



The City of Poughkeepsie New York

Common Council Public Hearing Meeting Minutes

Tuesday, October 15, 2024

6:00 PM

Common Council Chambers

**Welcome to the regularly scheduled Meeting of the City of Poughkeepsie
Common Council the date is October 15, 2024, and the time is 6:55pm**

I. ROLL CALL:

9 Present, 0 Absent ()

II. PUBLIC PARTICIPATION:

No Speakers

III. ADJOURNMENT:

At 6:56 pm a motion to close and adjourn the Public Hearing was made by 4th Ward Councilmember Shook and seconded by 6th Ward Councilmember Grant.

Yes/Aye:	Council Member- 1st Ward Henry, Councilmember - 2nd Ward Menist, Council Member- 3rd Ward Brown, Council Member- 5th Ward James, Council Member- 6th Ward Grant, Council Member- 8th Ward Deichler, Council Member- 7th Ward Patterson Thompson, Council Member- 4th Ward Shook, Council Member At-Large Wilson
No/Nay:	None
Abstain:	None
Absent:	
Result:	Passed

Dated: October 18, 2024

I hereby certify that this is a true and correct copy of the Minutes of the Common Council Public Hearing held on Tuesday, October 15, 2024.

**Respectfully Submitted
Donna M. DeLuca
Deputy City Chamberlain**

**CITY OF POUGHKEEPSIE, NEW YORK
COMMON COUNCIL
PUBLIC HEARINGS
TUESDAY, OCTOBER 15, 2024**

NOTICE IS HEREBY GIVEN that pursuant to the Charter and Codes of the City of Poughkeepsie, one Common Council Public Hearing will be held on **Tuesday, October 15, 2024 at 6:00 pm** respectively, in the Common Council Chambers, 3rd Floor, City Hall, 62 Civic Center Plaza, Poughkeepsie, NY for the purpose of receiving comments on:

1. Local Law Amending City Code Chapter 6 “Building and Utility Code”

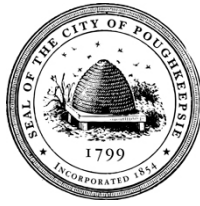
When: Tuesday, October 15, 2024, at 6:00 PM (EST)

Location: Common Council Chambers, 3rd FL, City Hall, 62 Civic Center Plaza,
Poughkeepsie, NY 12601

Dated: September 4, 2024

Respectfully submitted,

Jamar M. Cummings
City Chamberlain



PUBLIC HEARING MEETING AGENDA

Tuesday, October 15, 2024
6:00 PM
Common Council Chambers

City of Poughkeepsie Common Council Public Hearing;

NOTICE IS HEREBY GIVEN that pursuant to the Charter and Codes of the City of Poughkeepsie, one Common Council Public Hearing will be held on Tuesday, October 15, 2024 at 6:00 pm respectively, in the Common Council Chambers, 3rd Floor, City Hall, 62 Civic Center Plaza, Poughkeepsie, NY for the purpose of receiving comments on Local Law Amending City Code Chapter 6 “Building and Utility Code”

- I.** Welcome
- II.** Roll Call
- III.** Public Participation
- IV.** Adjournment:

**RESOLUTION
(R24-61)**

**RESOLUTION INTRODUCING A LOCAL LAW AMENDING CHAPTER 6
“BUILDING AND UTILITY CODE”**

**INTRODUCED BY COUNCILMEMBER PATTERSON THOMPSON, MENIST,
BROWN, JAMES AND GRANT:**

BE IT RESOLVED that an introductory Local Law entitled, “A LOCAL LAW
AMENDING CHAPTER 6 “BUILDING AND UTILITY CODE” be and hereby is introduced
before the Common Council of the City of Poughkeepsie in the County of Dutchess and State of
New York; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law are laid
upon the desk of each member of the Council; and

BE IT FURTHER RESOLVED that the Council shall hold a public hearing on said
proposed local law to receive comment from the public on Tuesday, October 15, 2024 at 6:00 pm
in the Common Council Chambers, Third Floor, City Hall, 62 Civic Center Plaza, Poughkeepsie,
New York;

BE IT FURTHER RESOLVED that the Clerk 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 GRANT

(LL 24-XX)

A LOCAL LAW AMENDING CHAPTER 6 “BUILDING AND UTILITY 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: Section 6-14 “Registry of property managers and property management companies,” subsection (a) is amended as follows:

(a) *Legislative purpose.* It is recognized by the Common Council of the City of Poughkeepsie that a ~~rare majority~~ **number** of commercial and residential properties are owned by landlords who do not reside in the City of Poughkeepsie or, in many cases, the County of Dutchess. It has been the experience of the Building Department, Fire Department, Police Department, Department of Public Works and other City departments that when these Departments need to contact the absentee owner, they encounter difficulties in obtaining the property residence address and telephone number at which to reach these owners, causing delay and/or the inability of these City Departments to contact the owners. The Common Council recognizes the need for City departments, particularly in emergency situations, to be able to quickly contact the owner and/or manager of a property located within the City. The Council further recognizes that a growing number of properties with absentee landlords are being managed by property managers and property management companies. These managers are responsible for the daily operation of these buildings within the City of Poughkeepsie, act as agents for the absentee owners, are more available and accessible than the owners and thus are the more appropriate individuals for the City to contact concerning a building in the City. In order to facilitate contact with the property managers and property management companies by the City departments, this section is being enacted to require nonowner occupied property owners to provide the name, address and twenty-four-hour telephone number of property managers and property management companies that manage property within the City of Poughkeepsie to register information concerning those properties managed so as to provide the City and its various departments with accessible accurate information concerning the property and the person or persons to contact should there be a problem or emergency at the property.

SECTION 2: Section 6-20 “Duties and powers of Building Inspector,” subsection (c) is amended as follows:

(c) Service of Notices and orders. ~~He shall issue all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to ensure compliance during the entire course of construction with the requirements of such laws, ordinances or regulations. He shall make all inspections which are necessary or proper for the carrying out of his duties.~~ The Building Inspector, or his designee, shall cause a compliance order for a violation of the Uniform Code, or a copy thereof, to be served on the person or entity in violation personally or by certified or registered mail within ten (10) days of the date of the order. A compliance order for violations of the Uniform Code shall be deemed served on the date it is mailed by certified or registered mail. The Building Inspector shall be permitted, but not required, to cause a compliance order for violations that are not under the Uniform Code, or a copy thereof, to also be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

SECTION 3: Section 6-20 "Duties and powers of Building Inspector," subsection (e) is amended as follows:

(e) *Electrical inspections.* The Building Inspector shall, during and within a reasonable time after completion of the installation of an electric wiring system, request inspections to be made by an inspector certified by the City Fire Chief **Building Inspector** to conduct inspections of electrical work and systems, pursuant to the requirements of the National Electrical Code known as the "National Fire Protection Association Pamphlet No. 70" to assure compliance with the provisions of the Electrical Code of the City and the Uniform Code.

SECTION 4: Section 6-22 "Duties of other departments and agencies," subsection (b) is amended as follows:

(b) In the case of gas- or oil-fired heat-producing appliances and of the storage of flammable liquids, the ~~Chief of the Fire Department~~ **Building Inspector** or his duly authorized representative shall make inspections and shall issue the necessary certificates of approval. Application for permit shall be made at the office of the Building Inspector as provided in Section 6-23 and a fee shall be charged as provided in Section 6-26.

SECTION 5: Section 6-23 "Scope of permit requirements," subsection (d) "Demolition permits, subsection (4) is amended as follows:

(4) Prior to the start of demolition permit being issued, the ~~Plumbing~~ **Building** Inspector shall

certify to the Building Inspector that the water source is disconnected from the main, the sewer lateral is properly disconnected from the building and that the water meter has been removed.

SECTION 6: Section 6-23 “Scope of permit requirements,” subsection (e) “Permits to move structure,” subsection (2) is amended as follows:

(2) Upon the written approval of the ~~Superintendent~~ **Commissioner** of Public Works, the Building Inspector, at his discretion, may grant the permit for which the application is made. However, before any permit to move shall be granted, the applicant shall produce good and satisfactory proof to the Building Inspector that he has obtained public liability and owner's and contractor's protective insurance in an amount **approved by Corporation Counsel considering all facts including the value of the structure and the distance it will be moved.** ~~not less than \$100,000 for injuries, including wrongful death to any one person, and subject to the same limit for each person and an amount not less than \$300,000 on account of one accident and property damage insurance in an amount not less than \$25,000 for each accident and for an aggregate limit of not less than \$50,000.~~ This insurance shall be written with an acceptable company authorized to do business in the State of New York, shall be taken out before any operations of the contractor are commenced and shall be kept in effect until all operations shall be satisfactorily completed. Copies of the originals, as the case may be, of such policies, shall be furnished to the city, and such policies shall be approved by the city before operations are commenced.

SECTION 7: Section 6-28 “Stop Orders” is amended as follows:

~~Whenever the Building Inspector has reasonable grounds to believe that work on any building or structure is being prosecuted in violation of the provisions of the applicable building laws, ordinances or regulations or not in conformance with the provisions of an application, plans or specifications on the basis of which a building permit was issued or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent or the person performing the work to suspend all work and any such persons shall forthwith stop such work and suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same by certified mail, return receipt requested.~~

The Building Inspector shall cause the stop-work order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder) personally or by certified mail. A copy of the stop work order shall also be posted upon a conspicuous portion of the building under construction. The stop work order is effective immediately upon posting. The Building Inspector shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents,

or any other person taking part or assisting in work affected by the stop-work order, personally or by certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop-work order.

SECTION 8: Section 6-30 “Certificate of Occupancy” is amended to add a new subsection (f) as follows:

(f) Revocation of certificate of occupancy. The Building Inspector or their designee may, upon written notice to the owner served in accordance with Section 6-20(c), revoke a certificate of occupancy in the following instances:

(1) Where the Building Inspector determines that a building or premises is uninhabitable. The Building Inspector shall order any occupants to immediately vacate such building or premises, and the premises or building shall not thereafter be reoccupied until the Building Inspector determines that it is habitable and has issued a new certificate of occupancy.

(2) Where a notice of unsafe building or structure issued pursuant to Section 6-35 is not complied with within the period required on the written notice.

(3) Where a building or structure has remained vacant for a period of more than six months and for which no vacant property registration has been filed as required by Section 6-39.

(4) Where it is determined that a building or structure is being used in a manner not conforming with its approved use(s). The Building Inspector may temporarily revoke the certificate of occupancy until such time as the owner demonstrates that the nonconforming use(s) ceased.

SECTION 9: Section 6-33 “Temporary Certificate of Occupancy” is amended as follows:

Upon request, the Building Inspector may issue a temporary certificate of occupancy for a building or structure or part thereof before the entire work covered by the building permit shall have been completed, provided that such portion or portions as have been completed may be occupied safely without endangering life or the public welfare. Notwithstanding the preceding, the Building Inspector may issue a certificate of occupancy for a building or structure or part thereof before the entire work covered by the building permit shall have been completed, provided that the provisions of Section 19-7.4(3-a) of the Code of Ordinances have been satisfied. **A temporary certificate of occupancy shall be issued for a maximum of six months renewable on a month-to-month bases after and only as long as the permit is valid.**

SECTION 10: Section 6-39 “Abandoned/vacant and foreclosed or foreclosing properties,” subsection (c) is amended as follows:

(c) *Registration.*

- (1) Properties with vacant structures. Within ~~10~~ **30** days of the date on which a structure becomes vacant, or within ~~10~~ **30** days of being provided notices from the Building Inspector of the existence of a vacant structure that has not been registered, the owner shall register said property with the Building Department on a form provided by the Department.
- (2) Foreclosed and foreclosing properties. Within ~~10~~ **30** days of the effective date of this section, or within ~~10~~ **30** days of the initiation of foreclosure proceedings, whichever is later, the owner of any foreclosed or foreclosing property shall register said property with the Building Department on a form provided by the Building Department.
- (3) Registration pursuant to this subsection must be renewed at the end of each six months if the property is still in foreclosure and/or is vacant.
- (4) Any mortgagee who holds a mortgage on real property located within the City shall perform an inspection of the property that is the security for the mortgage, upon default by the mortgagor, prior to the issuance of a notice of default. If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned and the mortgagee shall, within ~~10~~ **30** days of the inspection, register the property in accordance with this subsection and obtain a vacant property permit in accordance with Section 6-39(i) below. If the property is occupied but remains in default, it shall be inspected by the mortgagee or mortgagee's designee on a monthly basis until the mortgagor or other party remedies the default; or it is found to be vacant or shows evidence of vacancy. Such determination may be made by communication with the mortgagor, a visual inspection of the real estate, or other means reasonably calculated to determine if the structure is vacant. The property shall be deemed abandoned upon such time as it is found to be vacant or shows evidence of vacancy, and the mortgagee shall, within ~~10~~ **30** days of the inspection, register the property in accordance with this subsection.
- (5) The Common Council, by resolution, shall establish a fee schedule for the registering of vacant structures and foreclosed or foreclosing properties but shall not require that an owner pay more than one registration fee per parcel per six-month period.
- (6) The owner shall notify the Building Inspector within ~~10~~ **30** days of any change in the registration information, including the sale or transfer of the property, by filing an amended registration statement on a form provided for such purposes.

SECTION 11. Section 6-39 “Abandoned/vacant and foreclosed or foreclosing properties,” subsection (f) is amended as follows:

- (f) *Failure to file a Statement of Plan and/or register.* Should the owner fail to submit a plan or fail to comply with such plan after it has been approved by the Building Department, the Building Inspector shall ~~recommend to the Office of Corporation Counsel that a criminal information be filed in City Court, and the property shall be deemed abandoned pursuant to Section 6-39(m) of this chapter.~~ **issue a written notice of the violation(s) and serve same as provided in Section Section 6-20(c),. Upon the owner's failure to abate the violation(s) within the stated deadline, the Building Inspector shall recommend to the Office of the Corporation Counsel that a criminal proceeding be commenced in a court of competent jurisdiction.**

SECTION 12. Section 6-39 "Abandoned/vacant and foreclosed or foreclosing properties," subsection (h) is amended as follows:

- (h) *Inspections.* The Building Inspector, Fire Department, Sanitation Inspector and/or Police Department shall have the authority to inspect properties subject to this section for compliance with Section 6-39(g) and to issue citations for any violations with directions to remedy the violation within ~~40~~ **30** days of the date of the citation.

SECTION 13. Section 6-39 "Abandoned/vacant and foreclosed or foreclosing properties," subsection (j) is amended as follows:

- (j) *Cash bond.* Within ~~40~~ **30** days of the date on which the registration form is required under Section 6-39(c), the owner of any vacant and/or foreclosing or foreclosed property shall provide a cash bond in the amount of ~~\$10,000~~ **\$5,000** to the Building Inspector, as security in the event the Building Inspector is authorized pursuant to Section 6-39(m) below to provide for the continued maintenance of the property until such time as the property is again legally occupied, sold, or transferred and to remunerate the City for any expenses incurred in inspecting, securing, marking, maintaining, or making such property safe. A portion of said bond, in an amount to be determined by the Building Inspector, not to exceed 10% of the total bond value, shall be retained by the City as an administrative fee to fund an account for expenses incurred relative to inspecting, securing, maintaining and marking other vacant and/or foreclosed or foreclosing properties that are not in compliance with this section. Any owner of a vacant and/or foreclosed or foreclosing property providing a bond pursuant to this subsection must also provide bonds for all other vacant and foreclosed or foreclosing properties owned in the City. **The Building Inspector may waive the bond requirement for a period not exceeding one year in the following instances:**

- (1) Where the owner has applied for and receive a building permit that encompasses alterations, renovations, repairs, or construction to be performed so that the building or structure may be legally re-occupied.**
- (2) Where a property is being actively marketed for sale and is otherwise being maintained by the owner in compliance with the Code.**

SECTION 14. Section 6-39 "Abandoned/vacant and foreclosed or foreclosing properties," subsection (k) is amended as follows:

- (k) *Liability insurance.* Within ~~10~~ **30** days of the date on which the registration form is required under Section 6-39(c), the owner of any vacant and/or foreclosed or foreclosing property shall procure liability insurance for the property¹ with a coverage amount to exceed \$150,000 and shall furnish the Building Inspector with a copy of said certificate of insurance.

SECTION 15. Section 6-39 “Abandoned/vacant and foreclosed or foreclosing properties,” subsection (m) is amended as follows:

- (m) *Certification of abandonment.* Upon the Building Inspector's determining a property has been abandoned and/or is otherwise vacant and not in compliance with Section 6-39(c) through (g), the Building Inspector shall cause a “Certification of Abandonment” to be filed with the Building Department's records, and such certification shall be served upon the owner of the premises, either personally or by posting a copy of the certification in a conspicuous place on the property and by mailing a copy by certified mail to the owner or owners' last known address. **as provided in Section 6-20(c).**

- (1) Upon the Building Inspector's filing a Certification of Abandonment, the Building Inspector, Sanitation Inspector, Police Department and/or Fire Department may, without further notice to the owner, take all necessary steps to ensure the property is properly maintained pursuant to Section 6-39(g). ~~The Building Inspector shall then provide the owner with a written statement of all costs associated with inspecting, securing, and maintaining the property. If the owner fails to reimburse the City within five days of receiving said written statement of costs, the City shall draw down upon the bond paid by the owner pursuant to Section 6-39(j).~~ **All costs associated with inspecting, securing, and maintaining the property shall be reimbursed to the City by drawing down upon the bond paid by the owner pursuant to Section 6-39(j). The Building Inspector shall maintain a written statement of all costs in the property file located in the Building Department.** If there is no bond available or if such bond proves inadequate to cover such costs, the costs incurred to ensure the property and/or dwelling is properly maintained shall be paid out of the municipal treasury on the attestation of the Building Inspector that such incurred costs are necessary and will be expended on that property. Such costs shall be charged against the land on which the building exists/existed, as a municipal lien, or shall be added to the tax roll as an assessment or shall be levied as a special tax against the land upon which the building stands or stood or shall be recovered in a suit at law against the owner.
- (2) If the Building Inspector draws down a cash bond provided pursuant to Section 6-39(j), he or she shall forthwith notify the owner of the amount by which the cash bond has been drawn down, and the owner shall have ~~10~~ **30** days from the date of said notice to replenish the bond to the minimum of ~~\$10,000~~ **\$5,000** required in Section 6-39(j).
- (3) The owner of a property for which a Certification of Abandonment has been filed may petition the Building Department to extinguish the Certification of

Abandonment by providing proof to the Building Inspector that the basis for the Certificate of Abandonment no longer exists and the owner is in compliance with this article.

SECTION 16. Section 6-39 “Abandoned/vacant and foreclosed or foreclosing properties,” subsection (o) is amended as follows:

(o) *Penalties.* Any person, firm, corporation, association or entity violating the provisions any provision of this section shall be subject to a ~~penalty of not less than \$100 per day but not exceeding \$300 per day, per property,~~ **penalties as provided in Section 6-11.** ~~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;~~

(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.~~

(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.~~

(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 unabated 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 17. Section 6-39 “Abandoned/vacant and foreclosed or foreclosing properties,” subsection (p) is amended as follows:

(p) *Procedure for serving notices.* Notices required pursuant to this section shall be served in the following manner: **manner provided in Section 6-20(c).**

(1) ~~—— Personally on any owner as defined in this section;~~

(2) ~~—— Left at the last and usual place of abode of any owner, if such place of abode is known and is within or without the state; and sent by certified or registered mail, return receipt requested.~~

SECTION 18. Section 6-97 “Designation of inspectors; function” is amended as follows:

Any person, business, agency, partnership or corporation certified by the City ~~Fire Chief~~ **Building Inspector** to perform electrical inspections in the City is hereby authorized and deputized as an agent of the City to make inspections and reinspections of all electrical installations theretofore and hereafter described and to approve or disapprove the same. In no event, however, will the cost of expense of such inspections and reinspections be a charge against the City.

SECTION 19. Section 6-98 “Duties of Inspector” is amended as follows:

It shall be the duty of the inspector to report in writing to the ~~Chief Code Enforcement Officer~~ **Building Inspector**, whose duty it shall be to enforce all the provisions of this code, all violations of or deviations from or omissions of the electrical provisions of the National Electrical Code and of all local laws, ordinances and the Building Code referred to in this article insofar as any of the same apply to electrical wiring.

SECTION 20. Section 6-112 “Issuance of electricians’ license restricted” is amended to read as follows:

No license as an electrician shall be granted to any person unless he/she shall prove to the satisfaction of the ~~Examining Board of Electricians~~ **Building Inspector** that he/she has or intends in good faith to establish a place for the regular transaction of business; that he/she is a competent electrician and qualified to do electrical contracting construction and installation work and electrical wiring; that he/she has a working knowledge of electricity and the natural laws and functions of electricity and of appliances, apparatus and devices for electrical light, heat and power purposes used and required in such work; and that he/she has a practical working knowledge of the National Electric Code requirements as demonstrated in the applicant's obtaining a passing

grade of 70% or above on the examination given by the ~~Board~~ **Building Inspector** in accordance with ~~Section 6-109 of this chapter~~. No such license shall be granted to any person who is less than 21 years of age nor to any person who shall not subscribe and take an oath that he/she has had at least five years' practical experience in such work.

SECTION 21. Section 6-113 "Issuance of license; records; insurance required," subsection (a) is amended as follows:

(a) Upon determining the qualifications of any applicant for an electrician's license, the ~~Examining Board of Electricians~~ **Building Inspector** shall, upon proof of insurance as set forth in Subsection (b) below, forthwith issue to such applicant a license hereunder authorizing the holder to engage in the business of a master electrician within the City and shall register his or her name alphabetically, his or her business address and the number and date of the license in a book to be kept in its office for that purpose.

SECTION 22. Section 6-116 "Renewal of electrician's license" is amended as follows:

Whenever an electrician's license shall have been issued as herein provided, it shall be renewed annually without further examination, provided that the holder thereof, within 30 days after January 1 in each year, shall provide a certificate of liability insurance as set forth in Section 6-113(b) and pay the annual license fee as hereinbefore prescribed. **In addition, proof of completion of 4 hours of continuing education within the current license year in a curriculum pertaining to electrical wiring must be submitted.** Such annual renewal shall be certified by the endorsement thereof upon said license, subscribed by the ~~President of the Examining Board of Electricians~~ **Building Inspector**. Any lapse in renewal shall require a payment of an administrative fee in an amount equal to the license fee. This administrative fee shall be in addition to the reapplication fee. Applications for renewal submitted beyond April 1 in each year shall become null and void and require reexamination. Prior to expiration, a licensed electrician may petition the Building Inspector to suspend his/her license. An electrician whose license has been suspended at the electrician's request may reinstate such license at any time within five years from the date the license was scheduled to expire. There shall be a fee in addition to the license fee to reinstate a license that has been suspended at the request of the electrician.

SECTION 23. Section 6-117 "Revocation of electrician's license," subsection (a) is amended as follows:

(a) **Authority.** Any electrician's license or renewal may be revoked at any time by the ~~Examining Board of Electricians~~ **Building Inspector**, after hearing upon written charges, if the licensee, his/her agent, servant or employee performing any work under his/her direction shall willfully violate any law or ordinance relating to electrical construction or make any electrical installation in a negligent or careless manner or which is a hazard to life or property.

SECTION 24. Section 6-119 “Special electricians’ license” is amended to read as follows:

An individual licensed as an electrician in another municipality of New York State **except New York City** shall be eligible for a special license in the City of Poughkeepsie from the ~~Examining Board of Electricians~~ **Building Inspector** without the necessity of complying with the provisions of Section ~~6-112~~ of this chapter, provided that the ~~Examining Board of Electricians~~ **Building Inspector** determines that the licensing municipality has adopted and followed the same electrical codes set forth in Section ~~6-93~~ of this chapter, requires the same or substantially the same qualifications to license the electrician as the City of Poughkeepsie and that the licensing municipality agrees in writing to reciprocate by permitting electricians licensed by the City of Poughkeepsie to perform electrical work in that jurisdiction without the necessity of obtaining an electrician's license in that jurisdiction, and provided a certificate of liability insurance as set forth in Section ~~6-113(b)~~ is submitted. Said special license shall be required before each job is performed. The fee for such license shall be \$250 per electrical job up to \$10,000, \$600 per electrical job from \$10,000 to \$100,000, and \$1,500 per electrical job in excess of \$100,000.

SECTION 25. 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 _____ :

DIVISION 1IN GENERAL

Section 6-1Short title.

[Ord. of 7-1-1963, Art. I, § 1]

This Article shall be known and cited as "the Building Code applicable to the city."

Section 6-2Administrative liability.

[Ord. of 7-1-1963, Art. IV, § 1; Ord. of 12-19-1983, § 1]

No officer, agent or employee of the city shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Article or any other provision of this Code. Any suit brought against any officer, agent or employee of the city as a result of any act required or permitted in the discharge of his duties under this Article or any other provision of this Code shall be defended by the corporation counsel of the city pursuant to Section 18 of the Public Officers Law of the State of New York.

Section 6-3State Uniform Fire Prevention and Building Code; adopted, incorporated by reference.

[Ord. of 12-19-1983, § 2]

There is hereby adopted by the City of Poughkeepsie, for the purpose of establishing rules, regulations, standards and procedures for the topics contained therein, the New York State Uniform Fire Prevention and Building Code, hereinafter referred to as the "Uniform Code." The provisions thereof, as hereinafter deleted, modified or amended, are hereby adopted and incorporated by reference as if fully set forth at length herein, and the same shall be and is hereby declared to be supplemental to and part of the Code of Ordinances of the City of Poughkeepsie.

Section 6-4Applicability of zoning restrictions.

[Ord. of 10-2-1939, Art. IV, § 400]

The restrictions of the Zoning Ordinance^(a) with respect to the location of trades and industries, the use and occupancy of buildings, the height and bulk of buildings and the areas of yards, courts and other open spaces shall not be deemed to be modified by any provisions of this Chapter, and such restrictions shall be controlling except insofar as this Chapter imposes greater restrictions by reason of the type of construction used, in which case the provisions of this Chapter shall control.

[1]

Editor's Note: See Ch. 19, Zoning and Land Use Regulations.

Section 6-5 **through Section 6-7. (Reserved)** ^[1]

[1]

Editor's Note: An ordinance adopted 12-19-1983, Section 3, provided for the repeal of §§ 6-5 through 6-7, which pertained to quality and testing of materials and standards of workmanship, as derived from an ordinance of 10-2-1939, Art. VII, Sections 700 and 701 and Art. VIII, Section 800.

Section 6-8 **Fire limits established.**

[Ord. of 10-2-1939, Art. IV, § 401(1), (5); Ord. of 7-82, § 1]

(a)

Establishment. The fire limits of the city are hereby established as follows:

Beginning at the intersection of New Washington Street and the eastbound section of the East-West Arterial Highway, thence northerly along the center line of New Washington Street to a point north of the intersection of Mill Street to Clinton Square, taking in the back building line of all buildings fronting on this square; thence easterly along the center line of the Fallkill Creek to the east side of North Cherry Street; thence southerly along the back building line on the east side of North Cherry Street to Main Street; thence easterly along the back building line on the north side of Main Street to the intersection of Main and Church Streets; thence southerly and then westerly along the back building line of the south side of Main Street to the east side of South Clinton Street; thence southerly along the back building line on South Clinton Street to Reservoir Square; thence westerly along the back building line of Cannon Street to the east side of Academy Street; thence southerly along the back building line along the east side of Academy Street to the south side of Church Street; thence westerly along the back building line on the south side of Church Street to the east side of Market Street; thence southerly along the back building line on the east side of Market Street to the intersection of Montgomery Street; thence westerly along Montgomery Street to the west side of Market Street and then northerly along the back building line on the west side of Market Street to Church Street; thence westerly along the center line of Church Street (the eastbound lane of the East-West Arterial) to the point or place of beginning. All corner lots of all street intersections partly within these fire limits shall be considered as within these limits.

(b)

Location of structure. A building or structure shall be deemed to be within the fire limits if more than 1/3 of the area of such building or structure is located therein.

Section 6-9 **Restrictions upon construction in fire limits.**

[Ord. of 10-2-1939, Art. IV, § 401 (2) through (4), (6)]

(a)

Construction.

(1)

Generally. Except as provided in this section, no building or structure of frame construction or of unprotected metal construction shall be erected hereafter within the fire limits.

(2)

Roofing. Within the fire limits, wooden shingle roofing is prohibited.

(b)

Alterations.

(1)

Height. Within the fire limits, no building or structure of frame construction or of unprotected metal construction shall be hereafter increased in height.

(2)

Extension. Within the fire limits, no building or structure of frame construction or of unprotected metal construction shall be hereafter extended on any side, unless the construction of such extension conforms to the requirements for new construction, and provided that the area of the building as extended shall not exceed the allowable area for frame construction. Within the fire limits, no other building or structure shall be hereafter extended on any side by frame construction or unprotected metal construction.

(3)

Other alterations. Nothing in this section shall prohibit other alterations within the fire limits, provided that there is no change of occupancy to a class otherwise prohibited.

(c)

Moving buildings. No building of frame construction or unprotected metal construction shall hereafter be moved from without to within the fire limits.

(d)

Exceptions. Nothing in this section shall prohibit within the fire limits and subject to the specified limitations, the erection of new buildings or structures, nor the extension or enlargement of existing buildings or structures of frame construction or unprotected metal construction as follows:

(1)

Garages, stables. A building of frame construction or of unprotected metal construction occupied exclusively as a private garage or stable, not more than one story in height nor more than 750 square feet in area, located on the same lot with a dwelling.

(2)

Outhouses. Outhouses not more than eight feet in height nor more than 100 square feet in area, provided that the roofs are covered with incombustible or fire-retardant material.

(3)

Greenhouses. Greenhouses not more than 15 feet in height erected on the same lot with and accessory to a dwelling or a store.

(4)

Sheds. Sheds open on the long side, not more than 15 feet in height nor more than 500 square feet in area, with roofs covered with incombustible or fire-retardant material.

(5)

Builders' shanties. Builders' shanties not more than one story in height, for use only in connection with a duly authorized building operation and located on the same lot with such building operation, on a lot immediately adjoining, on an upper floor of the building under construction or on a sidewalk shed.

(6)

Piazzas, balconies. Piazzas or balconies on dwellings not exceeding 10 feet in width nor extending more than three feet above the second story floor beams, provided that no such structure shall extend to a lot line or be joined to a similar structure of another building.

(7)

Coal tipples, etc. Coal tipples, ice houses, material bins, trestles and water tanks when built of planking and timbers of the dimensions specified for heavy timber construction.

(8)

Fences. Fences not exceeding 10 feet in height.

(9)

Signs. Display signs as elsewhere provided in this chapter.

Section 6-10Excavations, protection required.

[Ord. of 10-2-1939, Art. VIII, § 801; Ord. of 12-19-1983, § 4]

In the case of any excavation, the person causing such excavations to be made shall provide for the support of neighboring buildings and structures in accord with the Uniform Code.

Section 6-11Penalties.

[Ord. of 12-19-1983, § 5; as amended by Ord. of 7-8-2002, § 1; Ord. No. O-17-5, 6-19-2017, § 1]

Any person 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 not exceeding \$1,000 and, for a continuation of such violation, to an additional penalty not exceeding \$10 per day.

Section 6-12 Civil penalties established.

[Ord. of 1-16-1978, § 1]

In addition to the penalties provided in Section **6-11** of this chapter and Section **1-8** of this Code of Ordinances, a civil penalty may be assessed against violators of this chapter according to the procedures prescribed in Sections **12-23** through **12-23.2** of the Code of Ordinances of the City of Poughkeepsie, New York, with the exception that the fine assessed pursuant thereto shall, in the case of violations under this chapter, be the sum of \$10 for each separate violation.

Section 6-13 Appeal from notice of violation. ^[1]

[Ord. of 5-6-1980, § 2; Ord. of 12-19-1983, § 6]

Any person affected by any notice of violation and order to abate issued in connection with the enforcement of any provisions of this chapter or by the denial of a building permit shall be entitled to an appeal from such notice and order or denial pursuant to the provisions of Article 18 of the Executive Law of the State of New York and the regulations enacted pursuant to the same. Any person affected by any stop-work order issued in connection with the enforcement of any provisions of this chapter may request and shall be granted a hearing before the Building Inspector in accordance with the procedures set forth in Section **12-50** et seq. of this Code.

[1]

Editor's Note: An ordinance adopted 5-6-1980, § 2, amended the Code by adding a provision relating to appeals designated as a new § 6-79 in a new Art. IV to Ch. 6. Inasmuch as the Code already contains a § 6-79, and in order to keep related material together in the chapter, this provision was instead codified as a new § 6-13.

Section 6-14 Registry of property managers and property management companies.

[Ord. of 8-7-1995, § 1; Ord. of 4-4-2005, § 1.]

(a)

Legislative purpose. It is recognized by the Common Council of the City of Poughkeepsie that a ~~fare majority~~ **number** of commercial and residential

properties are owned by landlords who do not reside in the City of Poughkeepsie or, in many cases, the County of Dutchess. It has been the experience of the Building Department, Fire Department, Police Department, Department of Public Works and other City departments that when these Departments need to contact the absentee owner, they encounter difficulties in obtaining the property residence address and telephone number at which to reach these owners, causing delay and/or the inability of these City Departments to contact the owners. The Common Council recognizes the need for City departments, particularly in emergency situations, to be able to quickly contact the owner and/or manager of a property located within the City. The Council further recognizes that a growing number of properties with absentee landlords are being managed by property managers and property management companies. These managers are responsible for the daily operation of these buildings within the City of Poughkeepsie, act as agents for the absentee owners, are more available and accessible than the owners and thus are the more appropriate individuals for the City to contact concerning a building in the City. In order to facilitate contact with the property managers and property management companies by the City departments, this section is being enacted to require nonowner occupied property owners to provide the name, address and twenty-four-hour telephone number of property managers and property management companies that manage property within the City of Poughkeepsie to register information concerning those properties managed so as to provide the City and its various departments with accessible accurate information concerning the property and the person or persons to contact should there be a problem or emergency at the property.

(b)

On or before July 1 of each year, every property owner, where applicable, or property manager who manages property in the City of Poughkeepsie, shall file with the Building Department, in duplicate, on a form to be provided by the Building Department, a statement showing the following:

1.

The complete name, address, telephone number and, twenty-four-hour emergency telephone number(s) if different, of the responsible property manager or employee(s) of the property manager; and

2.

The name, address, phone number and relationship to the property of the person completing the form, if other than the owner; the registration must be approved by the owner in writing;

3.

Whether the building is vacant or occupied.

(c)

It shall further be the responsibility of the property owner or property manager, if approved by the owner in writing, to:

1.

Report a change in ownership of the property(ies), or property manager within two weeks of the change in status of the property; and

2.

Update the statement required by this section within 120 days of a change in any of the information contained therein.

(d)

Said statement shall be kept on file in the Building Department, a copy shall be provided to the Police Department, police dispatchers, fire alarm dispatchers, Law Department, Department of Public Works and shall be available on file for other City departments' access and review as needed.

(e)

"Property manager" is defined as any person, firm, corporation or other entity, that is responsible for the day-to-day management of the property as evidence by such factors including, but not limited to, responsibility for renting units, maintenance of rental property and collection of rent.

(f)

A property manager who provides inaccurate information required by this section or who fails to register, register or otherwise comply with the provisions of this section shall, upon conviction, be subject to the penalties set forth in Section **6-11** of this chapter.

Section 6-15 through Section 6-16. (Reserved)

DIVISION 2 ADMINISTRATION OF THE UNIFORM CODE

Section 6-17 Scope of division.

[Ord. of 7-1-1963, Art. II, § 1; Ord. of 12-19-1983, § 8; Ord. of 7-8-2002, § 1]

This division applies to the administration and enforcement of the New York State Uniform Fire Prevention and Building Code for new construction of buildings and structures and the addition, alterations and conversions to existing buildings and structures. Existing buildings and structures shall be maintained in conformance with those provisions of the New York State Uniform

Fire Prevention and Building Code commonly referred to as the "Fire Code of New York State" and the "Property Maintenance Code of New York State."

Section 6-18Existing buildings.

[Ord. of 7-1-1963, Art. II, § 2]

No provision of this article shall be construed to require any change in, alteration of or addition to a legally existing building or structure or the premises connected therewith unless especially stated to so apply.

Section 6-19Qualifications of the building inspector. [1]

[Ord. of 7-1-1963, Art. II, § 3; Ord. of 5-6-1974, § 1]

To be eligible for appointment, the Building Inspector must be a licensed architect or civil engineer or shall have been in charge of major building construction operations for at least six years. He shall be generally informed on the quality and strength of building materials, on the prevailing methods of building construction, on good practice in fire prevention, on the accepted requirements for safe exit facilities and on the proper installation of plumbing, electric wiring, elevators and other installations for the safety, comfort and convenience of occupants. He shall be in good health and physically capable of making the necessary examinations and inspections of buildings in course of construction. He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction.

[1]

Editor's Note: See also Administrative Code Art. V.

Section 6-20Duties and powers of Building Inspector.

[Ord. of 7-1-1963, Art. II, § 4; Ord. of 3-20-1979; Ord. of 3-16-1982, § 1; Ord. of 12-19-1983, § 9, 10; Ord. of 4-3-1989, § 2; Ord. of 1-16-1997, § 1; Ord. of 2-7-2005, § 1]

(a)

Administration, enforcement. The Building Inspector shall administer and enforce all of the provisions of the laws, ordinances and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures and the installation and use of materials and equipment therein and location or relocation, use, occupancy and maintenance thereof. He shall possess all powers conferred upon him by federal statutes or regulations, state laws or regulations or local laws or ordinances or such powers as may be conferred upon the chief officer of safety inspection. He shall have the power to recommend for appointment by the City Administrator, such Deputy Building

Inspectors as he may deem necessary for the proper administration and enforcement of the Code of Ordinances. Such Deputy Building Inspectors shall have such powers of the Building Inspector as he shall delegate to them in writing.

(b)

Permits, inspections.

(1)

He shall receive applications and cause the issuance of permits for the erection, alteration, removal and demolition of buildings or structures or parts thereof and shall cause the inspection of the premises for which such applications have been received or such permits have been issued for the purpose of ensuring compliance with laws, ordinances and regulations governing building construction.

(2)

He shall not issue any permit for the erection, alteration, removal and demolition of buildings or structures or parts thereof for property which is being purchased or otherwise acquired by the applicant from the Poughkeepsie Urban Renewal Agency, unless and until he has received a written statement from the Chairman or Executive Director of the Poughkeepsie Urban Renewal Agency certifying that the application before him is in compliance with all urban renewal procedures, plans and requirements.^[1]

[1]

Editor's Note: Ord. of March 20, 1979, added provisions to § 6-20 which, at the discretion of the editor, have been codified herein as Subsection (b)(2).

(c)

Notices, orders. He shall issue all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to ensure compliance during the entire course of construction with the requirements of such laws, ordinances or regulations. He shall make all inspections which are necessary or proper for the carrying out of his duties.

(d)

Tests. Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable laws, ordinances or regulations covering building construction, he may require the performance of tests by experienced, professional persons or by accredited and authoritative testing laboratories or service bureaus or agencies with the cost of such tests to be borne by the owner, lessee or their agents.

(e)

Electrical inspections. The Building Inspector shall, during and within a reasonable time after completion of the installation of an electric wiring system, request inspections to be made by an inspector certified by the ~~City Fire Chief~~ **Building Inspector** to conduct inspections of electrical work and systems, pursuant to the requirements of the National Electrical Code known as the "National Fire Protection Association Pamphlet No. 70" to assure compliance with the provisions of the Electrical Code of the City and the Uniform Code.

(1)

No work in connection with an electrical wiring system shall be covered or concealed until it has been inspected as prescribed in this subsection.

(2)

The Building Inspector shall request a reinspection to be made by the inspector whenever (s)he deems it necessary in the interest of public safety.

(3)

If an electric wiring system upon inspection or reinspection is found to be defective and unsafe by the inspector and/or the Building Inspector, (s)he shall revoke all certificates in effect at that time, relating to such system, and the use of such system shall be discontinued until it has been made to conform to the provisions of this article and a new certificate has been issued.

(4)

Certificate of compliance relating to electric wiring shall be issued pursuant to the provisions of the Electrical Code of said City.

(f)

Hiring an outside consultant. When a property owner or applicant for a building permit for a major construction project requests that the Building Inspector obtain the services of an outside consultant to review the building permit application and accompanying plans so as to assist the Building Inspector in a prompt and efficient review of such application and plans and agrees to reimburse the City for the actual expense of retaining such outside consultant, the Building Inspector may, in his/her discretion, obtain the services of an outside consultant, such as a professional engineer or architect, to assist and facilitate the Building Inspector in his/her review of the building permit application and plans so that the Building Inspector can make a prompt determination as to whether a building permit shall be issued.

Section 6-21 Department records and reports.

[Ord. of 7-1-1963, Art. II, § 5; Ord. of 12-19-1983, § 11]

The Building Inspector shall keep permanent official records of all transactions and activities conducted by him, including all applications received, permits and certificates issued, fees charged and collected, inspection reports and notices and orders issued. All such records shall be public records open to public inspections during business hours.

Section 6-22 Duties of other departments and agencies.

[Ord. of 7-1-1963, Art. II, § 6]

(a)

The Building Inspector may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance of the Police, Fire and Dutchess County Health Department or officers, the corporation counsel and all other municipal officials.

(b)

In the case of gas- or oil-fired heat-producing appliances and of the storage of flammable liquids, the ~~Chief of the Fire Department~~ **Building Inspector** or his duly authorized representative shall make inspections and shall issue the necessary certificates of approval. Application for permit shall be made at the office of the Building Inspector as provided in Section **6-23** and a fee shall be charged as provided in Section **6-26**.

Section 6-23 Scope of permit requirements.

[Ord. of 7-1-1963, Art. II, § 7; Ord. of 10-17-1977, § 1; Ord. of 12-19-1983, § 12; Ord. of 4-6-1987, § 1, 2; Ord. of 5-20-1991, § 1; Ord. of 9-7-1993, § 1; Ord. of 6-6-1994, § 1]

(a)

Permit required. No person shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or change in the nature of occupancy of any building or structure or cause the same to be done without first obtaining a separate building permit from the Building Inspector for each such building or structure; except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature as determined by the Building Inspector.

(b)

Contents of application. Application for a building permit shall be made to the Building Inspector on forms provided by him and shall contain the following information:

(1)

A description, as may be required by the Building Inspector, of the land on which the proposed work is to be done.

(2)

A statement of the use or occupancy of all parts of the land and of the building or structure.

(3)

The valuation of the proposed work as approved by the Building Inspector.

(4)

The full name and address of the owner and of the applicant and the names and addresses of their responsible officers, if any of them are corporations, and the name and address of the person, firm or corporation who is to do the work.

(5)

A brief description of the nature of the proposed work.

(6)

A reasonable number of sets of plans and specifications as set forth in Subsection (c).

(7)

A written report of a professional engineer concerning the structural components or other elements of the plans, if deemed necessary by the Building Inspector as set forth in Subsection (c). This Subsection (b)(7) shall be utilized only upon a determination by the Building Inspector that the proposed work raises issues of safety or structural sufficiency or technical issues of code compliance and that the technical issues of code compliance and that the proper solution of such issue or issues will be facilitated by a written report as herein set forth.

(8)

Such other information as may reasonably be required by the Building Inspector to establish compliance of the proposed work with the requirements of the applicable building laws, ordinances and regulations.

Applications shall be made by the owner or lessee, or agent of either, or by the architect or engineer of building employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.

(c)

Data required.

(1)

Each application for a building permit shall be accompanied by a reasonable number of copies of plans and specifications, including a plot plan where required by the Building Inspector, drawn to scale, showing the location and size of all proposed new construction and all existing structures of the site, the nature and character of the work to be performed and the materials to be incorporated, distance from lot lines, the relationship of structures on adjoining property, widths and grades of adjoining streets, walls and alleys and, where required by the Building Inspector, details of structural, mechanical and electrical work including computations, stress diagrams and other essential technical data.

(2)

Plans and specifications shall bear the signature of the person responsible for the design and drawings.

(3)

The Building Inspector may waive the requirements for filing plans.

(4)

When the Building Inspector deems it necessary to have the structural components and other elements of proposed plans reviewed by a professional engineer, the owner shall have the plans reviewed by a professional engineer, other than the architect or engineer who designed the structure, and shall submit a written report of the professional engineer to the Building Inspector as part of the application for a building permit. Such report shall be addressed to the City of Poughkeepsie and shall contain a certification by the engineer that the report is prepared in a manner consistent with applicable professional standards of engineering. The report shall further contain a recitation that it may be relied upon by the City of Poughkeepsie and its officers, employees and agents. Such report shall contain such information in such detail as may be required by the Building Inspector to enable the Building Inspector to properly carry out his functions under law. All costs for the review and report by the professional engineer shall be paid by the owner; provided, however, that this provision shall not be applicable to buildings and/or structures used only for residential purposes and containing not more than three floors.

(d)

Demolition permits.

(1)

An application to demolish a building or other structure shall, in addition to the requirements set forth in Subsection (b) above, be accompanied by a tax search showing that all current taxes and water rents and tax and assessment liens have been paid. Before any permits for demolition shall be granted, the applicant shall produce good and satisfactory proof to the Building Inspector that he has obtained public liability and owner's and contractor's protective insurance in an amount not less than \$100,000 for injuries, including wrongful death, to any one person and subject to the same limit for each person and an amount not less than \$300,000 on account of one accident and property damage insurance in an amount not less than \$25,000 for each accident and for an aggregate limit of not less than \$50,000. This insurance shall be written with an acceptable company authorized to do business in the State of New York, shall be taken out before any of the operations of the contractor are commenced and shall be kept in effect until all operations shall be satisfactorily completed. Copies of the originals, as the case may be, of such policies, shall be furnished to the city, and such policies shall be approved by the city before operations are commenced.

(2)

Before a demolition permit shall be granted, the applicant shall give assurances to the Building Inspector that the building or other structure has been inspected and is free from insect, vermin or rodent infestation, harborage or breeding areas. If such infestation or harborage is found to exist, the applicant shall have the infestation or harborage eliminated before such building or other structure is demolished or guaranty that such infestation or harborage will be eliminated before such building or other structure is demolished.

(3)

For buildings, except ones where the construction was begun on or after January 1, 1974, and except for agricultural buildings as defined in New York State Labor Law and except for one- and two-family dwellings, no demolition permit shall be issued until the applicant provides to the Building Inspector a copy of an asbestos survey conducted by a licensed asbestos contractor and proof of completion of asbestos remedial work, if necessary, by a licensed asbestos contractor.

(4)

Prior to the ~~start of~~ demolition permit being issued, the ~~Plumbing~~ **Building** Inspector shall certify to the ~~Building Inspector~~ that the water source is

disconnected from the main, the sewer lateral is properly disconnected from the building and that the water meter has been removed.

(e)

Permits to move structure.

(1)

An application to move a building or other structure to another location not on the same lot shall fulfill all of the requirements set forth in Subsection (b) above. Upon payment of the fee as set forth in Section **6-26**, the Building Inspector shall direct the Superintendent of Public Works and the Police Chief to make or cause to be made a survey of the proposed route over which the building is to be moved. Upon completion of said survey, the Superintendent of Public Works shall report the results thereof to the Building Inspector, together with an estimate of the amount of the probable damage to public or private property and such other information as the Superintendent of Public Works may deem necessary.

(2)

Upon the written approval of the Superintendent of Public Works, the Building Inspector, at his discretion, may grant the permit for which the application is made. However, before any permit to move shall be granted, the applicant shall produce good and satisfactory proof to the Building Inspector that he has obtained public liability and owner's and contractor's protective insurance in an amount not less than \$100,000 for injuries, including wrongful death to any one person, and subject to the same limit for each person and an amount not less than \$300,000 on account of one accident and property damage insurance in an amount not less than \$25,000 for each accident and for an aggregate limit of not less than **\$50,000**. This insurance shall be written with an acceptable company authorized to do business in the State of New York, shall be taken out before any operations of the contractor are commenced and shall be kept in effect until all operations shall be satisfactorily completed. Copies of the originals, as the case may be, of such policies, shall be furnished to the city, and such policies shall be approved by the city before operations are commenced.

Commented [PE1]: Think these numbers are low and should be increased but not sure to what.

(3)

The application shall also be accompanied by a tax search as set forth in Subsection (d) above.

(f)

Amendments. Amendments to the application or to the plans and specifications accompanying the same may be filed at any time prior to the completion of the work subject to the approval of the Building Inspector.

(g)

Submission of permit application. An application for a building permit or demolition permit shall be submitted to the Building Department by hand delivery or by mailing the permit application with all required documents and fees to the City of Poughkeepsie Building Department. The Building Department shall accept by telefacsimile transmission building permit applications for electrical work only where the cost of the work is \$500 or less. For purposes of this section, "telefacsimile transmission" shall mean every process in which electronic signals are transmitted by telephone lines for conversion into written text.

Section 6-24 Issuance of building permit.

[Ord. of 7-1-1963, Art. II, § 8; Ord. of 12-19-1983, § 14]

(a)

Generally. Upon receipt of the legal fees therefor, the Building Inspector shall review the application, and, if he shall approve the same, he shall issue a building permit to the applicant on the form prescribed by him and shall affix his signature or cause his signature to be affixed thereto.

(b)

Health Department approval required. The Building Inspector shall not issue a permit for the erection of a building where a sewer connection is required and where no existing sewer is available thereto, unless the Health Department grants permission for the construction of an approved septic tank system.

Section 6-25 Performance of work under building permit.

[Ord. of 7-1-1963, Art. II, § 9; Ord. of 12-19-1983, § 15; Ord. of 11-3-1986, § 1]

(a)

A building permit shall be effective to authorize the commencing of work in accordance with the application, plans and specifications on which it is based for a period of six months after the date of its issuance. In the event that any work authorized under a building permit is not commenced within six months from the date of its issuance, such permit shall expire. The Building Inspector may authorize in writing not more than two three-month extensions upon a showing of good cause. In the event that work being conducted pursuant to the building permit ceases for a period of six months, the building permit shall

expire. If any construction, alteration, enlargement or other work authorized under a building permit has begun, but is not completed within two years from the date of its issuance, such building permit shall expire and no further work shall be done thereunder until a new building permit has been obtained.

(b)

The issuance of a building permit shall constitute authority to the applicant to proceed with the work in accordance with the approved plans and specifications and in accordance with the applicable building laws, ordinances or regulations. All work shall conform to the approved application plans and specifications.

Section 6-26 Building, zoning and planning fees.

[Ord. of 7-1-1963, Art. II, § 10; Ord. of 4-19-1976; Ord. of 10-6-1981, § 1; Ord. of 7-6-1982, § 1; Ord. of 1-21-1992, § 1; Ord. of 6-6-1994, § 2; Ord. 12-4-1997, § 1; Ord. of 12-20-2004; Ord. of 2-7-2005, § 1; Ord. No. O-08-19, § 1; Ord. No. O-11-01, 1-3-2011, § 1]

A fee schedule shall be established by resolution of the Common Council of this City. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the issuance of all permits and/or certificates issued by the Department of Development pursuant to the Building Code, Housing Ordinance, Zoning Ordinance or any other ordinance of the City of Poughkeepsie requiring the issuance of a permit by the Department of Development.

Section 6-27 Revocation of building permit.

[Ord. of 7-1-1963, Art. II, § 11; Ord. of 11-3-1986, § 2]

The Building Inspector may revoke a building permit theretofore issued and approved in the following instances:

(a)

Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based.

(b)

Where he finds that the building permit was issued in error and should not have been issued in accordance with the applicable law.

(c)

Where he finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications.

(d)

Where the person to whom a building permit has been issued fails or refuses to comply with a stop order issued by the Building Inspector.

(e)

When the work is suspended or abandoned for a period of six months or when the walls or structural members are left uncovered or unprotected so that severe or freezing weather may weaken or damage such walls or structural members in the opinion of the Building Inspector.

Section 6-28 Stop orders.

[Ord. of 7-1-1963. Art. II, § 12; Ord. of 11-18-1980, § 1]

Whenever the Building Inspector has reasonable grounds to believe that work on any building or structure is being prosecuted in violation of the provisions of the applicable building laws, ordinances or regulations or not in conformance with the provisions of an application, plans or specifications on the basis of which a building permit was issued or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent or the person performing the work to suspend all work and any such persons shall forthwith stop such work and suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same by certified mail, return receipt requested.

Section 6-29 Conduct of inspections; obtaining permission; application for search warrant; tenants. ^[1]

[Ord. of 5-6-1980, § 2; Ord. of 12-19-1983, § 16]

Prior to the performing of any interior inspection of private property pursuant to this chapter, the Inspector shall attempt to obtain permission for such inspection from the property owner or his authorized agent or representative. In the event that such agent or owner neglects or refuses to allow inspection, either upon initial inspection or reinspection, the Inspector shall request that the Corporation Counsel make application to a court of competent jurisdiction for a search warrant. Such application is to be made on notice to the property owner or his authorized agent or representative. In cases of public emergency, the notice

requirement may be dispensed with and application made ex parte. The notice requirements shall likewise apply to any tenants of the premises to be inspected.

[1]

Editor's Note: An ordinance adopted 5-6-1980, § 1, repealed former Section 6-29, which allowed for inspections upon showing of credentials, derived from an ordinance adopted 7-1-1963, Art. II, § 13. Section 2 of another ordinance adopted 5-6-1980, which provided for the addition of a new Art. IV to Ch. 6, has instead been codified herein as a new Section 6-29 for purposes of classification.

Section 6-30 Certificate of occupancy.

[Ord. of 7-1-1963, Art. II, § 14; Ord. of 4-3-1989, § 1; Ord. of 12-4-1997, § 2; Ord. No. O-11-01, 1-3-2011, § 2]

(a)

Erection of buildings. No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the Building Inspector.

(b)

Alteration of buildings. No building hereafter enlarged, extended or altered or upon which work has been performed which requires the issuance of a building permit shall continue to be occupied or used for more than 30 days after the completion of the alteration of work unless a certificate of occupancy shall have been issued by the Building Inspector for the work performed under said building permit.

(c)

Change in use, occupancy. No change shall be made in the use or type of occupancy of an existing building unless a certificate of occupancy authorizing such change shall have been issued by the Building Inspector.

(d)

Application for certificate. The owner or his agent shall make application for a certificate of occupancy. Accompanying this application and before the issuance of a certificate of occupancy, there shall be filed with the Building Inspector an affidavit of the registered architect or licensed professional engineer who filed the original plans or of the registered architect or licensed professional engineer who supervised the construction of the work or of the superintendent of construction who supervised the work for which the certificate of occupancy is sought. This affidavit shall state that the deponent has examined the approved plans of the structure for which a certificate of

occupancy is sought, that the structure has been erected in accordance with approved plans and that as erected complies with the law governing building construction except insofar as variations therefrom have been legally authorized. Such variation shall be specified in the affidavit.

(e)

Applications for inspections and certificates of occupancy for existing one-family dwellings.

(1)

The Building Inspector shall not inspect existing one-family dwellings for which a certificate of occupancy has been previously issued and for which such previously issued certificate of occupancy remains in effect solely for the purpose of or in connection with the conveyancing or financing or refinancing of such existing one-family dwelling, except upon the written request of the owner; and, further, the Building Inspector shall similarly not inspect existing one-family dwellings built prior to 1963 for which a certificate of occupancy was never issued and on which no physical activity has taken place that would have required the issuance of a building permit; provided, however, that the above provisions are not applicable to and are not intended to limit the duties and powers of the Building Inspector in connection with construction, enlargement, extension, repair, modification, removal or demolition of such existing one-family dwellings, and provided further, however, that such provisions are not intended to limit the duties and powers of the Building Inspector in connection with the installation and use of materials in such existing one-family dwellings nor in connection with the use, occupancy and maintenance of such one-family dwellings. The above provisions are further not intended to limit the duties and powers of the Building Inspector in connection with changes in use or type of occupancy nor are they intended to limit the duties and powers of the Building Inspector in connection with the enforcement of the rules, regulations, standards and procedures set forth in the New York State Uniform Fire Prevention and Building Construction Code.

(2)

When a Building Inspector receives a request for an inspection and/or issuance of a certificate of occupancy solely for the purpose of or in connection with the conveyancing or financing or refinancing of an existing one-family dwelling as described in Subsection (e)(1) above, the Building Inspector shall advise, in writing, the party making the request of the above provision directing that inspections not be made in the circumstances described above and shall further advise the party making the request that a certificate of occupancy has

previously been issued and that it remains in effect and shall enclose a copy of such previously issued certificate of occupancy or, in the alternative, shall advise that no certificate of occupancy has been issued but that the premises may be lawfully occupied without a certificate of occupancy. In such response, the Building Inspector shall further advise the party making the request whether there are or there are no existing violations of record in connection with the premises. If there are existing violations of record, the Building Inspector shall include a copy of such existing violations of record with the response. The Building Inspector shall charge a fee for the provision of a response as herein provided.

(3)

One-family dwellings built prior to 1963 for which a certificate of occupancy was never issued and for which no physical activity has taken place since 1963 that would have required the issuance of a building permit may be lawfully occupied without a certificate of occupancy; provided, however, that any physical activity taking place thereon, on and after the adoption of this provision, shall be subject to the otherwise applicable requirements of law for building permit and certificate of occupancy.

(f)

Revocation of certificate of occupancy. The Building Inspector or their designee may, upon written notice to the owner served in accordance with Section 6-15, revoke a certificate of occupancy in the following instances:

(1)

Where the Building Inspector determines that a building or premises is uninhabitable. The Building Inspector shall order any occupants to immediately vacate such building or premises, and the premises or building shall not thereafter be reoccupied until the Building Inspector determines that it is habitable and has issued a new certificate of occupancy.

(2)

Where a notice of unsafe building or structure issued pursuant to Section 6-35 is not complied with within the period required on the written notice.

(3)

Where a building or structure has remained vacant for a period of more than six months and for which no vacant property registration has been filed as required by Section 6-39.

(4)

Where it is determined that a building or structure is being used in a manner not conforming with its approved use(s). The Building Inspector may temporarily revoke the certificate of occupancy until such time as the owner demonstrates that the nonconforming use(s) ceased.

Section 6-31 Inspections prior to issuance of certificate.

[Ord. of 7-1-1963, Art. II, § 15; Ord. of 4-19-1976, § 1, 2; Ord. of 10-6-1981, § 2; Ord. of 5-16-1983, § 1; Ord. of 4-3-1989, § 1, 2; Ord. of 1-21-1992, § 2; Ord. of 12-4-1997, § 3; Ord. No. O-11-01; 1-3-2011, § 3]

(a)

Prior to issuing a certificate of occupancy, the Building Inspector shall examine or cause to be examined all buildings, structures and sites for which an application has been filed for a building permit to construct, enlarge, alter, repair, remove, demolish or change the use or occupancy. The Building Inspector may conduct such inspections as he deems appropriate from time to time during and upon completion of the work for which a building permit has been issued.

(b)

In addition, the Building Inspector shall receive written notification of final inspections from the Health Department where such inspections are required by ordinance or by other applicable laws.

(c)

There shall be maintained in the Building Inspector's office a record of all such examinations and inspections and notifications of inspections by other departments, together with a record of findings of violations of the law.

(d)

When a property owner, building permit holder or his/her agent or representative requests that an inspection be conducted to inspect a building, structure or site at which construction, enlargement, alteration, repair, removal, demolition or change in use or occupancy is being done or work has been completed pursuant to the building permit and, upon arrival of the Building Inspector or his/her deputy, the structure or site is not ready to be inspected at the agreed upon time, an administrative fee in an amount set forth pursuant to Section 6-26 above may be assessed against the property owner, permit holder or his/her agent or representative.

Section 6-32 Issuance of certificate of occupancy.

[Ord. of 7-1-1963, Art. II, § 16; Ord. of 8-21-1995, § 1,2]

(a)

When, after final inspection, it is found that the proposed work has been completed in accordance with the applicable building laws, ordinances and regulations and also in accordance with the application, plans and specifications filed in connection with the issuance of the building permit, the Building Inspector shall issue a certificate of occupancy upon the form provided by him. If it is found that the proposed work has not been properly completed, the Building Inspector shall refuse to issue a certificate of occupancy and shall order the work completed in conformance with the building permit and in conformance with the applicable building regulations. The provisions in this subsection are to be enforced in conjunction with the provisions of Section **19-7.4(3-a)** of the Code of Ordinances for the issuance of certificates of occupancy involving two or more residential dwelling units that contain common areas and facilities.

(b)

A certificate of occupancy shall be issued, where warranted, within 30 days after application therefor is made.

(c)

The certificate of occupancy shall certify that the work has been completed and that the proposed use and occupancy is in conformance with the provisions of the applicable building laws, ordinances and regulations and shall specify the use or uses and the extent thereof to which the building or structure or its several parts may be put. The provisions in this subsection are to be enforced in conjunction with the provisions of Section **19-7.4(3-a)** of the Code of Ordinances for the issuance of certificates of occupancy involving two or more residential dwelling units that contain common areas and facilities.

Section 6-33 Temporary certificate of occupancy ^[1]

[Ord. of 7-1-1963, Art. II, § 17; Ord. of 11-4-1991; Ord. of 1-21-1992, § 3; Ord. of 8-21-1995, § 3, Ord. of 12-4-1997, § 4; Ord. No. O-11-01, 1-3-2011, § 4]

Upon request, the Building Inspector may issue a temporary certificate of occupancy for a building or structure or part thereof before the entire work covered by the building permit shall have been completed, provided that such portion or portions as have been completed may be occupied safely without endangering life or the public welfare. Notwithstanding the preceding, the Building Inspector may issue a certificate of occupancy for a building or structure or part thereof before the entire work covered by the building permit

shall have been completed, provided that the provisions of Section **19-7.4(3-a)** of the Code of Ordinances have been satisfied. **A temporary certificate of occupancy shall be issued for a maximum of six months renewable on a month to month bases after and only as long as the permit is valid.**

[1]

*Editor's Note: For building permits and certificates of occupancy, also see Sections **19-7.2** and **19-7.4**.*

Section 6-34**Tests.**

[Ord. of 7-1-1963, Art. II, § 18]

Whenever there are reasonable grounds to believe that any material, construction, equipment or assembly does not conform to the requirements of the applicable building laws, ordinances or regulations, the Building Inspector may require the same to be subjected to tests in order to furnish proof of such compliance. All such tests shall be made at the expense of the owner or his agent.

Section 6-35**Unsafe buildings.**

[Ord. of 7-1-1963, Art. II, § 19]

(a)

Designation, abatement of condition. All buildings or structures which are structurally unsafe, unsanitary or not provided with adequate egress or which constitute a fire hazard or are otherwise dangerous to human life or which in relation to existing use or occupancy constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are severally, for the purpose of this section, unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition, in accordance with the procedure of this section.

(b)

Report, record of examination. The Building Inspector shall examine or cause to be examined every building reported as unsafe or damaged as defined in this section and shall make a written record of such examination.

(c)

Notice to correct conditions. Whenever the Building Inspector shall find any building, structure or portion thereof to be an unsafe building as defined in this section, he shall, in the same manner as provided for the service of stop orders in Section **6-28**, give to the owner, agent or person in control of such building or structure written notice stating the defects thereof. This notice shall require

the owner within a stated time either to complete specified repairs or improvements or to demolish and remove the building or structure or portion thereof.

(d)

Vacation of premises.

(1)

If the Building Inspector finds that there is actual and immediate danger of failure or collapse so as to endanger life, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed and inspected and approved by the Building Inspector. The Building Inspector shall cause to be posted at each entrance to such building a notice: THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING INSPECTOR.

(2)

Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents or other servants to remove such notice without written permission of the Building Inspector or for any person to enter the building except for the purpose of making the required repairs or of demolishing the same.

(e)

Proceedings to compel compliance. In case the owner, agent or person in control cannot be found within the stated time limit or if such owner, agent or person in control shall fail, neglect or refuse to comply with notice to repair, rehabilitate or to demolish and remove said building or structure or portion thereof, the corporation counsel shall be advised of all the facts in the case and shall institute an appropriate action in the courts to compel compliance.

(f)

Emergency authority of Building Inspector. In cases of emergency which, in the opinion of the Building Inspector, involve imminent danger to human life or health, he shall promptly cause such building, structure or portion thereof to be made safe or removed. For this purpose he may at once enter such structure or land on which it stands or abutting land or structure, with such assistance and at such cost as may be necessary. He may vacate adjacent structures and protect the public by appropriate barricades or such other means as may be necessary and for this purpose may close a public or private way.

(g)

Collection of costs. Costs incurred under Subsections (e) and (f) shall be paid out of the municipal treasury on certificate of the Building Inspector. Such costs shall be charged against the land on which the building existed, as a municipal lien, or shall be added to the tax roll as an assessment or shall be levied as a special tax against the land upon which the building stands or stood or shall be recovered in a suit at law against the owner.

Section 6-36 **Maintenance of vacant buildings or structures.**

[Ord. of 8-21-1995, § 1; Ord. No. O-10-32, 11-15-2010, § 3]

Every person owning or having charge or control of any building which is vacant shall maintain such building in conformance with Section 6-39(a)(6).

Section 6-37 **Responsibilities of property owner to remove graffiti.** ^[1]

[Ord. of 7-17-1995, § 1; Ord. No. O-09-05, § 3]

(a)

Upon written notification by the City to property owner of a building or structure on which graffiti is affixed, the property owner shall have 48 hours to: ~~(1) remove the graffiti; or (2) request the City assist in the removal of the graffiti at no expense to the property owner,~~ said notice having been served personally or as otherwise permitted by law.

(b)

Failure of the property owner to ~~either remove the graffiti or request the City's free assistance for such removal~~ may subject the property owner to a civil penalty in the amount of \$200 per offense. Each day the violation of this section persists shall be considered a separate offense. Such civil action shall be brought as in City Court.

[1]

Editor's Note: See also Code of Ordinances § 14-45.

Section 6-38 **Authorization to issue appearance tickets.**

[L.L. No. 5-1995, § 1; L.L. No. 1-1999, § 1; L.L. No. 2-2008, § 1]

Pursuant to the provisions of the Municipal Home Rule Law and § 150.10 of the Criminal Procedure Law, the Building Inspector, Deputy Building Inspectors, Property Development Specialist, civilian employees of the Building Department, civilian employees of the Sanitation Department and public servants of the City of Poughkeepsie are hereby authorized to issue and serve appearance tickets, returnable in the City Court of the City of Poughkeepsie, for any violation of Chapter 6 of the City of Poughkeepsie Code of Ordinances

entitled "Building and Utility Codes," Chapter **9** of the City of Poughkeepsie Code of Ordinances entitled "Garbage, Trash and Weeds," Chapter **12** of the City of Poughkeepsie Code of Ordinances, entitled "Minimum Housing, Standards Ordinance," and Chapter **19** of the City of Poughkeepsie Code of Ordinances entitled "City of Poughkeepsie Comprehensive Land Use and Zoning Ordinance."

Section 6-39 Abandoned/vacant and foreclosed or foreclosing properties.

[Ord. No. O-10-32, 11-15-2010, § 1; amended by Ord. No. O-12-07, 7-2-2012, § 1; Ord. No. O-14-22, 11-3-2014, § 1]

Commented [PE2]: I have made no changes to 6-39

(a)

Purpose and intent. It is the purpose and intent of the City to establish a process to address the number of abandoned, vacant, and foreclosed or foreclosing properties located within the City. It is the City's further intent to specifically establish an abandoned, vacant, and foreclosed or foreclosing property program as a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance and security of such properties.

(b)

Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in the section except where the context clearly indicates a different meaning:

ABANDONED REAL PROPERTY

The meaning as defined in Section **14-48(h)** of the City of Poughkeepsie Code of Ordinances.

BUILDING

Any combination of materials having a roof and enclosed within exterior walls or firewalls, built to form a structure for the shelter of persons.

BUILDING INSPECTOR

The duly appointed Building Inspector or his designees.

CITY

The City of Poughkeepsie.

DAYS

Consecutive calendar days.

DEFAULT

With respect to a residential building containing four or fewer dwelling units: when the mortgagor is 60 days past due on the mortgagor's obligation to make a scheduled payment under a mortgage or a mortgage note. With respect to all

other buildings: when the mortgagor is 90 days past due on the mortgagor's obligation to make a scheduled payment under a mortgage or a mortgage note.

EVIDENCE OF VACANCY

Any condition that, on its own or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but not be limited to, overgrown and/or dead vegetation, accumulation of abandoned real property, as defined herein, and statements by neighbors, passersby, delivery agents or government agents, among other evidence that the property is vacant.

FORECLOSED

Describes a property for which a new deed has been recorded with the County Clerk following the foreclosure process and is recorded in the name of a bank, credit union, mortgage servicer, financial institution, REO, government corporation such as the Government National Mortgage Association (Ginnie Mae), government-sponsored enterprise such as the Federal National Mortgage Association (Fannie Mae) or the Federal Home Loan Mortgage Corporation (Freddie Mac), the Secretary of Housing and Urban Development, the Veterans Administration, or other such entity.

FORECLOSING

Describes a property that is in the process of foreclosure.

FORECLOSURE

The process by which a property, placed as security for a real estate loan, is sold at auction to satisfy the debt if the owner or borrower defaults.

INITIATION OF FORECLOSURE PROCEEDINGS

Commencing a foreclosure action on a property in any court of competent jurisdiction pursuant to New York Real Property Actions and Proceedings Law (RPAPL) § 1301 et seq.

MORTGAGEE

The creditor, including but not limited to service companies, lenders in a mortgage agreement and any agent, servant, or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.

NOTICE OF DEFAULT

A recorded notice that a default has occurred under a mortgage and that the mortgagee intends to proceed with a foreclosure sale.

OWNER

Any person, entity or service company, alone or severally with others; that:

(1)

Has legal title to any real property, including but not limited to a dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or

(2)

Has care, charge or control of real property, including but not limited to any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park, or any administrator, administratrix, executor, trustee or guardian of the estate of the holder of legal title; or

(3)

Is the mortgagee of any such property who has initiated foreclosure proceedings as defined in this section; or

(4)

Is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or

(5)

Is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he were the owner. However, "owner" shall not mean a condominium association pursuant to Article 9-B of the Condominium Act to the extent that such association forecloses on or initiates the foreclosure process for unpaid assessments due or owing to the association; or

(6)

Every person who operates a rooming house; or

(7)

Is a trustee who holds, owns or controls mortgage loans for mortgage-backed securities transactions and has initiated the foreclosure process; or

(8)

Has initiated foreclosure proceedings against a property pursuant to New York RPAPL § 1301 et seq.

OWNER OF RECORD

The person having title to the property as indicated upon the records of the Dutchess County Clerk.

PROPERTY

Any improved real property, or portion thereof, situated in the City and includes all the buildings or structures located on the property.

VACANT STRUCTURE

A building or structure that is not legally occupied.

(c)

Registration.

(1)

Properties with vacant structures. Within 10 days of the date on which a structure becomes vacant, or within 10 days of being provided notices from the Building Inspector of the existence of a vacant structure that has not been registered, the owner shall register said property with the Building Department on a form provided by the Department.

(2)

Foreclosed and foreclosing properties. Within 10 days of the effective date of this section, or within 10 days of the initiation of foreclosure proceedings, whichever is later, the owner of any foreclosed or foreclosing property shall register said property with the Building Department on a form provided by the Building Department.

(3)

Registration pursuant to this subsection must be renewed at the end of each six months if the property is still in foreclosure and/or is vacant.

(4)

Any mortgagee who holds a mortgage on real property located within the City shall perform an inspection of the property that is the security for the mortgage, upon default by the mortgagor, prior to the issuance of a notice of default. If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned and the mortgagee shall, within 10 days of the inspection, register the property in accordance with this subsection and obtain a vacant property permit in accordance with Section **6-39(i)** below. If the property is occupied but remains in default, it shall be inspected by the mortgagee or mortgagee's designee on a monthly basis until the mortgagor or other party remedies the default; or it is found to be vacant or shows evidence of vacancy. Such determination may be made by communication with the mortgagor, a visual inspection of the real estate, or other means reasonably calculated to determine if the structure is vacant. The property shall be deemed abandoned upon such time as it is found to be vacant or shows evidence of vacancy, and the mortgagee shall, within 10 days of the inspection, register the property in accordance with this subsection.

(5)

The Common Council, by resolution, shall establish a fee schedule for the registering of vacant structures and foreclosed or foreclosing properties but

shall not require that an owner pay more than one registration fee per parcel per six-month period.

(6)

The owner shall notify the Building Inspector within 10 days of any change in the registration information, including the sale or transfer of the property, by filing an amended registration statement on a form provided for such purposes.

(d)

Form. The registration shall be submitted on forms provided by the Building Department and shall include the following information supplied by the owner:

(1)

A description of the premises;

(2)

The names and addresses of the owner or owners;

(3)

If the owner does not reside in Dutchess County, the name and address of any third party who the owner has entered into a contract or agreement with for property management;

(4)

The names and addresses of all known lien holders and all other parties with an ownership interest in the building;

(5)

A telephone number where a responsible party can be reached at all times during business and nonbusiness hours; and

(6)

A vacant building plan described in Section **6-39(e)**.

(e)

Statement of Plan. At the time a vacant building or dwelling is registered as required above, the owner shall submit to the Building Department a Statement of Plan and obtain a vacant property permit pursuant to Section **6-39(i)**. The plan shall include at least the following:

(1)

The length of time the owner expects the vacancy to continue;

(2)

The proposed rehabilitation or improvement to be made to the structure so as to make the structure suitable for its last use of record;

(3)

A form in which the owner grants permission to the Building Inspector, Police Chief or Fire Inspector to enter and inspect the property;

(4)

A description of what will be done to secure the structure so that it will not become open to the general public;

(5)

An open trespass complaint to be filed with the Police Department.

(f)

Failure to file a Statement of Plan and/or register. Should the owner fail to submit a plan or fail to comply with such plan after it has been approved by the Building Department, the Building Inspector shall recommend to the Office of Corporation Counsel that a criminal information be filed in City Court, and the property shall be deemed abandoned pursuant to Section **6-39(m)** of this chapter.

(g)

Maintaining and securing vacant structures. All vacant real property shall at all times be properly maintained. A vacant structure shall be considered properly maintained if:

(1)

It has all doors and windows and other openings weather-tight and secured against entry by the general public as well as animals.

(2)

All roof and roof flashings shall be sound and tight such that no rain will penetrate the structure and must allow for appropriate drainage so as to prevent deterioration of the interior walls or other interior portions of the building.

(3)

The building must be maintained in good repair, be structurally sound and free from overgrown vegetation, rubbish, garbage, and other debris.

(4)

Structured members of the building shall be capable of bearing both live and dead loads, and the foundation walls likewise shall be capable of supporting an appropriate load.

(5)

The exterior of the structure shall be free of loose or rotten materials as well as holes. Any exposed metal, wood or other surface shall be protected from the elements by appropriate weather-coating materials (paint or similar treatment).

(6)

Any balconies, canopies, signs, metal awnings, stairways, fire escapes or other overhanging extensions shall be in good repair, appropriately anchored. The exposed metal and wood surface of such overhanging extensions shall also be protected from the elements against rust or decay by appropriate application of paint or similar weather-coating.

(7)

Any accessories or appurtenant structures, including but not limited to garages, sheds and other storage facilities, shall meet the same standards.

(8)

The property contains a posting with the name and twenty-four-hour contact phone number of the local individual or property management company responsible for the maintenance. This sign must be posted on the front of the property so it is clearly visible from the street.

(9)

All bushes must be trimmed so as to provide an unobstructed view of the front of the house from the public roadway.

(10)

The owner shall comply with all other relevant state and local regulations concerning the maintenance of property.

(h)

Inspections. The Building Inspector, Fire Department, Sanitation Inspector and/or Police Department shall have the authority to inspect properties subject to this section for compliance with Section **6-39(g)** and to issue citations for any violations with directions to remedy the violation within 10 days of the date of the citation.

(i)

Vacant property permit. The Building Inspector will issue a vacant building permit upon being satisfied that the property is properly registered pursuant to Section **6-39(c)** and properly maintained pursuant to Section **6-39(g)**. This

permit shall be valid for a period of six months, at the end of which the inspection process must again be carried out by the Building Inspector.

(j)

Cash bond. Within 10 days of the date on which the registration form is required under Section **6-39(c)**, the owner of any vacant and/or foreclosing or foreclosed property shall provide a cash bond in the amount of \$10,000 to the Building Inspector, as security in the event the Building Inspector is authorized pursuant to Section **6-39(m)** below to secure the continued maintenance of the property until such time as the property is again legally occupied, sold, or transferred and to remunerate the City for any expenses incurred in inspecting, securing, marking, maintaining, or making such property safe. A portion of said bond, in an amount to be determined by the Building Inspector, not to exceed 10% of the total bond value, shall be retained by the City as an administrative fee to fund an account for expenses incurred in inspecting, securing, maintaining and marking other vacant and/or foreclosed or foreclosing properties that are not in compliance with this section. Any owner of a vacant and/or foreclosed or foreclosing property providing a bond pursuant to this subsection must also provide bonds for all other vacant and foreclosed or foreclosing properties it owns in the City.

(k)

Liability insurance. Within 10 days of the date on which the registration form is required under Section **6-39(c)**, the owner of any vacant and/or foreclosed or foreclosing property shall procure liability insurance for the property' with a coverage amount to exceed \$150,000 and shall furnish the Building Inspector with a copy of said certificate of insurance.

(l)

Expiration of obligations. An owner's obligations under Section **6-39(c)** through **(k)** shall expire at such time as a property in foreclosure is sold or transferred, or a vacant property that is not in foreclosure becomes legally occupied again.

(m)

Certification of abandonment. Upon the Building Inspector's determining a property has been abandoned and/or is otherwise vacant and not in compliance with Section **6-39(c)** through **(g)**, the Building Inspector shall cause a certification of abandonment to be filed with the Building Department's records, and such certification shall be served upon the owner of the premises, either personally or by posting a copy of the certification in a conspicuous place on

the property and by mailing a copy by certified mail to the owner or owners' last known address.

(1)

Upon the Building Inspector's filing a certification of abandonment, the Building Inspector, Sanitation Inspector, Police Department and/or Fire Department may, without further notice to the owner, take necessary steps to ensure the property is properly maintained pursuant to Section **6-39(g)**. The Building Inspector shall then provide the owner with a written statement of all costs associated with inspecting, securing, and maintaining the property. If the owner fails to reimburse the City within five days of receiving said written statement of costs, the City shall draw down upon the bond paid by the owner pursuant to Section **6-39(j)**. If there is no bond available, the costs incurred to ensure the property and/or dwelling is properly maintained shall be paid out of the municipal treasury on the certificate of the Building Inspector. Such costs shall be charged against the land on which the building existed, as a municipal lien, or shall be added to the tax roll as an assessment or shall be levied as a special tax against the land upon which the building stands or stood or shall be recovered in a suit at law against the owner.

(2)

If the Building Inspector draws down a cash bond provided pursuant to Section **6-39(j)**, he or she shall forthwith notify the owner of the amount by which the cash bond has been drawn down, and the owner shall have 10 days from the date of said notice to replenish the bond to the minimum of \$10,000 required in Section **6-39(j)**.

(3)

The owner of a property declared abandoned may petition the Building Department to remove the certification of abandonment by providing proof to the Building Inspector that the basis of the certificate of abandonment no longer exists and the owner is in compliance with this article.

(n)

Establishment of list. The Building Inspector is hereby directed to compile a list of all properties declared abandoned.

(o)

Penalties. Any person, firm, corporation, or association violating the provisions of this section shall be subject to a penalty of \$300 per day, per property, for the following violations, which shall constitute distinct and separately chargeable violations:

(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 the existence of a vacant property;

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;

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;

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)**.

(p)

Procedure for serving notices. Notices required pursuant to this section shall be served in the following manner:

(1)

Personally on any owner as defined in this section;

(2)

Left at the last and usual place of abode of any owner, if such place of abode is known and is within or without the state; and sent by certified or registered mail, return receipt requested.

Section 6-40**through Section 6-89. (Reserved)** ^[1]

DIVISION 1IN GENERAL

Section 6-90**Title.**

[Ord. of 6-15-1959, § 1]

This article shall be known as the "Electrical Code of the City of Poughkeepsie."

Section 6-91**Statement of purpose.**

[Ord. of 6-15-1959, § 2]

Since there is danger to life and property inherent in the use of electrical energy, this article is enacted to regulate the installation, alteration or repair of wiring for electric light, heat or power and signal systems operating on 50 volts or more in or on all real property within the City.

Section 6-92**"Master electrician," term defined.**

[Ord. of 10-15-1928, § 1]

As used in this article, the term "master electrician" shall be and include any person engaged in or holding himself out as engaged in the business of electrical contracting or construction, installing, erecting, altering and repairing or contracting to install, erect, alter or repair any electric wires or other conductors, used or to be used for the transmission of electrical current for electric light, heat or power purposes, molding, ducts, raceways, conduits or other appliances or devices for the reception or protection of such wires or conductors or any electrical machine, machinery, apparatus, device, medium or factor, used or to be used for electric light, heat or power purposes.

Section 6-93**National Electrical Code adopted; incorporated by reference.**

[Ord. of 6-15-1959, § 3; Ord. of 1-15-1968; Ord. of 2-23-1972; Ord. of 3-1-1993, § 1]

All electrical installations heretofore mentioned shall be made in conformance with the requirements of the National Electrical Code as most currently amended, which is hereby adopted and incorporated by reference, except where the provisions of this article or any other local law or ordinance or building code of the City of Poughkeepsie shall differently prescribe, in which event compliance with the provisions imposing the more restrictive standard shall be required. The requirements of the National Electrical Code shall be those known as "National Fire Protection Association Pamphlet N.F.P.A. No. 70," as most recently approved and adopted by the American National Standards Institute.

Section 6-94**Applicability of article.**

[Ord. of 6-15-1959, § 8]

The provisions of this article shall not apply to electrical installations in mines, ships, railway cars or automotive equipment or the installations or equipment employed by the railway, electrical or communication utility in the exercise of its function as a utility and located outdoors or in buildings used exclusively for that purpose. This article shall not apply to any work involved in the manufacture, assembly, test or repair of electrical machinery, apparatus, materials and equipment by a person engaged in electrical manufacturing as a principal business. It shall not apply to any building which is owned or leased in its entirety by the governments of the United States or the State of New York.

Section 6-95 Exceptions to article provisions.

[Ord. of 10-15-1928, § 15]

The provisions of this article shall not apply to persons regularly employing electricians for the maintenance, repair, alteration or extension of the electric wires, conductors, electrical machinery, apparatus or appliances on their own property nor to electric corporations, as defined in the Transportation Corporation Law of this state, and their employees engaged in performing such work in the conduct of the business of the corporation.

Section 6-96 Waiver or assumption of liability.

[Ord. of 6-15-1959; § 9; Ord. of 1-16-1997, § 2]

This article shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any electric wiring, devices, appliances or equipment for loss of life or damage to persons or property caused by any defect therein, nor shall the city or any electrical inspector certified by the city be deemed to have assumed any such liability by reason of any inspection made pursuant to this article.

Section 6-97 Designation of inspectors; function.

[Ord. of 6-15-1959, § 4; Ord. of 1-16-1997, § 3; Ord. of 2-7-2005, § 1]

Any person, business, agency, partnership or corporation certified by the City ~~Fire Chief~~ **Building Inspector** to perform electrical inspections in the City is hereby authorized and deputized as an agent of the City to make inspections and reinspections of all electrical installations theretofore and hereafter described and to approve or disapprove the same. In no event, however, will the cost of expense of such inspections and reinspections be a charge against the City.

Section 6-98 Duties of the inspector.

[Ord. of 6-15-1959, § 5; Ord. of 12-19-1977, § 1; Ord. of 3-1-1993, § 2]

(a)

It shall be the duty of the inspector to report in writing to the ~~Chief Code Enforcement Officer~~ **Building Inspector**, whose duty it shall be to enforce all the provisions of this code, all violations of or deviations from or omissions of the electrical provisions of the National Electrical Code and of all local laws, ordinances and the Building Code referred to in this article insofar as any of the same apply to electrical wiring.

(b)

The inspector shall make inspections and reinspection of electrical installations in and on properties in the city as herein provided. The inspector is authorized to make inspections and reinspection of electrical wiring installations, devices, appliances and equipment in and on properties within the city where he/she deems it necessary for the protection of life and property. In the event of any emergency, it shall be the duty of the inspector to make electrical inspections upon the oral request of an official or officer of the City.

(c)

It shall be the duty of the inspector to furnish written reports to the proper officials of the city and owners and/or lessees of property where defective electrical installations and equipment are found upon inspection.

(d)

He/she shall authorize the issuing of a certificate of compliance when electrical installations and equipment are in conformance with this article and shall direct that a copy of the certificate be sent to the city to the attention of the Building Inspector.

Section 6-99Violations.

[Ord. of 6-15-1959, § 6; Ord. of 1-16-1997, § 4]

(a)

It shall be a violation of this article for any person to install or cause to be installed or to alter or repair electrical wiring for light, heat or power, in or on properties in the city until an application for inspection has been filed with a certified electrical inspector and a permit issued.

(b)

It shall be a violation of this article for a person to connect or cause to be connected electrical wiring in or on properties for light, heat or power to any source of electrical energy supply, prior to the issuance of a temporary certificate or a certificate of compliance by a certified electrical inspector.

Section 6-100Penalties.

[Ord. of 6-15-1959, § 7]

Any person who shall violate any of the provisions of this article or any rule or regulation promulgated pursuant thereto shall be guilty of disorderly conduct and, upon conviction thereof, may be punished as prescribed in Section **6-11** for violation of the Building Code, and each day on which such violation continues shall constitute a separate offense.

Section 6-101 through Section 6-105. (Reserved)

DIVISION 2 LICENSING OF ELECTRICIANS ^[1]

[1]

State law reference: Authority to license and regulate businesses and occupations, § 20, Subdivision 13, of the General City Law.

Section 6-106 Examining Board of Electricians.

[Ord. of 10-15-1928, § 3; Ord. of 3-1-1993, § 3; Ord. of 6-5-1997, § 1; Ord. of 2-7-2005, § 1; Ord. No. O-11-01, 1-3-2011, § 11]

(a)

Appointment. The Mayor shall appoint an Examining Board of Electricians. The Building Inspector of the City during his/her term of office, shall be a member of said Board. The Mayor shall select annually one or more certified electricians to conduct electrical inspections for the City to the Board. In addition, the Mayor shall appoint two employing or master electricians of not less than five years' practical experience in such work and one journeyman electrician of like experience.

(b)

Term of office. The term of office of each member designated by the Mayor shall be initial terms of one year and reappointment upon the expiration of such term for subsequent terms of three years, and said members designated by the Mayor shall hold office until their successors are appointed. Vacancies occurring before the expiration of one term shall be filled for the unexpired term.

(c)

Age and residency. All members of such Board shall be at least 30 years of age and residents of the City.

Section 6-107 Organization of Examining Board; rules and regulations.

[Ord. of 10-15-1928, § 4; Ord. of 3-1-1993, § 4]

(a)

Officers. The Examining Board of Electricians shall meet and organize within 10 days after the appointment of its members and at such meeting shall elect one of its members President and one Secretary to serve one-year terms.

(b)

Rules and regulations. It shall adopt rules and regulations, not inconsistent with this chapter, for the conduct of the meetings and business of the Board, for the receiving of applications for licenses, the investigation and examination of applicants, prescribing the duties of its President and Secretary and other matters incidental to the powers and duties of the Board as herein provided and shall have the power to change and amend such rules and regulations by majority vote of the whole Board at any regular or special meeting. The Board shall file a copy of its rules and regulations, and of any changes or amendments thereof, certified by the Secretary, with the Building Inspector and City Chamberlain, forthwith upon the adoption of the same, and the same shall, at all reasonable times, be open to public inspection.

Section 6-108 Meetings of Examining Board.

[Ord. of 10-15-1928, § 5]

The Examining Board of Electricians shall meet regularly once in each month at a time and place to be fixed by it and at such other times as it may deem necessary for the transaction of such business as may properly come before it. Special meetings may be called as in the rules and regulations provided.

Section 6-109 Investigations and examinations by Examining Board.

[Ord. of 10-15-1928, § 7; Ord. of 3-1-1993, § 5]

The Examining Board of Electricians shall investigate and examine as to the qualifications and fitness of each applicant for a license hereunder, shall formulate examinations to be held twice per year at a designated site in the city by the Board for the testing of applicants and shall investigate all charges preferred against any person holding a license granted hereunder and the fitness of any person to hold a license granted hereunder against whom charges shall have been preferred. Within five days after the completion of any such investigation or examination, the Board shall file its report, in writing, signed by its President and Secretary.

Section 6-110 Books and records of Examining Board.

[Ord. of 10-15-1928, § 16; Ord. of 3-1-1993, § 6]

All books and records of the Examining Board of Electricians shall be deposited and kept in the office of the Building Inspector.

Section 6-111Electrician's license required.

[Ord. of 10-15-1928, § 2]

No person shall engage in or conduct the business of a master electrician in the City until such person shall have applied for and obtained a license to engage in such business as herein provided.

Section 6-112Issuance of electricians' license restricted.

[Ord. of 10-15-1928, § 8; Ord. of 3-1-1993, § 7]

No license as an electrician shall be granted to any person unless he/she shall prove to the satisfaction of the ~~Examining Board of Electricians~~ **Building Inspector** that he/she has or intends in good faith to establish a place for the regular transaction of business; that he/she is a competent electrician and qualified to do electrical contracting construction and installation work and electrical wiring; that he/she has a working knowledge of electricity and the natural laws and functions of electricity and of appliances, apparatus and devices for electrical light, heat and power purposes used and required in such work; and that he/she has a practical working knowledge of the National Electric Code requirements as demonstrated in the applicant's obtaining a passing grade of 70% or above on the examination given by the ~~Board~~ **Building Inspector** in accordance with ~~Section 6-109~~ of this chapter. No such license shall be granted to any person who is less than 21 years of age nor to any person who shall not subscribe and take an oath that he/she has had at least five years' practical experience in such work.

Section 6-113Issuance of license; records; insurance required.

[Ord. of 10-15-1928, § 9; Ord. of 12-19-2005, ^u § 1]

(a)

Upon determining the qualifications of any applicant for an electrician's license, the ~~Examining Board of Electricians~~ **Building Inspector** shall, upon proof of insurance as set forth in Subsection **(b)** below, forthwith issue to such applicant a license hereunder authorizing the holder to engage in the business of a master electrician within the City and shall register his or her name alphabetically, his or her business address and the number and date of the license in a book to be kept in its office for that purpose.

(b)

Every licensed electrician shall, at the time of the issuance of a license, the renewal of a license or the issuance of an electrical permit, maintain liability insurance for loss resulting from bodily injury or death of any person (other than an employee of the licensed electrician) or property damage occurring by

reason of or resulting from the electrical work performed or in the process of being performed by such person or any such persons, employees, agents, contractors or subcontractors. Such insurance shall be kept and maintained in full force and effect at all times during the term of the license issued to an electrician under this article. Such insurance shall be evidenced by a certificate of insurance naming the City of Poughkeepsie as the certificate holder. The face amount of the policy shall not be less than \$1,000,000 per occurrence. The policy shall provide that cancellation shall require a minimum of 10 days' written notice of cancellation directed to the City of Poughkeepsie Building Department. Such policy shall be written on an occurrence basis and shall be issued by a company authorized to do business in New York State. A certificate from the insurance carrier certifying such coverage shall be filed by the electrician at the time his or her license is issued, at the time of renewal of said license or when a permit is granted.

[1]

Editor's Note: This ordinance also provided that it shall take effect 1-1-2006.

Section 6-114 License fees for electricians.

[Ord. of 10-15-1928, § 10; Ord. of 9-27-1976, § 1, 2; Ord. of 3-1-1993, § 8; Ord. No. O-07-14, § 1; Ord. No. O-09-03, § 1; Ord. No. O-11-01, 1-3-2011, § 7]

(a)

Original license. An applicant for an electrician's license shall pay a nonrefundable application fee in an amount as set forth on the fee schedule adopted by the Common Council in accordance with Section **6-26**. The original license shall expire on December 31 of the year it was issued, and there shall be no reduction in the annual fee and the annual fee shall not be prorated. An application and fee for a license shall be filed within 60 days after notification of successful completion (passing) of an examination.

(b)

Refund. Should such license be denied, the sum deposited by the applicant shall not be returned to him/her.

(c)

Letter of good standing. Any licensed electrician in the City of Poughkeepsie may request a letter of good standing for electrical work to be preformed in other municipalities. The fee for a letter of good standing shall be \$75 per request, and notice for such a request shall be provided at least 24 hours in advance to the Building Department. The letter of good standing shall include the letter of

good standing and a certified copy of the City of Poughkeepsie electrical license.

Section 6-115 License of electrician not transferable.

[Ord. of 10-15-1928, § 11]

No electrician's license issued as herein provided shall be assignable or transferable.

Section 6-116 Renewal of electrician's license.

[Ord. of. 10-15-1928, § 12; Ord. of 12-19-2005, § 1; Ord. No. O-02-15, § 1; Ord. No. O-11-01, 1-3-2011, § 8]

Whenever an electrician's license shall have been issued as herein provided, it shall be renewed annually without further examination, provided that the holder thereof, within 30 days after January 1 in each year, shall provide a certificate of liability insurance as set forth in Section **6-113(b)** and pay the annual license fee as hereinbefore prescribed. *In addition, proof of completion of 4 hours of continuing education within the current license year in a curriculum pertaining to electrical wiring must be submitted.* Such annual renewal shall be certified by the endorsement thereof upon said license, subscribed by the ~~President of the Examining Board of Electricians~~ *Building Inspector*. Any lapse in renewal shall require a payment of an administrative fee in an amount equal to the license fee. This administrative fee shall be in addition to the reapplication fee. Applications for renewal submitted beyond April 1 in each year shall become null and void and require reexamination. Prior to expiration, a licensed electrician may petition the Building Inspector to suspend his/her license. An electrician whose license has been suspended at the electrician's request may reinstate such license at any time within five years from the date the license was scheduled to expire. There shall be a fee in addition to the license fee to reinstate a license that has been suspended at the request of the electrician.

Section 6-117 Revocation of electrician's license.

[Ord. of 10-15-1928, § 13; Ord. of 3-1-1993, § 9]

(a)

Authority. Any electrician's license or renewal may be revoked at any time by the ~~Examining Board of Electricians~~ *Building Inspector*, after hearing upon written charges, if the licensee, his/her agent, servant or employee performing any work under his/her direction shall willfully violate any law or ordinance relating to electrical construction or make any electrical installation in a negligent or careless manner or which is a hazard to life or property.

(b)

Refund of license fee. No refund of any portion of a license fee shall be made upon the revocation of a license.

(c)

Relicensing. No license shall be granted to a person whose license has been revoked for a period of one year from the date of such revocation.

Section 6-118 Compliance with rules, regulations of Examining Board required.

[Ord. of 10-15-1928, § 6]

Applicants for licenses, licensees and persons desiring to prefer charges against the holder of a license granted hereunder shall conform to and comply with all rules and regulations of the Examining Board of Electricians respecting the filing of applications for licenses and the preferring and hearing of charges against licensees.

Section 6-119 Special electricians' license.

[Ord. of 3-1-1993, § 10; Ord. of 10-19-2005; § 1; Ord. No. O-07-16, § 1]

An individual licensed as an electrician in another municipality of New York State *except New York City* shall be eligible for a special license in the City of Poughkeepsie from the ~~Examining Board of Electricians~~ *Building Inspector* without the necessity of complying with the provisions of Section **6-112** of this chapter, provided that the ~~Examining Board of Electricians~~ *Building Inspector* determines that the licensing municipality has adopted and followed the same electrical codes set forth in Section **6-93** of this chapter, requires the same or substantially the same qualifications to license the electrician as the City of Poughkeepsie and that the licensing municipality agrees in writing to reciprocate by permitting electricians licensed by the City of Poughkeepsie to perform electrical work in that jurisdiction without the necessity of obtaining an electrician's license in that jurisdiction, and provided a certificate of liability insurance as set forth in Section **6-113(b)** is submitted. Said special license shall be required before each job is performed. The fee for such license shall be \$250 per electrical job up to \$10,000, \$600 per electrical job from \$10,000 to \$100,000, and \$1,500 per electrical job in excess of \$100,000.

Section 6-120 through Section 6-128. (Reserved)

Section 6-39 ~~Abandoned/vacant and foreclosed or foreclosing properties.~~ **Abandoned, vacant, and foreclosed or foreclosing properties.**

[Ord. No. O-10-32, 11-15-2010, § 1; amended by Ord. No. O-12-07, 7-2-2012, § 1; Ord. No. O-14-22, 11-3-2014, § 1]

- (a) *Purpose and intent.* It is the purpose and intent of the City to establish a process to address the number of abandoned, vacant, and foreclosed or foreclosing properties located within the City. It is the City's further intent to specifically establish an abandoned, vacant, and foreclosed or foreclosing property program as a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance and security of such properties.
- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in the section except where the context clearly indicates a different meaning:

ABANDONED REAL PROPERTY

The meaning as defined in Section **14-48(h)** of the City of Poughkeepsie Code of Ordinances.

BUILDING

Any combination of materials having a roof and enclosed within exterior walls or firewalls, built to form a structure for the shelter or congregation of persons.

BUILDING INSPECTOR

The duly appointed Building Inspector or his designees. May also be referred to interchangeably as "Code Enforcement Officer"

CITY

The City of Poughkeepsie.

DAYS

Consecutive calendar days.

DEFAULT

With respect to a residential building containing four or fewer dwelling units: when the mortgagor is 60 days past due on the mortgagor's obligation to make a scheduled payment under a mortgage or a mortgage note. With respect to all other buildings: when the mortgagor is 90 days past due on the mortgagor's obligation to make a scheduled payment under a mortgage or a mortgage note.

EVIDENCE OF VACANCY

Any condition that, on its own or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not be limited to, overgrown and/or dead vegetation, accumulation of abandoned

property, and statements by neighbors, passersby, delivery agents or government agents, among other evidence that the property is vacant.

FORECLOSED

Describes a property for which a new deed has been recorded with the County Clerk following foreclosure legal proceedings and is recorded solely in the name of a bank, credit union, mortgage servicer, financial institution, REO, government corporation such as the Government National Mortgage Association (Ginnie Mae), government-sponsored enterprise such as the Federal National Mortgage Association (Fannie Mae) or the Federal Home Loan Mortgage Corporation (Freddie Mac), the Secretary of Housing and Urban Development, the Veterans Administration, or other such entity.

FORECLOSING

Describes a property for which foreclosure proceedings have been commenced in a court of competent jurisdiction. .

FORECLOSURE

The process by which a property, placed as security for a real estate loan, is sold at auction to satisfy the debt if the owner or borrower defaults.

INITIATION OF FORECLOSURE PROCEEDINGS

Commencing a foreclosure action on a property in any court of competent jurisdiction pursuant to New York Real Property Actions and Proceedings Law (RPAPL) § 1301 et seq.

MORTGAGEE

The creditor, or any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement

NOTICE OF DEFAULT

A recorded notice that a default has occurred under a mortgage and that the mortgagee intends to proceed with a foreclosure legal proceeding and sale.

OWNER

Any person, entity or service company, alone or severally with others; that:

- (1) Has legal title to any real property, including but not limited to a dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or
- (2) Has care, charge or control of real property, including but not limited to any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park, or any administrator, , executor, trustee or guardian of the estate of the holder of legal title; or
- (3) Is the mortgagee of any such property; or

- (4) Is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or
- (5) Is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he were the owner. However, "owner" shall not mean a condominium association pursuant to Article 9-B of the Condominium Act to the extent that such association forecloses on or initiates the foreclosure process for unpaid assessments due or owing to the association; or
- (6) Every person who operates a rooming house; or
- (7) Is a trustee who holds, owns or controls mortgage loans for mortgage-backed securities transactions; or
- (8) Has initiated foreclosure proceedings against a property pursuant to New York RPAPL § 1301 et seq.

OWNER OF RECORD

The person having title to the property as indicated by the records of the Dutchess County Clerk.

PROPERTY

Any improved real property, or portion thereof, situated in the City and includes all the buildings or structures located on the property.

VACANT STRUCTURE

A building or structure that is not legally occupied.

- (c) *Registration.*
- (1) Properties with vacant structures. Within ~~10~~ 30 days of the date on which a structure becomes vacant, or within ~~10~~ 30 days of being provided notices from the Building Inspector of the existence of a vacant structure that has not been registered, the owner shall register said property with the Building Department on a form provided by the Department.
- (2) Foreclosed and foreclosing properties. Within ~~10~~ 30 days of the effective date of this section, or within ~~10~~ 30 days of the initiation of foreclosure proceedings, whichever is later, the owner of any foreclosed or foreclosing property shall register said property with the Building Department on a form provided by the Building Department.
- (3) Registration pursuant to this subsection must be renewed at the end of each six months if the property is still in foreclosure and/or is vacant.
- (4) Any mortgagee who holds a mortgage on real property located within the City shall perform

an inspection of the property that is the security for the mortgage, upon default by the mortgagor, prior to the issuance of a notice of default. If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned and the mortgagee shall, within ~~10~~ 30 days of the inspection, register the property in accordance with this subsection and obtain a vacant property permit in accordance with Section **6-39(i)** below. If the property is occupied but remains in default, it shall be inspected by the mortgagee or mortgagee's designee on a monthly basis until the mortgagor or other party remedies the default; or it is found to be vacant or shows evidence of vacancy. Such determination may be made by communication with the mortgagor, a visual inspection of the real estate, or other means reasonably calculated to determine if the structure is vacant. The property shall be deemed abandoned upon such time as it is found to be vacant or shows evidence of vacancy, and the mortgagee shall, within ~~10~~ 30 days of the inspection, register the property in accordance with this subsection.

- (5) The Common Council, by resolution, shall establish a fee schedule for the registering of vacant structures and foreclosed or foreclosing properties but shall not require that an owner pay more than one registration fee per parcel per six-month period.
- (6) The owner shall notify the Building Inspector within ~~10~~ 30 days of any change in the registration information, including the sale or transfer of the property, by filing an amended registration statement on a form provided for such purposes.
- (d) *Form.* The registration shall be submitted on forms provided by the Building Department and shall include the following information supplied by the owner:
 - (1) A description of the premises;
 - (2) The names and addresses of the owner or owners;
 - (3) If the owner does not reside in Dutchess County, the name and address of any third party who the owner has entered into a contract or agreement with for property management;
 - (4) The names and addresses of all known lien holders and all other parties with an ownership interest in the building;
 - (5) A telephone number where a responsible party can be reached at all times during business and nonbusiness hours; and
 - (6) A vacant building plan described in Section **6-39(e)**.
- (e) *Statement of Plan.* At the time a vacant building or dwelling is registered as required above, the owner shall submit to the Building Department a Statement of Plan and obtain a vacant property permit pursuant to Section **6-39(i)**. The plan shall include at least the following:

- (1) The length of time the owner expects the vacancy to continue;
- (2) The proposed rehabilitation or improvement to be made to the structure so as to make the structure suitable for its last use of record;
- (3) A form in which the owner grants permission to the Building Inspector, Police Chief or Fire Inspector to enter and inspect the property;
- (4) A description of what will be done to secure the structure so that it will not become open to the general public;
- (5) An open trespass complaint to be filed with the Police Department.
- (f) *Failure to file a Statement of Plan and/or register.* Should the owner fail to submit a plan or fail to comply with such plan after it has been approved by the Building Department, the Building Inspector shall ~~recommend to the Office of Corporation Counsel that a criminal information be filed in City Court, and the property shall be deemed abandoned pursuant to Section 6-39(m) of this chapter.~~ **issue a written notice of the violation(s) and serve same as provided in Section 6-15. Upon the owner's failure to abate the violation(s) within the stated deadline, the Building Inspector shall recommend to the Office of the Corporation Counsel that a criminal proceeding be commenced in a court of competent jurisdiction.**
- (g) *Maintaining and securing vacant structures.* All vacant real property shall at all times be properly maintained. A vacant structure shall be considered properly maintained if:
 - (1) It has all doors and windows and other openings weather-tight and secured against entry by the general public as well as animals.
 - (2) All roof and roof flashings shall be sound and secure such that no rain will penetrate the exterior of the structure and must allow for appropriate drainage so as to prevent deterioration of the interior portions of the building.
 - (3) The building must be maintained in good repair, be structurally sound and free from overgrown vegetation, rubbish, garbage, and other debris.
 - (4) Structural members of the building shall be capable of bearing both live and dead loads, and the foundation walls likewise shall be capable of supporting an appropriate load.
 - (5) The exterior of the structure shall be free of loose or rotten materials as well as holes. Any exposed metal, wood or other surface shall be protected from the elements by appropriate weather-resistant materials (paint, stain, or similar treatment).
 - (6) Any balconies, canopies, signs, metal awnings, stairways, fire escapes or other overhanging

extensions shall be in good repair and appropriately anchored. The exposed metal and/or wood surfaces of such overhanging extensions shall also be protected from the elements against rust or decay by appropriate application of paint, stain, or similar treatment.

- (7) Any accessory or appurtenant structures, including but not limited to garages, sheds and other storage facilities, shall be subject to the same requirements as all other structures.
- (8) The property displays a posting with the name and twenty-four-hour contact phone number of the local individual or property management company responsible for its maintenance. This sign must be posted on the front of the property so that it is clearly visible from the street. In no event, shall such sign be larger than six (6) square feet.
- (9) All bushes must be trimmed so as to provide an unobstructed view of the front of the house from the public roadway.
- (10) The owner shall comply with all other relevant state and local regulations concerning the maintenance of real property.
- (h) *Inspections.* The Building Inspector, Fire Department, Sanitation Inspector and/or Police Department shall have the authority to inspect properties subject to this section for compliance with Section **6-39(g)** and to issue citations for any violations with directions to remedy the violation within ~~10~~ **30** days of the date of the citation.
- (i) *Vacant property permit.* The Building Inspector will issue a vacant building permit upon being satisfied that the property is properly registered by its owner pursuant to Section **6-39(c)** and properly maintained pursuant to Section **6-39(g)**. This permit shall be valid for a period of six months, at the end of which the inspection process must again be carried out by the Building Inspector.
- (j) *Cash bond.* Within ~~10~~ **30** days of the date on which the registration form is required under Section **6-39(c)**, the owner of any vacant and/or foreclosing or foreclosed property shall provide a cash bond in the amount of ~~\$10,000~~ **\$5,000** to the Building Inspector, as security in the event the Building Inspector is authorized pursuant to Section **6-39(m)** below to provide for the continued maintenance of the property until such time as the property is again legally occupied, sold, or transferred and to remunerate the City for any expenses incurred in inspecting, securing, marking, maintaining, or making such property safe. A portion of said bond, in an amount to be determined by the Building Inspector, not to exceed 10% of the total bond value, shall be retained by the City as an administrative fee to fund an account for expenses incurred relative to inspecting, securing, maintaining and marking other vacant and/or foreclosed or foreclosing properties that are not in compliance with this section. Any owner of a vacant and/or foreclosed or foreclosing property providing a bond pursuant to this subsection must also provide bonds for all other vacant and

foreclosed or foreclosing properties owned in the City. **The Building Inspector may waive the bond requirement for a period not exceeding one year in the following instances:**

(1) **Where the owner has applied for and receive a building permit that encompasses alterations, renovations, repairs, or construction to be performed so that the building or structure may be legally re-occupied.**

(2) **Where a property is being actively marketed for sale and is otherwise being maintained by the owner in compliance with the Code.**

(k) *Liability insurance.* Within ~~10~~ **30** days of the date on which the registration form is required under Section **6-39(c)**, the owner of any vacant and/or foreclosed or foreclosing property shall procure liability insurance for the property' with a coverage amount to exceed \$150,000 and shall furnish the Building Inspector with a copy of said certificate of insurance.

(l) *Expiration of obligations.* An owner's obligations under Section **6-39** (i)through **(k)** shall expire at such time as a property in foreclosure is sold or transferred, or a vacant property that is not in foreclosure becomes legally occupied again.

(m) *Certification of abandonment.* Upon the Building Inspector's determining a property has been abandoned and/or is otherwise vacant and not in compliance with Section **6-39(c)** through **(g)**, the Building Inspector shall cause a "Certification of Abandonment" to be filed with the Building Department's records, and such certification shall be served upon the owner of the premises, either personally or by posting a copy of the certification in a conspicuous place on the property and by mailing a copy by certified mail to the owner or owners' last known address. **as provided in Section 6-15.**

(1) Upon the Building Inspector's filing a Certification of Abandonment, the Building Inspector, Sanitation Inspector, Police Department and/or Fire Department may, without further notice to the owner, take all necessary steps to ensure the property is properly maintained pursuant to Section **6-39(g)**. ~~The Building Inspector shall then provide the owner with a written statement of all costs associated with inspecting, securing, and maintaining the property. If the owner fails to reimburse the City within five days of receiving said written statement of costs, the City shall draw down upon the bond paid by the owner pursuant to Section 6-39(j).~~ **All costs associated with inspecting, securing, and maintaining the property shall be reimbursed to the City by drawing down upon the bond paid by the owner pursuant to Section 6-39(j). The Building Inspector shall maintain a written statement of all costs in the property file located in the Building Department.** If there is no bond available or if such bond proves inadequate to cover such costs, the costs incurred to ensure the property and/or dwelling is properly maintained shall be paid out of the municipal treasury on the attestation of the Building Inspector that such incurred costs

are necessary and will be expended on that property. Such costs shall be charged against the land on which the building exists/existed, as a municipal lien, or shall be added to the tax roll as an assessment, or shall be levied as a special tax against the land upon which the building stands or stood or shall be recovered in a suit at law against the owner.

- (2) If the Building Inspector draws down a cash bond provided pursuant to Section 6-39(j), he or she shall forthwith notify the owner of the amount by which the cash bond has been drawn down, and the owner shall have ~~10~~ 30 days from the date of said notice to replenish the bond to the minimum of \$10,000 \$5,000 required in Section 6-39(j).
- (3) The owner of a property for which a Certification of Abandonment has been filed may petition the Building Department to extinguish the Certification of Abandonment by providing proof to the Building Inspector that the basis for the cCertificate of Abandonment no longer exists and the owner is in compliance with this article.
- (n) *Establishment of list.* The Building Inspector is hereby directed to compile a list of all properties for which a Certification of Abandonment has been filed.
- (o) *Penalties.* Any person, firm, corporation, or association violating the provisions any provision of this section shall be subject to a penalty of \$300 per day, per property, penalties as provided in Section 6-11. for the following violations, which shall constitute distinct and separately chargeable violations:
 - ~~(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 the existence of a vacant property;
 - 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;
 - 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;~~

~~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 unabated 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).~~

~~(p) Procedure for serving notices. Notices required pursuant to this section shall be served in the following manner: manner provided in Section 6-15.~~

~~(1) Personally on any owner as defined in this section;~~

~~(2) Left at the last and usual place of abode of any owner, if such place of abode is known and is within or without the state; and sent by certified or registered mail, return receipt requested.~~

Section 6-39 ~~Abandoned/vacant and foreclosed or foreclosing properties.~~ **Abandoned, vacant, and foreclosed or foreclosing properties.**

[Ord. No. O-10-32, 11-15-2010, § 1; amended by Ord. No. O-12-07, 7-2-2012, § 1; Ord. No. O-14-22, 11-3-2014, § 1]

- (a) *Purpose and intent.* It is the purpose and intent of the City to establish a process to address the number of abandoned, vacant, and foreclosed or foreclosing properties located within the City. It is the City's further intent to specifically establish an abandoned, vacant, and foreclosed or foreclosing property program as a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance and security of such properties.
- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in the section except where the context clearly indicates a different meaning:

ABANDONED REAL PROPERTY

The meaning as defined in Section **14-48(h)** of the City of Poughkeepsie Code of Ordinances.

BUILDING

Any combination of materials having a roof and enclosed within exterior walls or firewalls, built to form a structure for the shelter or congregation of persons.

BUILDING INSPECTOR

The duly appointed Building Inspector or his designees. May also be referred to interchangeably as "Code Enforcement Officer"

CITY

The City of Poughkeepsie.

DAYS

Consecutive calendar days.

DEFAULT

With respect to a residential building containing four or fewer dwelling units: when the mortgagor is 60 days past due on the mortgagor's obligation to make a scheduled payment under a mortgage or a mortgage note. With respect to all other buildings: when the mortgagor is 90 days past due on the mortgagor's obligation to make a scheduled payment under a mortgage or a mortgage note.

EVIDENCE OF VACANCY

Any condition that, on its own or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not be limited to, overgrown and/or dead vegetation, accumulation of abandoned

property, and statements by neighbors, passersby, delivery agents or government agents, among other evidence that the property is vacant.

FORECLOSED

Describes a property for which a new deed has been recorded with the County Clerk following foreclosure legal proceedings and is recorded solely in the name of a bank, credit union, mortgage servicer, financial institution, REO, government corporation such as the Government National Mortgage Association (Ginnie Mae), government-sponsored enterprise such as the Federal National Mortgage Association (Fannie Mae) or the Federal Home Loan Mortgage Corporation (Freddie Mac), the Secretary of Housing and Urban Development, the Veterans Administration, or other such entity.

FORECLOSING

Describes a property for which foreclosure proceedings have been commenced in a court of competent jurisdiction. .

FORECLOSURE

The process by which a property, placed as security for a real estate loan, is sold at auction to satisfy the debt if the owner or borrower defaults.

INITIATION OF FORECLOSURE PROCEEDINGS

Commencing a foreclosure action on a property in any court of competent jurisdiction pursuant to New York Real Property Actions and Proceedings Law (RPAPL) § 1301 et seq.

MORTGAGEE

The creditor, or any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement

NOTICE OF DEFAULT

A recorded notice that a default has occurred under a mortgage and that the mortgagee intends to proceed with a foreclosure legal proceeding and sale.

OWNER

Any person, entity or service company, alone or severally with others; that:

- (1) Has legal title to any real property, including but not limited to a dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or
- (2) Has care, charge or control of real property, including but not limited to any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park, or any administrator, , executor, trustee or guardian of the estate of the holder of legal title; or
- (3) Is the mortgagee of any such property; or

- (4) Is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or
- (5) Is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he were the owner. However, "owner" shall not mean a condominium association pursuant to Article 9-B of the Condominium Act to the extent that such association forecloses on or initiates the foreclosure process for unpaid assessments due or owing to the association; or
- (6) Every person who operates a rooming house; or
- (7) Is a trustee who holds, owns or controls mortgage loans for mortgage-backed securities transactions; or
- (8) Has initiated foreclosure proceedings against a property pursuant to New York RPAPL § 1301 et seq.

OWNER OF RECORD

The person having title to the property as indicated by the records of the Dutchess County Clerk.

PROPERTY

Any improved real property, or portion thereof, situated in the City and includes all the buildings or structures located on the property.

VACANT STRUCTURE

A building or structure that is not legally occupied.

- (c) *Registration.*
- (1) Properties with vacant structures. Within ~~10~~ 30 days of the date on which a structure becomes vacant, or within ~~10~~ 30 days of being provided notices from the Building Inspector of the existence of a vacant structure that has not been registered, the owner shall register said property with the Building Department on a form provided by the Department.
- (2) Foreclosed and foreclosing properties. Within ~~10~~ 30 days of the effective date of this section, or within ~~10~~ 30 days of the initiation of foreclosure proceedings, whichever is later, the owner of any foreclosed or foreclosing property shall register said property with the Building Department on a form provided by the Building Department.
- (3) Registration pursuant to this subsection must be renewed at the end of each six months if the property is still in foreclosure and/or is vacant.
- (4) Any mortgagee who holds a mortgage on real property located within the City shall perform

an inspection of the property that is the security for the mortgage, upon default by the mortgagor, prior to the issuance of a notice of default. If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned and the mortgagee shall, within ~~10~~ 30 days of the inspection, register the property in accordance with this subsection and obtain a vacant property permit in accordance with Section **6-39(i)** below. If the property is occupied but remains in default, it shall be inspected by the mortgagee or mortgagee's designee on a monthly basis until the mortgagor or other party remedies the default; or it is found to be vacant or shows evidence of vacancy. Such determination may be made by communication with the mortgagor, a visual inspection of the real estate, or other means reasonably calculated to determine if the structure is vacant. The property shall be deemed abandoned upon such time as it is found to be vacant or shows evidence of vacancy, and the mortgagee shall, within ~~10~~ 30 days of the inspection, register the property in accordance with this subsection.

- (5) The Common Council, by resolution, shall establish a fee schedule for the registering of vacant structures and foreclosed or foreclosing properties but shall not require that an owner pay more than one registration fee per parcel per six-month period.
- (6) The owner shall notify the Building Inspector within ~~10~~ 30 days of any change in the registration information, including the sale or transfer of the property, by filing an amended registration statement on a form provided for such purposes.
- (d) *Form.* The registration shall be submitted on forms provided by the Building Department and shall include the following information supplied by the owner:
 - (1) A description of the premises;
 - (2) The names and addresses of the owner or owners;
 - (3) If the owner does not reside in Dutchess County, the name and address of any third party who the owner has entered into a contract or agreement with for property management;
 - (4) The names and addresses of all known lien holders and all other parties with an ownership interest in the building;
 - (5) A telephone number where a responsible party can be reached at all times during business and nonbusiness hours; and
 - (6) A vacant building plan described in Section **6-39(e)**.
- (e) *Statement of Plan.* At the time a vacant building or dwelling is registered as required above, the owner shall submit to the Building Department a Statement of Plan and obtain a vacant property permit pursuant to Section **6-39(i)**. The plan shall include at least the following:

- (1) The length of time the owner expects the vacancy to continue;
- (2) The proposed rehabilitation or improvement to be made to the structure so as to make the structure suitable for its last use of record;
- (3) A form in which the owner grants permission to the Building Inspector, Police Chief or Fire Inspector to enter and inspect the property;
- (4) A description of what will be done to secure the structure so that it will not become open to the general public;
- (5) An open trespass complaint to be filed with the Police Department.
- (f) *Failure to file a Statement of Plan and/or register.* Should the owner fail to submit a plan or fail to comply with such plan after it has been approved by the Building Department, the Building Inspector shall ~~recommend to the Office of Corporation Counsel that a criminal information be filed in City Court, and the property shall be deemed abandoned pursuant to Section 6-39(m) of this chapter.~~ **issue a written notice of the violation(s) and serve same as provided in Section 6-15. Upon the owner's failure to abate the violation(s) within the stated deadline, the Building Inspector shall recommend to the Office of the Corporation Counsel that a criminal proceeding be commenced in a court of competent jurisdiction.**
- (g) *Maintaining and securing vacant structures.* All vacant real property shall at all times be properly maintained. A vacant structure shall be considered properly maintained if:
 - (1) It has all doors and windows and other openings weather-tight and secured against entry by the general public as well as animals.
 - (2) All roof and roof flashings shall be sound and secure such that no rain will penetrate the exterior of the structure and must allow for appropriate drainage so as to prevent deterioration of the interior portions of the building.
 - (3) The building must be maintained in good repair, be structurally sound and free from overgrown vegetation, rubbish, garbage, and other debris.
 - (4) Structural members of the building shall be capable of bearing both live and dead loads, and the foundation walls likewise shall be capable of supporting an appropriate load.
 - (5) The exterior of the structure shall be free of loose or rotten materials as well as holes. Any exposed metal, wood or other surface shall be protected from the elements by appropriate weather-resistant materials (paint, stain, or similar treatment).
 - (6) Any balconies, canopies, signs, metal awnings, stairways, fire escapes or other overhanging

extensions shall be in good repair and appropriately anchored. The exposed metal and/or wood surfaces of such overhanging extensions shall also be protected from the elements against rust or decay by appropriate application of paint, stain, or similar treatment.

- (7) Any accessory or appurtenant structures, including but not limited to garages, sheds and other storage facilities, shall be subject to the same requirements as all other structures.
- (8) The property displays a posting with the name and twenty-four-hour contact phone number of the local individual or property management company responsible for its maintenance. This sign must be posted on the front of the property so that it is clearly visible from the street. In no event, shall such sign be larger than six (6) square feet.
- (9) All bushes must be trimmed so as to provide an unobstructed view of the front of the house from the public roadway.
- (10) The owner shall comply with all other relevant state and local regulations concerning the maintenance of real property.
- (h) *Inspections.* The Building Inspector, Fire Department, Sanitation Inspector and/or Police Department shall have the authority to inspect properties subject to this section for compliance with Section **6-39(g)** and to issue citations for any violations with directions to remedy the violation within ~~10~~ **30** days of the date of the citation.
- (i) *Vacant property permit.* The Building Inspector will issue a vacant building permit upon being satisfied that the property is properly registered by its owner pursuant to Section **6-39(c)** and properly maintained pursuant to Section **6-39(g)**. This permit shall be valid for a period of six months, at the end of which the inspection process must again be carried out by the Building Inspector.
- (j) *Cash bond.* Within ~~10~~ **30** days of the date on which the registration form is required under Section **6-39(c)**, the owner of any vacant and/or foreclosing or foreclosed property shall provide a cash bond in the amount of ~~\$10,000~~ **\$5,000** to the Building Inspector, as security in the event the Building Inspector is authorized pursuant to Section **6-39(m)** below to provide for the continued maintenance of the property until such time as the property is again legally occupied, sold, or transferred and to remunerate the City for any expenses incurred in inspecting, securing, marking, maintaining, or making such property safe. A portion of said bond, in an amount to be determined by the Building Inspector, not to exceed 10% of the total bond value, shall be retained by the City as an administrative fee to fund an account for expenses incurred relative to inspecting, securing, maintaining and marking other vacant and/or foreclosed or foreclosing properties that are not in compliance with this section. Any owner of a vacant and/or foreclosed or foreclosing property providing a bond pursuant to this subsection must also provide bonds for all other vacant and

foreclosed or foreclosing properties owned in the City. **The Building Inspector may waive the bond requirement for a period not exceeding one year in the following instances:**

(1) **Where the owner has applied for and receive a building permit that encompasses alterations, renovations, repairs, or construction to be performed so that the building or structure may be legally re-occupied.**

(2) **Where a property is being actively marketed for sale and is otherwise being maintained by the owner in compliance with the Code.**

(k) *Liability insurance.* Within ~~10~~ **30** days of the date on which the registration form is required under Section **6-39(c)**, the owner of any vacant and/or foreclosed or foreclosing property shall procure liability insurance for the property' with a coverage amount to exceed \$150,000 and shall furnish the Building Inspector with a copy of said certificate of insurance.

(l) *Expiration of obligations.* An owner's obligations under Section **6-39** (i)through **(k)** shall expire at such time as a property in foreclosure is sold or transferred, or a vacant property that is not in foreclosure becomes legally occupied again.

(m) *Certification of abandonment.* Upon the Building Inspector's determining a property has been abandoned and/or is otherwise vacant and not in compliance with Section **6-39(c)** through **(g)**, the Building Inspector shall cause a "Certification of Abandonment" to be filed with the Building Department's records, and such certification shall be served upon the owner of the premises, either personally or by posting a copy of the certification in a conspicuous place on the property and by mailing a copy by certified mail to the owner or owners' last known address. **as provided in Section 6-15.**

(1) Upon the Building Inspector's filing a Certification of Abandonment, the Building Inspector, Sanitation Inspector, Police Department and/or Fire Department may, without further notice to the owner, take all necessary steps to ensure the property is properly maintained pursuant to Section **6-39(g)**. ~~The Building Inspector shall then provide the owner with a written statement of all costs associated with inspecting, securing, and maintaining the property. If the owner fails to reimburse the City within five days of receiving said written statement of costs, the City shall draw down upon the bond paid by the owner pursuant to Section 6-39(j).~~ **All costs associated with inspecting, securing, and maintaining the property shall be reimbursed to the City by drawing down upon the bond paid by the owner pursuant to Section 6-39(j). The Building Inspector shall maintain a written statement of all costs in the property file located in the Building Department.** If there is no bond available or if such bond proves inadequate to cover such costs, the costs incurred to ensure the property and/or dwelling is properly maintained shall be paid out of the municipal treasury on the attestation of the Building Inspector that such incurred costs

are necessary and will be expended on that property. Such costs shall be charged against the land on which the building exists/existed, as a municipal lien, or shall be added to the tax roll as an assessment, or shall be levied as a special tax against the land upon which the building stands or stood or shall be recovered in a suit at law against the owner.

- (2) If the Building Inspector draws down a cash bond provided pursuant to Section 6-39(j), he or she shall forthwith notify the owner of the amount by which the cash bond has been drawn down, and the owner shall have ~~10~~ 30 days from the date of said notice to replenish the bond to the minimum of \$10,000 \$5,000 required in Section 6-39(j).
- (3) The owner of a property for which a Certification of Abandonment has been filed may petition the Building Department to extinguish the Certification of Abandonment by providing proof to the Building Inspector that the basis for the cCertificate of Abandonment no longer exists and the owner is in compliance with this article.
- (n) *Establishment of list.* The Building Inspector is hereby directed to compile a list of all properties for which a Certification of Abandonment has been filed.
- (o) *Penalties.* Any person, firm, corporation, or association violating ~~the provisions~~ any provision of this section shall be subject to a penalty of \$300 per day, per property, penalties as provided in Section 6-11. ~~for the following violations, which shall constitute distinct and separately chargeable violations:~~
 - ~~(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 the existence of a vacant property;
 - 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;
 - 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;~~

~~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 unabated 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).~~

~~(p) Procedure for serving notices. Notices required pursuant to this section shall be served in the following manner: manner provided in Section 6-15.~~

~~(1) Personally on any owner as defined in this section;~~

~~(2) Left at the last and usual place of abode of any owner, if such place of abode is known and is within or without the state; and sent by certified or registered mail, return receipt requested.~~

Section 6-111Electrician's license required.

[Ord. of 10-15-1928, § 2]

No person shall engage in or conduct the business of a master electrician in the City until such person shall have applied for and obtained a license to engage in such business as herein provided.

Section 6-112Issuance of electricians' license restricted.

[Ord. of 10-15-1928, § 8; Ord. of 3-1-1993, § 7]

No license as an electrician shall be granted to any person unless he/she shall prove to the satisfaction of the ~~Examining Board of Electricians~~ **Building Inspector** that he/she has or intends in good faith to establish a place for the regular transaction of business; that he/she is a competent electrician and qualified to do electrical contracting construction and installation work and electrical wiring; that he/she has a working knowledge of electricity and the natural laws and functions of electricity and of appliances, apparatus and devices for electrical light, heat and power purposes used and required in such work; and that he/she has a practical working knowledge of the National Electric Code requirements as demonstrated in the applicant's obtaining a passing grade of 70% or above on the examination given by the ~~Board~~ **Building Inspector** ~~in accordance with Section 6-109 of this chapter.~~ No such license shall be granted to any person who is less than 21 years of age nor to any person who shall not subscribe and take an oath that he/she has had at least five years' practical experience in such work.

Section 6-113Issuance of license; records; insurance required.

[Ord. of 10-15-1928, § 9; Ord. of 12-19-2005, ^u § 1]

(a)

Upon determining the qualifications of any applicant for an electrician's license, the ~~Examining Board of Electricians~~ **Building Inspector** shall, upon proof of insurance as set forth in Subsection **(b)** below, forthwith issue to such applicant a license hereunder authorizing the holder to engage in the business of a master electrician within the City and shall register his or her name alphabetically, his or her business address and the number and date of the license in a book to be kept in its office for that purpose.

(b)

Every licensed electrician shall, at the time of the issuance of a license, the renewal of a license or the issuance of an electrical permit, maintain liability insurance for loss resulting from bodily injury or death of any person (other than an employee of the licensed electrician) or property damage occurring by

reason of or resulting from the electrical work performed or in the process of being performed by such person or any such persons, employees, agents, contractors or subcontractors. Such insurance shall be kept and maintained in full force and effect at all times during the term of the license issued to an electrician under this article. Such insurance shall be evidenced by a certificate of insurance naming the City of Poughkeepsie as the certificate holder. The face amount of the policy shall not be less than \$1,000,000 per occurrence. The policy shall provide that cancellation shall require a minimum of 10 days' written notice of cancellation directed to the City of Poughkeepsie Building Department. Such policy shall be written on an occurrence basis and shall be issued by a company authorized to do business in New York State. A certificate from the insurance carrier certifying such coverage shall be filed by the electrician at the time his or her license is issued, at the time of renewal of said license or when a permit is granted.

[1]

Editor's Note: This ordinance also provided that it shall take effect 1-1-2006.

Section 6-114 License fees for electricians.

[Ord. of 10-15-1928, § 10; Ord. of 9-27-1976, § 1, 2; Ord. of 3-1-1993, § 8; Ord. No. O-07-14, § 1; Ord. No. O-09-03, § 1; Ord. No. O-11-01, 1-3-2011, § 7]

(a)

Original license. An applicant for an electrician's license shall pay a nonrefundable application fee in an amount as set forth on the fee schedule adopted by the Common Council in accordance with Section **6-26**. The original license shall expire on December 31 of the year it was issued, and there shall be no reduction in the annual fee and the annual fee shall not be prorated. An application and fee for a license shall be filed within 60 days after notification of successful completion (passing) of an examination.

(b)

Refund. Should such license be denied, the sum deposited by the applicant shall not be returned to him/her.

(c)

Letter of good standing. Any licensed electrician in the City of Poughkeepsie may request a letter of good standing for electrical work to be preformed in other municipalities. The fee for a letter of good standing shall be \$75 per request, and notice for such a request shall be provided at least 24 hours in advance to the Building Department. The letter of good standing shall include the letter of

good standing and a certified copy of the City of Poughkeepsie electrical license.

Section 6-115 License of electrician not transferable.

[Ord. of 10-15-1928, § 11]

No electrician's license issued as herein provided shall be assignable or transferable.

Section 6-116 Renewal of electrician's license.

[Ord. of. 10-15-1928, § 12; Ord. of 12-19-2005, § 1; Ord. No. O-02-15, § 1; Ord. No. O-11-01, 1-3-2011, § 8]

Whenever an electrician's license shall have been issued as herein provided, it shall be renewed annually without further examination, provided that the holder thereof, within 30 days after January 1 in each year, shall provide a certificate of liability insurance as set forth in Section **6-113(b)** and pay the annual license fee as hereinbefore prescribed. *In addition, proof of completion of 4 hours of continuing education within the current license year in a curriculum pertaining to electrical wiring must be submitted.* Such annual renewal shall be certified by the endorsement thereof upon said license, subscribed by the ~~President of the Examining Board of Electricians~~ *Building Inspector*. Any lapse in renewal shall require a payment of an administrative fee in an amount equal to the license fee. This administrative fee shall be in addition to the reapplication fee. Applications for renewal submitted beyond April 1 in each year shall become null and void and require reexamination. Prior to expiration, a licensed electrician may petition the Building Inspector to suspend his/her license. An electrician whose license has been suspended at the electrician's request may reinstate such license at any time within five years from the date the license was scheduled to expire. There shall be a fee in addition to the license fee to reinstate a license that has been suspended at the request of the electrician.

Section 6-117 Revocation of electrician's license.

[Ord. of 10-15-1928, § 13; Ord. of 3-1-1993, § 9]

(a)

Authority. Any electrician's license or renewal may be revoked at any time by the ~~Examining Board of Electricians~~ *Building Inspector*, after hearing upon written charges, if the licensee, his/her agent, servant or employee performing any work under his/her direction shall willfully violate any law or ordinance relating to electrical construction or make any electrical installation in a negligent or careless manner or which is a hazard to life or property.

(b)

Refund of license fee. No refund of any portion of a license fee shall be made upon the revocation of a license.

(c)

Relicensing. No license shall be granted to a person whose license has been revoked for a period of one year from the date of such revocation.

Section 6-118 Compliance with rules, regulations of Examining Board required.

[Ord. of 10-15-1928, § 6]

Applicants for licenses, licensees and persons desiring to prefer charges against the holder of a license granted hereunder shall conform to and comply with all rules and regulations of the Examining Board of Electricians respecting the filing of applications for licenses and the preferring and hearing of charges against licensees.

Section 6-119 Special electricians' license.

[Ord. of 3-1-1993, § 10; Ord. of 10-19-2005; § 1; Ord. No. O-07-16, § 1]

An individual licensed as an electrician in another municipality of New York State *except New York City* shall be eligible for a special license in the City of Poughkeepsie from the ~~Examining Board of Electricians~~ *Building Inspector* without the necessity of complying with the provisions of Section **6-112** of this chapter, provided that the ~~Examining Board of Electricians~~ *Building Inspector* determines that the licensing municipality has adopted and followed the same electrical codes set forth in Section **6-93** of this chapter, requires the same or substantially the same qualifications to license the electrician as the City of Poughkeepsie and that the licensing municipality agrees in writing to reciprocate by permitting electricians licensed by the City of Poughkeepsie to perform electrical work in that jurisdiction without the necessity of obtaining an electrician's license in that jurisdiction, and provided a certificate of liability insurance as set forth in Section **6-113(b)** is submitted. Said special license shall be required before each job is performed. The fee for such license shall be \$250 per electrical job up to \$10,000, \$600 per electrical job from \$10,000 to \$100,000, and \$1,500 per electrical job in excess of \$100,000.

Section 6-120 through Section 6-128. (Reserved)