

Official Minutes of the Public Hearing of November 6, 2023 for the purpose of receiving comments on the proposed local law amending Chapter 6 "Building and Utility Codes", Article I "Building Code"



THE CITY OF POUGHKEEPSIE
NEW YORK

PUBLIC HEARING

Monday, November 6, 2023 6:00 pm

Common Council Chambers

Welcome to the scheduled meeting of the Public Hearing in the City of Poughkeepsie. The date is November 6, 2023, and the time is 6:00 pm.

THIS HEARING IS FOR THE PURPOSE OF RECEIVING COMMENTS ON THE proposed local law amending Chapter 6 "Building and Utility Codes", Article I "Building Code"

Chairwoman Brown called the meeting to order at 6:00 pm.

I. WELCOME

II. ROLL CALL: 6 present, 3 absent (Absent: Councilmembers Grant, Flowers and Johnson)

III. PUBLIC PARTICIPATION: Five (5) minutes per person public comment.

1. Nicholas Kalogris – 14 Maryland Ave / For the Many
2. Daniel Atonna – 116 College Ave / For the Many
3. Laurie Sandow – S.Grand Ave.

IV. ADJOURNMENT:

Chairwoman Brown closed the Public Hearing at 6:12pm

Dated: November 14, 2023

I hereby certify that this true and correct copy of the Minutes of the Common Council Public Hearing held on November 6, 2023.

Respectfully submitted,

Donna M. DeLuca
Deputy City Chamberlain

(LL 23-~~XX~~)

**A LOCAL LAW AMENDING CHAPTER 6 “BUILDING AND UTILITY CODES,”
ARTICLE I “BUILDING CODE” TO ADDRESS CORPORATE FINES AND TO SET A
MINIMUM FINE FOR VIOLATIONS OF THE BUILDING CODE**

SPONSOR:

BE IT ENACTED, by the Common Council of the City of Poughkeepsie as follows:

~~STRIKETHROUGH INDICATES DELETION~~
BOLD and UNDERLINE INDICATES ADDED LANGUAGE

SECTION 1: City Code Chapter 6 “Building and Utility Codes,” Article I “Building Code,” Division I “Building Code” Section 6-11 is amended to read as follows:

Section 6-11. Penalties.

Any person, firm, corporation, association or entity violating any of the provisions of this Building Code or of the Uniform Code adopted in Section 6-3 shall be liable to a penalty **of no less than \$250 but** not exceeding \$1,000 and, for a continuation of such violation, to an additional penalty not exceeding \$10 per day. **For the purposes of section 80.10 of the penal law, this shall constitute a special corporate fine.**

SECTION 2: City Code Chapter 6 “Building and Utility Codes,” Article I “Building Code,” Division II “Administration of Building Code” Section 6-39(o) is amended to read as follows:

(o) Penalties. Any person, firm, corporation, ~~or~~ association **or entity** violating the provisions of this section shall be subject to a penalty of **not less than \$100 per day but not exceeding \$300** per day, per property, for the following violations, which shall constitute distinct and separately chargeable violations. **For the purposes of section 80.10 of the penal law, this shall constitute a special corporate fine.**

(1) Failure to register a property as required in Section 6-39(c). The first date on which a penalty for failure to register may be imposed is the latter of the following:

- a. The 11th day after the owner is provided with written notice **of** the existence of a vacant property; **or**
- b. The 11th day after the initiation of foreclosure proceedings;~~;~~~~or~~
- c. ~~The 11th day after the effective date of this section.~~

(2) Failure to provide a cash bond as required in Section 6-39(j). The first date on which a penalty for failure to provide a cash bond may be imposed is the latter of the following:

- a. The 21st day after the owner is provided with written notice of the existence of a vacant property; **or**
- b. The 21st day after the initiation of foreclosure proceedings.;~~or~~
- ~~c. The 21st day after the effective date of this section.~~

(3) Failure to replenish a cash bond that the Building Inspector has drawn down pursuant to Section 6-39(m). The first date on which a penalty for failure to provide a cash bond may be imposed is the 11th day after the Building Inspector notifies the owner of the obligation to replenish the bond to the minimum of \$10,000.

(4) Failure to provide proof of liability insurance as required in Section 6-39(k). The first date on which a penalty for failure to provide a cash bond may be imposed is the latter of the following:

- a. The 21st day after the owner is provided with written notice of the existence of a vacant property; **or**
- b. The 21st day after the initiation of foreclosure proceedings.;~~or~~
- ~~c. The 21st day after the effective date of this section.~~

(5) Failure to rectify violations of Section 6-39(g). An owner who fails to remedy violations of Section 6-39(g) within 10 days of the date of a citation issued pursuant to Section 6-39(h) shall be subject to civil penalties as set forth in Sections 6-11 and 6-12 for each day the violation is unremedied or until the Building Inspector exercises his or her authority under Section 6-39(m) to take necessary steps to ensure the property is properly maintained pursuant to Section 6-39(g).

SECTION 3. This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Local Law be laid upon the desk of each council member; and

BE IT FURTHER RESOLVED, that the Common Council shall hold a public hearing on said proposed Local Law and that the City Clerk shall publish or cause to be published a public notice in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5) days prior thereto.

SECONDED BY COUNCILMEMBER _____ :

