguishers required for fire protection shall be in their designated locations and in a condition which will permit efficient operation without delay.

# § 231-88. Requirements for elevators, dumbwaiters and escalators in multiple dwellings.

- A. Elevators, dumbwaiters and escalators shall be maintained so as to be free from physical and fire hazards.
- B. Elevator and power-operated dumbwaiter cars shall be provided with durable signs in conspicuous locations on which the rated capacity shall be indicated.
- C. Elevator cars shall be provided with approved means for transmitting a signal outside the hoistway in case of emergency.
- D. Hoistways and pits shall be maintained free of refuse.
- E. Machine rooms shall be maintained free of oil and grease and shall not be used for storage of articles or materials unnecessary for the maintenance of the elevator or dumbwaiter. Flammable liquids shall not be kept in such rooms.
- F. No person shall at any time make any required safety device or electrical protective device inoperative, except where necessary during tests, inspections or maintenance.

#### § 231-89. Discarded refrigerators; door.

Every person who discards a gas-fired, electric or other refrigerator shall, before removing such refrigerator from the room in which it was installed, remove the door completely from said refrigerator.

# **Article VI. Property Maintenance**

#### § 231-90. General property maintenance requirements.

Residential premises shall be maintained in conformity with the provisions of this code so as to assure the desirable residential character of the property.

# § 231-91. Open areas.

- A. Stormwater shall be properly drained to prevent recurrent entrance of water into any basement or cellar.
- B. Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant ponds. Gutters, culverts, catchbasins, drain inlets, stormwater sewers, approved combined storm and sanitary sewers or other satisfactory drainage systems shall be utilized where deemed necessary.

- C. Fences and other minor structures shall be maintained in a safe condition.
- D. Steps, walks, driveways, parking spaces and similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.
- E. Yards, courts and lots shall be kept free and clear of physical hazards and material or debris which would cause a fire hazard or act as a breeding place for vermin or insects.
- F. Heavy undergrowths and accumulations of plant growth noxious or detrimental to health shall be eliminated.
- G. Exterior property areas shall be free from conditions which might create a health, accident or fire hazard.
- H. Exterior property areas shall be reasonably free from holes and excavations, sharp protrusions and other objects or conditions which might cause personal injury. Walks, steps and driveways that contain holes or tripping hazards shall be filled, repaired or replaced as the need indicates. Open wells, cesspools or cisterns shall be securely closed. Trees or limbs of trees that constitute a hazard shall be removed.
- I. Sewage must be discharged into a public sewer system except as specially permitted by the authority having jurisdiction in accordance with the New York State Public Health Law and the Albany County Sanitary Code. Discharge of inadequately treated sewage shall not be permitted upon the surface of the ground or into natural or artificial surface drainways.
- J. For the protection of the general public, all swimming pools shall be effectively fenced by an artificial enclosure not less than six feet in height. For pools projecting above the ground and which are self-enclosed by the exterior projections thereof said enclosures shall be constructed to satisfy the requirements of this provision, provided that they are not less than six feet in height above the ground and provided further that any openings in the enclosure affording access to the pool proper be provided with a gate containing an automatic or manual locking device affixed in such a manner as to exclude small children.

# § 231-92. Buildings and structures.

# [Amended 10-4-1982]

- A. Subject to the provisions of Subsection B hereof, exterior surfaces of buildings and structures not inherently resistant to deterioration by the natural elements shall be periodically treated by appropriate means and materials suitable for preservation of said exterior. Accessory structures shall be maintained so as to be free of conditions detrimental to safety and health.
- B. Notwithstanding the provisions of Subsection A, the brick or stone exterior of any building or structure shall not be treated or cleaned by sandblasting, wire brushing by machine or any other procedure or process whereby sand, grit or other abrasive is used or applied by pressure alone or with other ingredients or solution to effect the removal of dirt, soot, paint or other matter or substance therefrom; except that paint or other matter deleterious to the structural and/or aesthetic integrity of the exterior of any building may, upon permission of the Commissioner of Buildings, be removed by such abrasive or pressure methods. In granting such permission, the Commissioner shall determine and consider the machinery, equipment, materials, supplies, manner and method of cleaning proposed, the age, structural composition and general condition of the building involved, the nature of the material sought to be removed and the practical necessity thereof, together with any other factors and/or circumstances that may, on a case-by-case basis, be deemed relevant. The above exception shall not apply to those buildings:
  - (1) Under the jurisdiction of the Capitol Hill Architectural Review Commission.
  - (2) Listed on the National Register of Historic Places.

- (3) Under the jurisdiction of the Historic Sites Commission.
- (4) Otherwise specifically designated historically or architecturally significant.

# § 231-93. Infestation and screening.

- A. Grounds, buildings and structures shall be maintained free of insects, vermin and rodent harborage and infestation. Methods used for exterminating insects, vermin and rodents shall meet the generally accepted Health Department practice and shall be in accordance with the manufacturer's specifications.
- B. Where the potential for rodent infestation exists, windows and other openings in basements and cellars shall be appropriately ratproofed with wire or other suitable materials.
- C. From May 1 to November 1, entrance to residential buildings shall be provided with self-closing-type devices, or screens and windows or other openings used for ventilation shall be appropriately screened. Screens shall not be required in rooms located sufficiently high in the upper stories of multiple dwellings as to be free of mosquitoes, flies and other flying insects.
- D. The exterior of every structure used for human habitation shall be so maintained as to be vermin- and rodent-free. Where rodent or vermin problems exist, all exterior windows, doors and other openings two feet above ground level and below shall be screened or protected with acceptable wire mesh or other approved materials. Defects, cracks or holes shall be tightly sealed to prevent the entrance of vermin and rodents.

# § 231-94. Garbage and refuse.

- A. Exterior property area shall be kept free from organic and inorganic material that might become a health, accident or fire hazard.
- B. Adequate sanitary facilities and methods shall be used for the collection, storage and handling and disposal of garbage and rubbish. It shall be prohibited to store or accumulate garbage or rubbish in halls or stairways. Every dwelling and every dwelling unit shall be provided with such receptacles as may be necessary to contain all garbage and rubbish, and all such receptacles shall be maintained in good repair. Receptacles for garbage shall be made of durable material, shall be watertight and shall be provided with tight-fitting covers.
- C. No person shall kindle any fire or furnish any material for any fire nor authorize such fire in any street, lane, alley or any vacant lot. Burning shall be prohibited except when such burning of combustible refuse shall be in a covered incinerator and not less than 10 feet from any dwelling or accessory structure.

#### § 231-95. Animals.

# [Amended 11-2-1987]

- A. Animals shall not be kept on any premises in such a manner as to constitute a nuisance.
- B. In addition, animals on any premises shall be maintained in accordance with all applicable state and local statutes ordinances and regulations.

# Article VII. Administration and Compliance

#### § 231-96. Title.

This article shall be known as the "Administration and Compliance Provisions" supplementary to applicable standards of the Housing Code of Albany, New York.

#### § 231-97. Purpose and scope.

The purpose and scope of this article is to provide uniform administration of and compliance with applicable standards of this code and to establish the responsibilities of parties concerned therewith.

# § 231-98. Nonapplicability.

This article shall not apply to premises which are not within the purpose and scope of this code.

#### § 231-99. Responsibilities of owners.

- A. Owners, operators and occupants who are responsible by reason of agreement or law shall be responsible for compliance with all provisions of this code.
- B. Owners of premises shall also be responsible for proper maintenance, condition and function of their property and service facilities. Unless otherwise agreed in writing with a tenant, the owner shall be responsible for furnishing adequate heat and hot-water supply, except in units with individual heating system or domestic hot-water supply.

# [Amended 9-18-1995 by Ord. No. 19.51.94]

- C. In the event that cooking and/or refrigeration equipment is provided by the owner, the owner shall maintain the same in proper operating condition. See § 231-73.
- D. The owner, operator or agent in control of the building shall be responsible for the following:

# [Added 9-18-1995 by Ord. No. 19.51.94]

- (1) Limiting occupancy to the maximum number of persons permitted and prohibiting unlawful uses.
- (2) Posting required statements of the maximum number of occupants permitted.
- (3) Maintenance of the premises in a clean, safe and sanitary condition.
- (4) Maintenance of the operation of service facilities in good order and condition.
- (5) Maintenance of plumbing, heating and electrical equipment and systems, appliances, fixtures, as well as other building equipment and facilities, in an appropriate, good operative, clean and sanitary condition.
- (6) Maintenance of walls, floors and ceilings in public places in a clean and sanitary condition.
- (7) Keeping exits free and clear.

# § 231-100. Responsibilities of rooming and lodging house operators.

Rooming and lodging house operators shall be responsible for compliance with this code in regard to the following:

- A. Limiting occupancy to the maximum permitted by this code.
- B. Maintenance of safe and sanitary conditions in all parts of rooming and lodging house premises.
- C. Maintenance and operation of all required service facilities.

- D. Maintenance of cooking and refrigeration fixtures and appliances within his control and all plumbing and other building equipment and facilities in an operative, clean and sanitary condition.
- E. Sanitary maintenance of walls, floors and ceilings.
- F. Keeping exits clean and unencumbered.
- G. Disposal of building garbage and refuse in a clean and sanitary manner.
- H. Extermination of insects, rodents or other pests on the premises.
- I. Installation and maintenance of required screens.

# § 231-101. Responsibilities of occupants.

# [Amended 11-2-1987]

A. In conjunction with the owner of the premises, occupants of dwelling units shall be responsible for compliance with this Code in regard to the following:

# [Amended 9-18-1995 by Ord. No. 19.51.94]

- (1) Occupancy limitations and its lawfully permitted use.
- (2) Maintenance in a clean, safe and sanitary condition.
- (3) Maintenance of plumbing, cooking and refrigeration equipment, appliances, fixtures and facilities, in a clean and sanitary condition, and providing reasonable care in the operation and use thereof.
- (4) Keeping exits free and clear.
- (5) Disposing of garbage and refuse into provided facilities in a sanitary manner, and keeping the premises free and clear therefrom.
- (6) Keeping domestic animals and pets in an appropriate manner and under control.
- B. In the event that cooking and/or refrigeration equipment is provided by the occupant, the occupant shall maintain the same in proper operating condition. See § 231-73.

# § 231-102. Discontinuance of utilities.

No owner, operator or occupant shall cause any service, facility, equipment or utility which is required to be supplied by the provisions of this code to be removed or shut off from or discontinued for any occupied dwelling unit except for necessary repairs, alterations or emergencies.

# Part 3. Administration

No owner, operator or occupant shall cause any service, facility, equipment or utility which is required to be supplied by the provisions of this code to be removed or shut off from or discontinued for any occupied dwelling unit except for necessary repairs, alterations or emergencies.

# **Article VIII. General Provisions**

### § 231-103. Administrative agency.

- A. The Bureau of Code Enforcement of the Department of Buildings of the City of Albany, New York, is hereby designated as the agency to administer and secure compliance with this code. Such agency is hereinafter referred to as "the Bureau."
- B. The Bureau shall be under the direction and charge of the Commissioner of Buildings as chief officer of said Bureau, who shall have as his representatives such assistants and inspectors as may be necessary to carry out effectively the powers and duties of the Bureau.
- C. All personnel of the Bureau shall be qualified and appointed as prescribed by the laws of the City of Albany and the rules and regulations of Department of Buildings.

# § 231-103.1. Applicability of State Uniform Fire Prevention and Building Code.

[Added 4-16-2001 by Ord. No. 4.11.01] A violation of the State Uniform Fire Prevention and Building Code (9 NYCRR, Subtitle S, Chapter I; hereinafter "Uniform Code") shall be a violation of this chapter, punishable as hereinafter set forth.

# § 231-104. Powers and duties.

- A. The Bureau shall be charged with the duty of administering this code and securing compliance therewith except as restricted by Subsection C and shall be empowered to adopt rules and regulations necessary for securing such compliance and for its own organization and internal management, provided that such rules and regulations shall not be in conflict with this code.
- B. It shall be the duty of the chief officer:
  - (1) To cause periodic inspections to be made of all premises within the scope of this code, to cause an inspection to be made upon the sale of any housing accommodations covered by this code and, at the request of the buyer or seller, to make such inspection prior to the closing of title for such premises.
  - (2) To cause an investigation of all complaints of alleged housing violations or other unsafe or insanitary conditions. All complaints must be in writing, setting forth the alleged violation or other unsafe or insanitary conditions, and shall be signed by the complainant with his, her or their address. Such complaints should be filed with or addressed to the chief officer, Bureau of Code Enforcement, City of Albany, New York. The name of the complainant shall not be revealed except as may be required in the course of legal action.
  - (3) To request the Corporation Counsel of the City to take appropriate legal action in the name of the Bureau upon failure of the responsible party to comply with any violation order within the time specified therein.
  - (4) To cooperate with other municipal governmental agencies engaged in the survey, study and improvement of housing conditions.
  - (5) To issue a certificate of compliance for premises which satisfy the requirements of this code.
  - (6) To charge such fees as may be established by the Common Council of the City of Albany.
  - (7) To submit to the Mayor an annual report of the Bureau and recommendations for the future.
  - (8) To cooperate with the City of Albany Fire and Emergency Services personnel pursuant to Subsection D of this section.

[Added 9-18-1995 by Ord. No. 19.51.94]

- C. Violations of such provisions of this code which are specifically covered by or within the scope of the Sanitary Code of the Albany County Health District and/or the Public Health Law of the State of New York shall be referred to the County Commissioner of Health or his designated representative. These referrals shall be for the following purposes:
  - (1) To make inspections of said referred alleged violations and report in writing such findings to the chief officer of the Bureau of Code Enforcement.
  - (2) At the time of submitting such report, the County Commissioner of Health or his designated representatives making the report shall inform the chief officer of the Bureau in writing that:
    - (a) All or part of the violations contained in the report will be administered by and compliance secured in accordance with the provisions of said Sanitary Code and/or Public Health Law; or
    - (b) All or part of the violations contained in the report may be administered by and compliance secured in accordance with the provisions of the Housing Code of the City of Albany, and the inspector making such inspection shall cooperate with the chief officer of the Bureau to obtain compliance. The items of violation contained in the report shall be included in any notice or order issued by the chief officer of the Bureau and in all legal proceedings pertaining thereto.
- D. Authorized personnel of the City of Albany Department of Fire and Emergency Services are hereby empowered to issue notices and orders and all related papers pursuant to §§ 231-108, 110 and 113 of this Code if, in the course of their duties, reasonable grounds to believe that there has been a violation of any provision of this Code, or any rule or regulation adopted pursuant thereto, is determined.

[Added 9-18-1995 by Ord. No. 19.51.94; amended 4-16-2001 by Ord. No. 4.11.01]

#### § 231-105. Inspection of premises.

The chief officer of the Bureau is authorized to make or cause to be made inspections to determine the conditions of premises in order to safeguard the health, safety and welfare of the general public. The inspection hereinabove authorized shall be made between the hours of 10:00 a.m. and 4:00 p.m. on any day of the week, exclusive of Saturdays, Sundays and all legal holidays. The inspection shall be made in such a manner and at such a time within the hours hereinabove prescribed so as to cause the least possible inconvenience to the persons in possession thereof.

## § 231-106. Access to premises.

- A. The chief officer or his designated representative upon presenting himself for the purpose of making an inspection shall exhibit proper identification and state the purpose of his business on the premises. The chief officer or his designated representative, with the permission of either the owner, operator, agent or occupant thereof, is then authorized to enter, examine and survey the dwelling, dwelling unit or premises in the discharge of his official duties. The inspection shall be made in such a manner so as to cause the least possible inconvenience to the persons in possession thereof. The owner, operator, agent or occupant may refuse entry at the time the request is made by the chief officer or his designated representative; however, should permission to enter and make inspection be not granted within 10 days thereafter, the chief officer shall enforce entry according to the laws pertaining thereto.
- B. Every occupant of a dwelling, dwelling unit or premises shall give the owner or his operator, agent or employee access to any part of said dwelling, dwelling unit or premises at any reasonable hour for the purpose of making repairs or alterations which are necessary to effect compliance with the provisions of this code or any lawful order issued pursuant thereto.

### § 231-107, Identification of inspectors.

Inspectors and authorized personnel of the Bureau shall be supplied with official identification and shall exhibit such identification when entering any premises and all parts thereof.

#### § 231-108. Notice and order.

[Amended 9-18-1995 by Ord. No. 19.51.94; 4-16-2001 by Ord. No. 4.11.01] Whenever City personnel authorized in this article determine that there has been a violation, or that there are reasonable grounds to believe that there has been a violation of any provision of this Code, or any rule or regulation adopted pursuant thereto, (s)he shall give notice of such violation or alleged violation to the person or persons responsible for such violation. Such notice shall be in writing and shall specify the alleged violation and shall order for compliance within such time as specified therein, but in no case longer than 30 days, and shall be served upon the responsible party or parties in the manner provided in Chapter 133A of this Code.

## § 231-109. (Reserved)

Editor's Note: Former § 231-109, Final order, was repealed 4-16-2001 by Ord. No. 4.11.01.

### § 231-110. Power to act in emergencies.

[Amended 4-16-2001 by Ord. No. 4.11.01] Whenever the chief officer of the Bureau at any stage of the proceedings instituted under the provisions of this code finds that a violation of this code exists which, in his or her opinion, requires immediate action to abate a direct hazard or immediate danger to the health, safety or welfare of the occupants of a building or of the public, he or she may, without prior notice or hearing, issue a notice and order, served in the manner provided in Chapter 133A of this Code, citing the violation and directing that such action be taken as is necessary to remove or abate the hazard or danger. Such order may include an order to vacate. Notwithstanding any other provision of this code, such an order shall be effective immediately upon service and shall be complied with immediately or as otherwise provided.

#### § 231-111. (Reserved)

Editor's Note: Former §§ 231-111, Extension of compliance time, and 231-112, Transfer of ownership, were repealed 4-16-2001 by Ord. No. 4.11.01.

#### § 231-112. (Reserved)

Editor's Note: Former §§ 231-111, Extension of compliance time, and 231-112, Transfer of ownership, were repealed 4-16-2001 by Ord, No. 4,11,01.

### § 231-113. Records.

Records shall be kept of all complaints received, inspections made, violations and actions taken regarding premises regulated by this code. Records of inspections made, violations found and actions taken regarding premises regulated by this code shall be available for public inspection.

#### § 231-114. Designation of unfit premises.

Unfit premises shall be as follows:

- A. Any premises within the scope of this code having any of the defects found in Subsections B, C, D and E may be designated by the chief officer of the Bureau as unfit for human habitation and a notice to such effect shall be posted upon the premises.
- B. The structure lacks ventilation, sanitation, heat or other facilities adequate to protect the health and safety of the occupants or the public.

- C. The structure or premises is damaged, decayed, dilapidated, insanitary, unsafe or vermininfested in such a manner as to create a serious hazard to the health and safety of the occupants or the public.
- D. The structure or premises, because of the location, general conditions, state of the premises or number of occupants, is so insanitary, unsafe, overcrowded or otherwise detrimental to health and safety that it creates a serious hazard to the occupants or the public.
- E. The structure, because of the failure of the owner or occupant to comply with such notices or orders issued pursuant to this code, is unfit for human habitation.

### § 231-115. Notice of intent to vacate.

[Amended 4-16-2001 by Ord. No. 4.11.01] Whenever the chief officer of the Bureau determines that a dwelling, dwelling unit, lodging house, lodging unit, rooming house or rooming unit is unfit for human habitation as provided in § 231-114, he shall include such finding within the notice and order provided for in § 231-108 or 231-110, and he shall also include a statement of his intent to order the premises to be vacated and to post necessary notices on the dwelling, dwelling unit, lodging house, lodging unit, rooming house or rooming unit if compliance with the provisions of the notice of violation has not been secured.

# § 231-116. Order to vacate.

[Amended 4-16-2001 by Ord. No. 4.11.01] Whenever a notice and order, as provided in § 231-115, has not been complied with, the chief officer of the Bureau may post a notice on the premises and order the premises or any part thereof to be vacated. A copy of such order to vacate shall be served on the owner, agent or operator and the occupant in the same manner as the case may require as provided for serving notice and order in § 231-108.

# § 231-117. Vacation of unfit dwelling.

Any dwelling, dwelling unit, lodging house, lodging unit, rooming house or rooming unit designated as unfit for human habitation pursuant to § 231-114 and ordered that a notice be posted and vacated as provided in § 231-116 shall be vacated within such reasonable time as the chief officer of the Bureau may specify in the order. No such dwelling, dwelling unit, lodging house, lodging unit, rooming house or rooming unit shall again be used for human habitation and said posted notice removed until written approval is secured from the chief officer of the Bureau.

### § 231-118. Removal of posted notice.

No person shall deface or remove the posted notice from any dwelling, dwelling unit, lodging house, lodging unit, rooming house or rooming unit which has been designated as unfit for human habitation, except as provided in § 231-117.

### § 231-119. Vacated dwelling made secure.

The owner, agent, occupant or operator of any dwelling, dwelling unit, lodging house, lodging unit, rooming house or rooming unit which has been designated as unfit for human habitation and vacated shall make such dwelling, dwelling unit, lodging house, lodging unit, rooming house or rooming unit safe and secure in whatever manner the chief officer of the Bureau shall deem necessary. Any vacated building, open at the doors and windows, if unguarded shall be deemed dangerous to human life and a nuisance within the meaning of this provision.

# § 231-120. Notice of intent to demolish.

[Amended 4-16-2001 by Ord. No. 4.11.01] Whenever the chief officer of the Bureau designates a building unfit for human habitation, as provided in this code, and determines that the cost necessary to correct the violation is not reasonably related to the value of the building, he shall include within the notice and order provided for in § 231-108 or § 231-110 a statement of his intent to order the

demolition of the structure. A copy of such notice shall be served on the owner, occupant, lessee and mortgagee, in the same manner as provided for service of notice of violation in § 231-108. The owner may demolish such structure or correct the violation regardless of cost, provided that the requirements of the Building Code in effect at the time of attempted compliance are satisfied.

#### § 231-121. Order to demolish.

[Amended 4-16-2001 by Ord. No. 4.11.01] Whenever a notice of violation as provided in § 231-120 of this code has not been complied with, the chief officer of the Bureau may order the building demolished. Such order shall be served on the same parties provided in § 231-120 and in the same manner as provided for service of notice and order in § 231-108, and demolition shall be completed within the time specified by the chief officer of the Bureau.

## § 231-122. Bureau to make repairs or demolish.

Whenever a notice and order to remove a violation or secure, vacate or demolish a building has not been complied with and when such failure to comply is deemed by the chief officer of the Bureau to constitute a nuisance, he may proceed to cause the structure to be demolished, repaired, altered, secured or vacated or take such other legal action as is necessary to abate the nuisance. Whenever the chief officer of the Bureau determines that such nuisance exists, he shall record sufficient proof to support such determination. Abatement authorized by this section shall not commence until at least 30 days after service of such order, except as provided in § 231-110.

### § 231-123. Recovery of expenses.

The expenses incurred pursuant to § 231-122 of this code shall be paid by the owner or occupant of the premises or by the person who caused or maintained such nuisance or other violation. The chief officer of the Bureau shall file among its records an affidavit stating, with fairness and accuracy, the items of expense and the date of execution of actions authorized by § 231-122. The chief officer of the Bureau may institute a suit to recover such expenses against any person liable for such expenses. Such expenses shall be charged against the property as a lien. Except with respect to a lien imposed for expenses incurred in demolition, nothing herein shall be construed as placing a lien upon the property which has priority over the lien of any recorded mortgage or lien on such property executed and recorded prior to the existence of a lien herein authorized.

### § 231-124. Administrative liability.

No officer, agent or employee of the City of Albany, New York, shall be personally liable for any damage that may accrue to person or property as a result of any official determination order or action required or permitted in the discharge of his duties under this code. Any suit brought against any officer, agent or employee of the City of Albany, New York, as a result of any official determination order or action required or permitted in the discharge of his duties under this code shall be defended by the Corporation Counsel until the final determination of the proceedings therein.

### § 231-124.1. Enforcement procedures.

[Added 4-16-2001 by Ord. No. 4.11.01] Whenever an authorized employee of the Department of Fire, Emergency and Building Services determines that a person has failed to comply with a notice and order issued under this chapter, such persons may issue, without further notice to the person responsible for such violation, an appearance ticket returnable in the City Court for the prosecution of said violation pursuant to the provisions of Chapter 11, or take such other enforcement procedures as may be authorized by law.

## § 231-125. Penalties for offenses.

[Amended 11-7-1983; 9-18-1995 by Ord. No. 19.51.94; 4-16-2001 by Ord. No. 4.11.01]

- A. In the event that there is no action undertaken by the owner or his agent within the time stated in a notice issued under this chapter, such lack of action shall be considered prima facie evidence of failure to comply with the requirements set forth in the notice.
- B. Any person who shall knowingly violate or assist in the violation of this Code or of the Uniform Code or who fails to comply with a notice and order or other like directive issued by the authorized City personnel within the time stated thereon shall, upon conviction, be subject to penalties as set forth in Chapter 133A of this Code.

### § 231-126. Duties of legal officers.

The Corporation Counsel shall, upon complaint of the chief officer of the Bureau or upon his own motion, institute appropriate action to restrain, prevent, enjoin, abate, correct or remove violations of this code and to take such other legal action as is necessary to carry out the terms and provisions of this code. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law and as provided in this section; any and all remedies may be pursued concurrently or consecutively, and the pursuit of any remedy shall not be construed as an election or the waiver of the right to pursue any and all of the others.

# § 231-127. Right of appeal.

[Amended 4-16-2001 by Ord. No. 4.11.01] Any person or persons jointly or severally aggrieved by any notice and order of the chief officer of the Bureau may appeal to the Board of Zoning Appeals in the manner prescribed in the Chapter 551, Section 1, Article 7 and Article 8, of the Laws of the City of Albany.

# Part 4. Residential Occupancy Permit

[Amended 4-16-2001 by Ord. No. 4.11.01] Any person or persons jointly or severally aggrieved by any notice and order of the chief officer of the Bureau may appeal to the Board of Zoning Appeals in the manner prescribed in the Chapter 551, Section 1, Article 7 and Article 8, of the Laws of the City of Albany.

### Article IX. General Provisions

#### § 231-128. Title.

This Part 4 shall be known as the "Residential Occupancy Permit Provisions" and is supplementary to applicable provisions of the Housing Code of Albany, New York.

### § 231-129. Purpose and scope.

The purpose and scope is to provide uniform administration and compliance with the requirements of this Part 4 applicable to residential occupancy permits and to establish the responsibilities of parties concerned therewith.

### § 231-130. Inspection and certification of premises.

#### [Amended 8-19-1996 by Ord. No. 23.102.95]

#### A. General.

(1) All residential rental dwelling units shall be inspected and certified by the Department of Fire and Emergency Services (hereinafter "the Department"), which shall determine compliance with, administer and enforce all applicable provisions of this code and the Code. On and after November 1, 1996, residential occupancy permits shall be valid for 30 months from the date of issuance.

### [Amended 4-16-2001 by Ord. No. 4.11.01]

- (2) Nothing contained herein shall be construed or operate to invalidate an otherwise legally effective permit or certificate issued prior to November 1, 1996, except that such permit or certificate shall be valid only until May 31, 1999, or a change in the tenancy of the residential rental dwelling unit to which the permit or certificate relates, whichever first occurs.
- (3) Except as otherwise provided herein, it shall be unlawful and a violation of this chapter to rent, lease or otherwise allow the occupancy of any residential rental dwelling unit without the inspection and certification as required herein.
- (4) If, upon inspection, said premises do not comply with all applicable provisions of this code or the Uniform Code, the specific reasons for noncompliance shall be specified in writing in a notice and order, as provided in § 231-108. The notice and order shall be served as set forth in Chapter 133A of this Code. Occupants or proposed occupants of dwellings shall have the right to inspect the certificate of occupancy of the residential rental dwelling unit, apartment or multiple residence in which they have an interest at no cost
- B. On or after November 1, 1996, the Department shall have the right to inspect all or any part of the rental dwelling, including any unit or apartment, or entire multiple residence as required herein and/or upon complaint, except that the owner, agent or person in charge thereof shall have the right to insist upon the procurement of a search warrant from a court of competent jurisdiction by the Chief of the Department, or his or her designee, in order to enable such inspection. The officials charged with conducting the inspection pursuant to this Part 4 shall be required to obtain a search warrant whenever an owner, agent or person in charge refuses to permit a warrantless inspection of the premises after having been advised that he or she has a constitutional right to refuse entry of the officials without a search warrant.
- C. The officials charged with conducting the inspection shall make such inspection, access and circumstances permitting, within three business days of receipt of a request from the owner, agent or occupant.
- D. An owner, agent or occupant may file with the Department a request for such inspection and the issuance of a residential occupancy permit by regular mail or in person at the office of the Chief of the Department.
- E. Nothing in this Part 4 shall be construed to limit the right of the Department to inspect any property at any time. If, after issuing a residential occupancy permit, the Department receives a complaint alleging a violation of this chapter, other than a violation that creates an imminent hazard to the public health or to the physical or mental health of the occupants of the rental property, the Department shall make a good faith effort to notify the owner or agent of the complaint by either telephone or regular mail, before conducting an inspection under this chapter, and shall provide to the owner or agent one working day to explain what steps the owner or agent is taking to correct the violation. The Department may take steps necessary, by inspection or other means, to assure that the violation is corrected.

# [Amended 4-16-2001 by Ord. No. 4.11.01]

- F. No residential occupancy permit shall be issued under this Part 4 unless and until the fee(s) required under Part 5 of this chapter is paid in full to the Department.
- G. No residential occupancy permit shall be issued under this Part 4 unless the rental dwelling unit is an authorized use pursuant to Chapter 375, Zoning, and until all other applicable provisions and requirements of the Code of the City of Albany are complied with and met.

# [Added 8-2-1999 by Ord. No. 13.62.99]

#### § 231-131. Collection of rents.

[Amended 8-19-1996 by Ord. No. 23.102.95; 4-16-2001 by Ord. No. 4.11.01] No owner, agent or person in charge shall collect rents during any period of noncompliance with the provisions of this part which would otherwise be due and owing for the rental of premises unless and until he or she shall have complied with the provisions herein. Nothing herein shall be construed to prevent a landlord, upon receipt of the residential occupancy permit, from receiving the equitable value of the occupancy of the premises from the earliest date of occupancy, but in no event shall a landlord recover in excess of the agreed rent.

## § 231-132. Applicability.

[Amended 8-19-1996 by Ord. No. 23.102.95] The provisions of this Part 4 shall not apply to dwellings designed and used exclusively for occupancy as hotels, motels, transient homes or establishments of like nature.

# § 231-133. Temporary residential occupancy permit.

[Amended 8-19-1996 by Ord. No. 23.102.95] The Department may cause to be issued at its discretion a temporary occupancy permit following an initial inspection, which temporary occupancy permit shall be subject to review and revocable at the discretion of the Department. No temporary occupancy permit may be issued in cases where firesafety is involved, such as defective electrical wiring, the absence of either an operating smoke detector or, after October 1, 1996, a carbon monoxide detector where required, or improper or inadequate means of egress and other conditions of like nature.

## § 231-134. Penalties for offenses.

[Amended 11-7-1983; 8-19-1996 by Ord. No. 23.102.95; 4-16-2001 by Ord. No. 4.11.01] Any person who shall knowingly and willfully violate or assist in the violation of this Part 4 or who fails to comply with a notice and order issued by the Department under this Part 4 shall, upon conviction, be punished as set forth in Chapter 133A of this Code.

#### § 231-135. Fees.

#### [Amended 8-19-1996 by Ord. No. 23.102.95]

- A. The following schedule of fees shall apply with respect to the inspection and certification of residential dwelling units:
  - (1) There shall no charge for an initial inspection to determine compliance with the applicable provisions of this code or for a first reinspection.
  - (2) Any and all subsequent reinspection(s) necessary to determine compliance with required corrective action or repairs shall be subject to a charge of \$40 per unit inspected.

#### [Amended 5-19-2008 by Ord. No. 25.42.08]

(3) Failure to appear within 15 minutes of a scheduled inspection ("no show") shall result in a fee of \$25 per unit.

#### [Amended 5-19-2008 by Ord. No. 25.42.08]

(4) Cancellation of a scheduled inspection less than 24 hours before that scheduled inspection ("late cancellation") shall result in a fee of \$25 per unit.

# [Amended 5-19-2008 by Ord. No. 25.42.08]

(5) Cancellation of a scheduled inspection for the unit more than once or after a "no show" ("second cancellation") shall result in a fee of \$25 per unit.

### [Amended 5-19-2008 by Ord. No. 25.42.08]

- B. Fees prescribed under this section for failure to appear at, and cancellation of, a scheduled inspection may be waived at the discretion of the Chief of the Department of his designee for good cause shown.
- C. Unpaid fees shall be subject to the placement and recording of a lien by the City of Albany against the inspected property.

# Part 5. Rental Dwelling Registry

# [Amended 8-19-1996 by Ord. No. 23.102.95]

- A. The following schedule of fees shall apply with respect to the inspection and certification of residential dwelling units:
  - (1) There shall no charge for an initial inspection to determine compliance with the applicable provisions of this code or for a first reinspection.
  - (2) Any and all subsequent reinspection(s) necessary to determine compliance with required corrective action or repairs shall be subject to a charge of \$40 per unit inspected.

### [Amended 5-19-2008 by Ord. No. 25.42.08]

(3) Failure to appear within 15 minutes of a scheduled inspection ("no show") shall result in a fee of \$25 per unit.

## [Amended 5-19-2008 by Ord. No. 25.42.08]

(4) Cancellation of a scheduled inspection less than 24 hours before that scheduled inspection ("late cancellation") shall result in a fee of \$25 per unit.

#### [Amended 5-19-2008 by Ord. No. 25.42.08]

(5) Cancellation of a scheduled inspection for the unit more than once or after a "no show" ("second cancellation") shall result in a fee of \$25 per unit.

#### [Amended 5-19-2008 by Ord. No. 25.42.08]

- B. Fees prescribed under this section for failure to appear at, and cancellation of, a scheduled inspection may be waived at the discretion of the Chief of the Department of his designee for good cause shown.
- C. Unpaid fees shall be subject to the placement and recording of a lien by the City of Albany against the inspected property.

# **Article X. General Provisions**

# § 231-136. Purpose and legislative intent.

- A. The purpose of this Part 5 is to protect the health, safety and welfare of residents, to protect a diverse housing stock from deterioration and to accomplish the foregoing at the lowest cost to owners and occupants in order to keep housing costs as low as reasonably possible in a manner consistent with compliance with this code.
- B. The Common Council finds and declares that the registration of rental property is intended to and will ensure the protection of persons and property in all existing residential rental structures and on all premises required to be registered under this Part 5; and ensure that rental property owners and prospective rental property owners are informed of, and adhere to,

code provisions governing the use and maintenance of rental properties, including provisions limiting the maximum occupancy for which a rental dwelling unit can be certified.

# § 231-137. Scope.

Except as hereinafter provided, this Part 5 shall apply to every rental dwelling, dwelling unit and premises that is leased, rented, let, assigned or otherwise classified as a rental property, with or without valuable consideration, by an owner-occupant, an absentee owner or a legal agent on behalf of the owner.

#### Article XI. Definitions

### § 231-138. Definitions.

The following terms shall apply in the interpretation and enforcement of this Part 5:

#### **ADMINISTRATOR**

The Chief of the Department of Fire and Emergency Services or his designee.

#### **AGENT**

Any person who has charge, care or control of a building, or part thereof, in which rental dwelling units or rooming units are let.

#### **DWELLING**

Any building which is wholly or partly used or is intended to be used as habitable space for human occupants.

#### **OWNER**

Any person or entity who, alone or with others, has legal or equitable title.

#### OWNER-OCCUPIED DWELLING

A dwelling occupied by its owner or by members of his or her family on a nonrental basis.

#### RENTAL DWELLING UNIT

Any room or contiguous group of rooms located within a building and forming a single, habitable living space for one family.

#### **ROOMING UNIT**

Any furnished room for rent located within a building and forming a single sleeping space.

## Article XII. Registration of Rental Dwellings

### § 231-139. Registry of rental dwellings required.

All rental dwellings shall be registered with the City by the owner as required herein.

#### § 231-140. Reregistration.

All owners shall reregister a certified rental dwelling prior to expiration of the residential occupancy permit as required by Part 4 of this chapter.

### § 231-141. Registration of existing and new rental dwellings.

A. All rental dwellings existing as of the effective date of this chapter shall be registered on or before November 1, 1996. The Administrator may require and order registration prior to that date for any dwelling cited in a notice under the City Code. Failure to comply with such an order is a violation of this chapter.

B. The owner of a new rental dwelling or any dwelling newly converted to a rental dwelling shall register the rental dwelling prior to allowing occupancy of any new rental unit.

### § 231-142. Change in registry information.

The owner of any rental dwelling already registered with the City shall reregister within 30 days after any change occurs in registration information. A new owner of a registered dwelling shall reregister the dwelling within 60 days of assuming ownership.

### § 231-143. Registration of rental dwellings.

The City shall maintain a registry of all rental dwellings and rental units containing the following information which shall be provided by the owner on forms available from the Department of Fire and Emergency Services:

- A. The name, legal residence address and telephone number of the owner and any agent in control of the rental dwelling, and, in the event the owner or agent is not a natural person, then the owner information shall be that of the president, general manager or other chief executive officer of the organization. Where more than one natural person has an ownership interest, the required information shall be included for each owner. The information required herein shall also include the address and phone number where the owner(s), agent(s) and/or responsible person(s) may be reached day and night.
- B. The number and type of rental units in the dwelling.
- C. The address of the rental dwelling.
- D. The date of birth of the owner or owners of the rental dwelling for those seeking an exemption of the filing fee requirement as provided under this part.
- E. The employer identification number in the event that the rental dwelling is owned by a corporation.
- F. If neither the address of the owner or the address of the agent in control of the premises, as provided in Subsection A, are within Albany County, the name, legal residence or business address within Albany County and telephone number of a natural person who shall be an agent for service of notices and orders issued under this chapter and for service of process in connection with the prosecution of violations of this chapter in Albany City Court or other court of competent jurisdiction.

### [Added 4-16-2001 by Ord. No. 4.11.01]

### § 231-144. Fees; exemptions.

A. To offset the administrative costs of preparing and maintaining the registry and conducting the inspections required under Part 4 of this chapter, the following schedule of fees for the initial and subsequent registration of rental units in a single rental dwelling is hereby imposed:

Dwelling Units	Fee
1-5	\$30.00 per unit
6-10	\$50.00, plus \$20.00 per unit
11-20	\$100.00, plus \$20.00 per unit

Dwelling Units	Fee
Over 20	\$250.00, plus \$15.00 per unit
Rooming Units	Fee
1-10	\$50.00, plus \$10.00 per unit
11-20	\$100.00, plus \$10.00 per unit
Over 20	\$250.00, plus \$10.00 per unit

In addition to the base dwelling unit fee, when rooming units are presented, add the following fees:

<b>Dwelling Units Combined with Rooming Units</b>	Fee
1-10	\$50.00, plus \$10.00 per unit
11-20	\$100.00, plus \$10.00 per unit
Over 20	\$250.00, plus \$10.00 per unit

- B. Owner-occupied rental dwellings containing not more than one rental unit owned by one or more natural persons, all of whom are aged 65 years or older, are exempt from the filing fees set forth herein.
- C. Payment of the applicable fee under this section shall not be due until the Department has conducted an inspection of the subject premises and written notice is delivered to the owner thereof that the Department is prepared to issue a residential occupancy permit as required under Part 4 of this chapter for such premises.

# § 231-145. Failure to register; inaccurate or incomplete information.

It shall be a violation of this chapter for an owner or a responsible person to provide inaccurate information for the registry of rental dwellings or to fail to provide the information required herein for the registry.

#### § 231-146. Penalties for offenses.

[Amended 4-16-2001 by Ord. No. 4.11.01] An owner who fails to register, reregister or otherwise comply with the provisions of this Part 5 shall, upon conviction, be subject to the penalties set forth in Chapter 133A of this Code.