



PUBLIC HEARING MEETING AGENDA

Tuesday, March 17, 2026
6:15 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, March 17, 2026 at 6:15 pm** respectively, in the Common Council Chambers, 3rd Floor, City Hall, 62 Civic Center Plaza, Poughkeepsie, NY for the purpose of receiving comments on:

A Local Law Amending Chapter 8 “Fire Prevention And Protection”

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

**CITY OF POUGHKEEPSIE, NEW YORK
COMMON COUNCIL
PUBLIC HEARINGS
TUESDAY, MARCH 17, 2026**

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, March 17, 2026 at 6:15 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. A Local Law Amending Chapter 8 “Fire Prevention And Protection”

When: Tuesday, March, 17, 2026, at 6:15 PM (EST)

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

Dated: February 18, 2026

Respectfully submitted,

Jamar M. Cummings
City Chamberlain

**RESOLUTION
(R-26-15)**

**RESOLUTION INTRODUCING
LOCAL LAW AMENDING CHAPTER 8 “FIRE PREVENTION AND PROTECTION”**

INTRODUCED BY CHAIRMAN WILSON; COUNCILMEMBER SHOOK, PATTERSON THOMPSON, HENRY, MENIST, BROWN, JAMES, GRANT AND ATONNA:

BE IT RESOLVED that an introductory Local Law entitled, “A LOCAL LAW TO AMENDING CHAPTER 8 ‘FIRE PREVENTION AND PROTECTION’” 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, March 17, 2026 at 6:15 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 PATTERSON THOMPSON .

A LOCAL LAW AMENDING CHAPTER 8 “FIRE PREVENTION AND PROTECTION”

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 8-2 “Composition of Bureau of Fire Prevention” is amended as follows:

The Bureau of Fire Prevention shall be composed of the Chief of the Fire Department and ~~such inspectors as he shall appoint from the officers or members of the Fire Department, who shall receive no additional salary or other compensation for the duties imposed upon them by this article, except as otherwise expressly provided~~ **Fire Department members designated to perform such duties.**

SECTION 2: Section 8-3 “Duties of Fire Chief enumerated” is amended as follows:

- (a) It shall be the duty of the Chief of the Fire Department (**also referred to herein as the “Fire Chief”**) to enforce all laws of the State of New York and ordinances of the City covering the following matters:
- (1) The prevention of fires.
 - (2) The storage and use of explosives and flammables.
 - (3) The maintenance of automatic and other fire alarm systems and fire extinguishers and equipment.
 - (4) The maintenance of fire escapes.
 - (5) The means and adequacy of exits in case of fire from factories, schools, hotels, lodging houses, ~~asylums~~, hospitals, churches, halls, theaters, **shelters, rehabilitation facilities** and all other places in which numbers of persons work, live or congregate from time to time for any purpose.
 - (6) The investigation of the cause, origin and circumstances of fires.
 - (7) The conducting of fire prevention campaigns.
- (b) The Chief of the Fire Department **or their designee** shall also enforce all the regulations set forth herein, as well as those set forth in the Uniform Code, and shall have such other powers and perform such other duties as set forth in this chapter, as well as in the Uniform Code, and as may be conferred or imposed upon him from time to time by law or ordinance.

SECTION 3: Section 8-5. “Investigation of cause, origin, circumstances of fire” is amended as follows:

Immediately upon the occurrence of such fire, such investigation shall be begun by the Chief of the Fire Department, **or their designee**. ~~He~~ **They** shall notify the Chief of Police, who will take charge of any physical evidence and who shall, with the assistance of the Building Inspector, aid in the investigation and prosecution of the matter.

SECTION 4: Section 8-6 “Records, reports of investigations, examinations” is amended as follows:

The Chief of the Fire Department **or their duly appointed designee** shall keep a record of all inspections, investigations or examinations made by his Department, including the date of inspection, investigation or examination and of the violation, if any, he found to exist, and shall make a report of the same to the Common Council at least once each calendar year.

SECTION 5: Section 8-7. “Permits required” is amended as follows:

It shall be unlawful for any person, ~~his or her~~ **their employees**, agents or ~~assigns~~ ~~servants thereof~~ to engage in the following activities without first having obtained a permit from the Chief of the Fire Department, **or their designee**:

- (1) Operation of an acetylene generator with a carbide capacity in excess of five gallons.
- (2) Operation of any tire recapping or rebuilding plant.
- (3) Operation of an automobile wrecking yard.
- (4) Storage of calcium carbide in excess of 200 pounds.
- (5) Storage of cellulose nitrate plastics in excess of 25 pounds.
- (6) Storage, handling or use of more than 2,000 gallons of flammable compressed gas or 6,000 gallons of nonflammable compressed gas, including liquefied, low-temperature or cryogenic gases.
- (7) Operation of a dry-cleaning plant utilizing flammable or combustible liquids.
- (8) Conduct a fireworks or pyrotechnic display.
- (9) Storage, handling or use of:
 - a. Class I liquids in excess of five gallons inside any building or in excess of 10 gallons outside any building, except in the case of storage in the fuel tank of a vehicle or other engine.
 - b. Class II or Class III liquids in excess of 25 gallons inside any building or 60 gallons outside any building, except in connection with the use of fuel oil in connection with oil-burning equipment.
- (10) Manufacturing, processing, blending or refining of flammable or combustible liquids.

~~(11) Abandonment or removal of underground tanks.~~

~~Installation of stationary storage tanks for the storage of flammable or combustible liquids.~~

(11) Storage, handling or use of hazardous materials, as defined by ~~Chapter C, § 1174.1(a) of the Uniform Code~~ **the New York State Fire Code.**

(12) Installation of liquefied petroleum gas in excess of 2,000 gallons in capacity.

~~Installation of sprinkler and standpipe systems.~~

~~Installation of wood or other solid fuel burning apparatus.~~

(13) Use of any open flame or fire in a theatrical performance.

~~Installation of a fire alarm system or systems.~~

(14) Storage of portable propane gas containers, with a capacity of more than 2.5 pounds and less than 100 pounds, awaiting use or resale as part of a propane cylinder exchange or sale business.

(15) Operation of a commercial kitchen, including any business which has a kitchen hood present.

(16) Mobile Food Preparation Vehicles as defined by New York State Fire Code.

(17) Public Assembly

(18) Multi Residence

(19) Tents over 400 square feet.

(20) Outdoor assembly events.

(21) Elevator Operation

(b) All applications for permits shall be made on forms and in such detail as the Chief of the Fire Department shall prescribe and shall be accompanied by such plans and supplementary materials as are necessary in the view of the Fire Chief to ~~valuate~~ **evaluate** the application.

(c) Any permit issued under this section is subject to revocation or suspension for due cause, subject to appeal as provided in Section 8-11.

(d) The fees shall be in accordance with the fee schedule as promulgated by the Fire Chief, with the approval of the Common Council.

(e) **It shall be unlawful for any person, his or her agent or servants thereof to engage in the following activities without first having obtained a permit from the Building Department as per Section 6-23 of this code:**

(1) Abandonment or removal of underground tanks.

(2) Installation of stationary storage tanks for the storage of flammable or combustible liquids.

(3) Installation of sprinkler and standpipe systems.

(4) Installation of wood or other solid-fuel-burning apparatus.

(5) Installation of a fire alarm system or systems.

SECTION 6: Section 8-10 “Order to install fire-protection appliances and to render same sufficient” shall be amended as follows:

If the Chief of the Fire Department or ~~those acting under him or for him~~ **their designee** shall find appliances on or in any premises, building or structure for protection against fire are not in proper condition or are of insufficient size or number or are otherwise insufficient for the purpose for which the same are designated or intended or shall find that such appliances are reasonably necessary for the protection of such premises, building or structure and are wholly wanting, the Chief **or their designee** shall order, in the case of improper condition or insufficiency, that the same be placed in proper condition and rendered reasonably sufficient to afford proper protection against fire; and in case of absence of such appliance where it may be found that they are reasonably necessary for protection against fire, he shall order the installation of such appliances sufficient to afford proper protection in case of fire to such premises, building or structure and to the occupants thereof or persons rightfully on or in the same. In no event shall the provisions of this section require equipment or systems in excess of those otherwise required by the applicable provisions of the Building Code, also known as Article 6 of this Code.

SECTION 7: Section 8-15 “Fire~~fighter~~**fighters** on duty in place of public assembly” is amended as follows:

The Chief of the Fire Department, with the consent of the City Administrator shall have the power to place a ~~fireman~~ **firefighter** on continuous duty at any theater, auditorium or place of public assembly in the City during any performance, show or exhibition, for the purpose of enforcing all ~~fire~~ **State and/or City** laws and ordinances.

SECTION 8: Section 8-17. “ Fire drills in schools” is amended as follows:

In each public, private or parochial school or educational institution in the City, fire drills shall be given, when required by the State Education Law, ~~under the supervision of~~ **A record of these fire drills shall be kept by the school administration and are to be made available for review by** the Chief of the Fire Department or ~~his duly appointed inspector~~ **their designee upon request.**

SECTION 9: Section 8-18 is amended to add the following new section “Registration of Fire Protection Equipment Required; penalties for offenses”

(Reserved)

Registration for Certificate of Competency as a Qualified Fire Protection Equipment Operator Required; penalties for offenses.

- (a). No person, corporation, firm or partnership may execute any installation, repair or maintenance work on fire suppression/sprinkler systems, fire extinguishers, or commercial hood systems in the City without first obtaining from the Chief of the Fire Department, or their designee, a certificate of competency and registration as a**

- qualified fire protection equipment contractor pursuant to this section.
- (b) Application for a certificate of competency and registration as a qualified fire protection equipment contractor shall be on a form as approved by the Chief of the Fire Department and include, but not be limited to, the following information:
- (i) a statement detailing a minimum of five years' experience in fire sprinkler systems, fire suppression systems, fire extinguishers, and/or commercial hood systems, as applicable to the work performed under the fire protection equipment contractor certification; and
 - (ii) Proof of certification for equipment to be worked on, if applicable; and
 - (iii) Three letters of recommendation from previous customers, preferably for state or municipal work; and
 - (iv) Proof of workers' compensation insurance as required by New York State law and liability insurance in an amount not less than \$1,000,000; and
 - (v) Payment of the permit fee in an amount set forth on the City's prevailing fee schedule as adopted by the Common Council and as may be amended by the Common Council from time to time.
- (c) Upon receipt of the Application, the Chief of the Fire Department, or their designee, shall review and, if all requested information is submitted and satisfies the requirements listed above, issue a contractor certification of competency.
- (d) A contractor may appeal a denial of their application to the City Administrator who may either confirm or reverse the Chief's determination. If confirmed, the permit fee shall be refunded less a 20% deduction to cover the time for review and appeal. If reversed, the contractor certification of competency shall be issued by the City Administrator.
- (e) All contractor certifications of competency shall expire on the 31st day of December of the year in which they are issued and shall be renewed within 30 days preceding such expiration by application on a form as approved by the Chief of the Fire Department and upon payment of a renewal fee as listed on the City's prevailing fee schedule as adopted by the Common Council and as may be amended by the Common Council from time to time. Any lapse in renewal shall require payment of an administrative fee in an amount equal to the renewal fee. The administrative fee shall be in addition to the renewal fee.
- (d) This section may be enforced by the Chief of the Fire Department and/or their designee or by the Building Inspector and/or their designee. Any person, business, partnership or corporation, firm or partnership who violates any provision of this section shall be liable to a penalty of \$500 per day of violation or imprisonment not exceeding six months.

SECTION 10: Section 8-19 "Summons, penalties for violations" is amended as follows:

Any person, partnership, ~~or~~ corporation, association or entity who ~~shall violate~~ violating any of the provisions of this ~~chapter,~~ Fire Prevention and Protection Code or of the Uniform Code adopted in Section 8-4 ~~or of any rule, order or regulation made pursuant thereto~~ shall be subject liable to for a penalty of no less than \$250 but not exceeding ~~\$100 for the first violation, \$500 for the second violation within any two year period, and \$1,000 for the third or subsequent violation within any two year period, except where a specific penalty is set forth in a particular section of this chapter, and each day that said violation is allowed to remain in existence shall~~

constitute a separate violation **and, for continuation of such violation, an additional penalty not to exceed \$10 per day. For the purposes of §80.10 of the Penal Law, this shall constitute a special corporate fine.**

SECTION 11: Section 8-20 is deleted as shown below.

Section 8-20. — Smoke detectors required in multiple residences. [Ord. of 11-5-1984]

- (a) ~~The installation and maintenance of smoke detectors shall be required in all living units in all multiple dwellings in the City of Poughkeepsie. For the purposes of this section, a "multiple dwelling" is defined as a dwelling which is either rented, leased, let or hired out to be occupied or is occupied as the temporary or permanent residence or home of three or more families living independently of each other. It shall also include a dwelling, two or more stories in height, and with five or more boarders, roomers or lodgers residing with any one family.~~
- (b) ~~The installation and maintenance of a single station, battery-operated smoke detector in each living unit shall be deemed to constitute compliance with this section.~~
- (c) ~~It shall be the responsibility of the owner or the landlord of the premises to purchase and install these smoke detectors as provided herein. In the event that said smoke detectors are battery operated, it shall be the responsibility of the tenant or occupant to maintain and replace the batteries for said smoke detector. In the event that the smoke detector shall become inoperable for reasons other than battery failure, it shall be the responsibility of the owner or landlord to perform the necessary maintenance to return said smoke detector to an operable condition.~~

RESERVED

SECTION 12: Section 8-21 "Access to property to fight fires" is amended to revise subsection (b) as shown below and to delete subsection (c).

- (b) ~~The Fire Chief or his designee shall institute and implement a uniform system of maintaining keys to provide for ready access to such property within the City of Poughkeepsie through the installation of key boxes or another key maintenance system. The Fire Chief may enter into an agreement with the owner or tenant of the property for the installation of the system. The agreement shall be in a form acceptable to the Corporation Counsel of the City of Poughkeepsie.~~ **Any commercial building, multiple residence over 4 units or any building with a fire alarm system shall be required to install and maintain a KNOX box, which is the only Fire Department approved key box. The KNOX box shall contain a key or keys that allow access to all areas and doors of the building. These keys shall be kept current and updated as requested by the Fire Chief or their designee.**
- (c) ~~When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for lifesaving or fire-fighting purposes, the Chief may require a key box or other key maintenance system to be installed in an accessible location. The key box or maintenance system shall be a type approved by the Chief and shall contain keys to gain necessary access as required by the Chief.~~

SECTION 13: Section 8-23 is amended as follows:

~~Section 8-23. Permit and fee for direct connection to city fire alarm headquarters.~~

- ~~(a) The owner, lessee, occupant, agent or any other person, firm, business or corporation in custody or control of any building in the City of Poughkeepsie who is required or wishes to have his or her building's fire alarm system connected directly to the City of Poughkeepsie Fire Department either by a master box connected by the City Fire Department or through a fire alarm company with a hookup directly in the City Fire Department, must first obtain from the City Fire Chief a permit for said connection. Said permit shall be required prior to connection and on an annual basis, to be renewed on or before March 15 of each year. All persons whose buildings have an existing direct connection to the City Fire Department, as outlined above, must obtain a permit and pay the fee required by this section within 60 days after the effective date of this section.~~
- ~~(b) The fee for said permit shall be \$300 per year per master box. The fee shall be charged to any fire alarm company with a hookup directly in the City Fire Department for each building connected to the fire alarm company's system.~~
- ~~(c) Said fee shall be paid to the Fire Chief or his/her designee at the time the permit application is submitted to the Fire Chief. If the annual fee is unpaid by any party described in Subsection (a) of this section who has a direct connection to the Fire Department by March 15 of any year, the Fire Chief shall certify to the Commissioner of Finance the amount of the fee due, and the amount shall be billed to the responsible party, as set forth in Subsection (a) of this section. If unpaid, the fee shall become and be a lien against the subject property, and the total amount shall be added to and become a part of the next annual assessment roll as a special assessment at the time and in the manner prescribed by the Charter of the City and subject to all provisions thereof, or shall be recovered in a suit at law against the owner, lessee, occupant, agent or other person in custody and control of the building. If the fee for any building hooked up to a fire alarm company with a hookup directly in the Fire Department is unpaid by the fire alarm company, the Fire Chief shall give notice to the company that its operation in the Fire Department must cease if the fee is not paid within 30 days. If the fee still remains unpaid and the fire company fails to cease operation, the Fire Chief shall promptly advise the Corporation Counsel who shall institute an appropriate action in the court to cause the operation of the fire alarm company to cease.~~

Section 8-23. Operating Permits and Fees for Multiple Residences and Commercial Buildings.

(a) It shall be unlawful for any person, firm, business or corporation to conduct, maintain or operate a multiple residence or other commercial building within the City of Poughkeepsie without first obtaining from the Fire Chief or their designee an operating permit. All parties conducting, operating or maintaining a multiple residence or other commercial building must obtain an operating permit and pay the fee as required by this section within 60 days after the effective date of the local law adopting this section.

(b) A "multiple residence" shall be defined as a building, or portion of a building, that contains three or more dwelling units, congregate living facilities, single room occupancies, boarding houses, motels or hotels.

(c) A "commercial building" shall be defined as a building used for anything other than multiple residence, one- or two-family dwelling or an accessory structure to a one- or two-family dwelling.

(d) For uses other than public assemblies and commercial kitchens, the operating permit shall be obtained on a triennial (i.e every third year) basis and prior to the opening, use or change of use of any new or existing multiple residence or commercial building. Public assemblies and commercial kitchens shall be inspected and permitted annually. Prior to issuing the operating permit, the Chief of the Fire Department or their designee shall inspect the building to make a determination that the building is in compliance with the Fire Code of New York State and all laws, codes and ordinances relative to occupancy and fire protection and safety. The applicant shall pay the required fee at the time the operating permit application and/or renewal is made to the Chief of the Fire Department or their designee. The fee shall be in accordance with the prevailing fee schedule as approved by the Common Council of the City of Poughkeepsie and as amended from time to time.

(e) Penalties. Any person, firm, corporation, or association violating the provisions of this section shall be subject to penalties as per Sections 8-19 of this chapter.

SECTION 14: Section 8-24 “License and fees for places of public assembly” is amended as follows:

Section 8-24. License and fees for places of public assembly.

- (a) It shall be unlawful for any person, firm, business or corporation to conduct, maintain or operate a place of public assembly within the City of Poughkeepsie without first obtaining from the Fire Chief or ~~his/her~~ **their** designee a license. All parties conducting, operating or maintaining a place of public assembly must obtain a license and pay the fee as required by this section within 60 days after the effective date of this section.
- (b) A "place of public assembly" shall be defined as a building, or portion of a building, used for gathering together 50 or more persons for amusement, athletic, civic, dining, educational, entertainment, patriotic, political, recreational, religious, social or similar purposes.
- (c) Said license shall be obtained on an annual basis ~~on or before March 15 of each year~~ and prior to the opening or use of any ~~new building space~~ used for the purpose of public assembly. Prior to issuance of said license each year, the ~~Building Inspector~~ **Fire Chief or their designee** shall inspect the place of public assembly to make a determination as to the maximum safe occupancy of the proposed place of public assembly pursuant to the Fire Code of New York State and to approve and ensure its compliance with all laws, codes and ordinances relative to maximum occupancy allowed and fire protection and safety. The applicant shall pay an annual license fee at the time the license application and/or renewal is made to the ~~Building Inspector or his or her~~ **Fire Chief or their** designee. The fee shall be in accordance with the fee schedule as approved by the Common Council of the City **of Poughkeepsie and as may be amended from time to time.**
- ~~(d) Upon the failure of any party to obtain the necessary license, the Building Inspector shall promptly notify the Corporation Counsel, who may institute an appropriate action in the court to cause the operation of the place of public assembly to cease until and unless the inspection is permitted and the license required by this section is obtained.~~
- (d) *Penalties.* Any person, firm, business, ~~or~~ corporation **or association** who violates the provisions of this section by operating or maintaining a place of public assembly without

~~obtaining a license shall be subject to a penalty of \$250 for each violation thereof, and each day that said violation is allowed to remain in existence shall constitute a separate violation.~~ **violating the provisions of this section shall be subject to penalties as per Section 8-19 of this chapter.**

- (e) Suspension of license.
 - (1) Upon a second conviction of any violation of Section 8-25 or 8-26 of this article, the public assembly license of the business shall be deemed suspended for a period of seven calendar days commencing the day of the date of such conviction.
 - (2) Upon a third or subsequent conviction of any violation of Section 8-25 or 8-26, the public assembly license of the business shall be deemed suspended for a period of 14 calendar days commencing the day of the date of such conviction.
 - (3) **If the occupancy load is not posted in accordance with the Fire Code, the public assembly license may be suspended until corrected.**

SECTION 15: Section 8-25 “Requirements for places of public assembly” is amended to revise subsection (b) as follows:

- ~~(b) Any person, firm, business or corporation who violates a provision of Subsection (a) of this Section 8-25 shall be subject to:~~
 - 1. ~~A fine of not less than \$250 nor more than \$1,000 for a first violation; or~~
 - 2. ~~A fine of not less than \$500 nor more than \$2,000 for a second violation within any two-year period; or~~
 - 3. ~~A fine of not less than \$750 nor more than \$3,000 for a third or subsequent violation within any two-year period.~~
- (b) **Penalties. Any person, firm, corporation, or association violating the provisions of this section shall be subject to penalties as per Sections 8-19 of this chapter.**

SECTION 16: Section 8-27 “Service of process” is amended as follows:

Service of an accusatory instrument alleging any violation of **this Chapter therein may be made by personal delivery to the owner of the property** or to any person found at the place of public assembly who is in an apparent position ~~Sections 8-24, 8-25 or 8-26 of this article may be effected by personal delivery to the person named~~ of authority or control over the place of public assembly. This shall be deemed to include but not be limited to bartenders, hosts or hostesses, or person in apparent charge of allowing or denying to the public entrance to the place of public assembly, or any other person known to be responsible for the operation of the place of public assembly.

SECTION 17: Section 8-30 “Constituted” is amended as follows:

The Fire Department shall consist of ~~a hook and ladder company, hose companies, steamer companies and fire patrol, a Chief, a Deputy Chief, an Assistant Chief, two deputies to the Assistant Chief and such other officers and personnel as may be from time to time appointed or hired.~~ **engine companies, ladder companies, a chief, a deputy chief and any such other officers and personnel, as may be appointed or hired from time to time.**

SECTION 18: Section 8-31 “Requirements for membership in Department” is amended as follows:

No person shall be appointed ~~to membership in~~ the Fire Department or continue ~~to hold membership~~ **employment** therein who is not a citizen of the United States or who has been convicted of a felony; ~~nor shall any person be appointed who cannot read and write the English language or who shall not have resided within the state one year prior to making application for appointment to the Fire Department or who shall be under the age of 18 years.~~

SECTION 19: Section 8-32 “Selection, terms and duties of Chief and Assistant and Deputy Chief”

~~The Chief of the Fire Department shall hold his office for two years under such regulations as the Common Council shall prescribe. The Chief shall have power to appoint an Assistant Chief of the Fire Department to hold such office during the pleasure of the Chief and two deputies to the Assistant Chief to hold such office during the pleasure of the Chief. In making appointments for the deputies to the Assistant Chief, the Chief shall seek recommendations from the volunteer companies. The Deputy Chief shall be appointed by the City Administrator and shall have such tenure as may be provided by the Civil Service Law. The Chief, the Deputy Chief and Assistant Chief of the Fire Department shall perform such duties and possess such powers as shall be prescribed by the Common Council and/or the civil service administrator or for the City of Poughkeepsie, as the case may be. The person serving as Deputy Chief must be a resident of the City of Poughkeepsie.~~

The Chief of the department shall be appointed by the Mayor. The Deputy Chief shall be appointed by the Mayor with recommendation provided by the Chief.

SECTION 20: Section 8-32.1 “Designation of Deputy Chief; duties in absence of Chief.”

~~The Deputy Chief shall assist the Chief and obey his orders for the extinguishment of fires when on duty, and in the absence of Chief, the Deputy Chief shall take command.~~

In the absence of the Chief, the Deputy Chief shall be in charge of the Fire Department

SECTION 21: Section 8-33 “Designation of Assistant Chief; duties in absence of Chief” is deleted as shown below:

~~**Section 8-33. Designation of Assistant Chief; duties in absence of Chief.**~~

~~The Assistant Chief shall assist the Chief and obey his orders for the extinguishment of fires when on duty and, in the absence of the Chief and the Deputy Chief, shall take command according to rank.~~

RESERVED

SECTION 22: Section 8-34 is amended to revise the title and text as follows:

Section 8-34. Authority of Chief, ~~Assistant Chief~~ and Deputy Chief at fire.

The Chief, ~~the~~ and Deputy Chief ~~and Assistant Chief of the Department~~ shall have full and absolute power at all fires to order and direct the ~~firemen and fire wardens~~ firefighters and fire officers in the management of the fire engines and other apparatus for the extinguishment of fires.

SECTION 23: Section 8-35 is amended to revise the title and text as follows:

Section 8-35. Command of Department in absence of Chief, ~~Assistant~~ Deputy Chief.

In case of absence of the Chief and Deputy Chief of the Department ~~and his Deputy and Assistant~~ from any fire, the on duty shift commander ~~captain in charge~~ shall take command of the Fire Department. ~~The deputies to the Assistant Chief shall be appointed from among the ranks of the volunteer companies and shall have authority only within the ranks of the volunteer companies subject to the command of the Department as otherwise provided by law.~~

SECTION 24: Section 8-36 “Selection of captain, lieutenants” is deleted as shown below:

~~Section 8-36. Selection of captain, lieutenants.~~

~~The captain and lieutenants of the volunteer companies shall be elected by ballot by the companies to which they respectively belong, and the secretaries of the different companies shall notify the Common Council of such election and, when elected, shall hold their respective offices until others are elected in their places, unless the Common Council shall otherwise direct.~~

RESERVED

SECTION 25: Section 8-37 “Duties of captain, lieutenants” is deleted as shown below:

~~Section 8-37. Duties of captain, lieutenants.~~

~~Upon every alarm of fire, the captain and lieutenants shall immediately repair thereto, with the engines and equipment in their charge, and there work and manage the same under the direction of the Chief of the Department and his Assistants, in the most effective manner, until dismissed by the Chief.~~

RESERVED

SECTION 26: Section 8-38 “Uniform badge to be worn” is amended as follows:

~~A uniform badge provided by the Common Council shall be worn by all members of the Fire~~

Department, whether they be paid or volunteer members, when attending fires.

Newly hired members of the Fire Department shall receive a uniform badge.

SECTION 27: Section 8-39 “Badge to be worn on duty” is amended as follows:

All members of the Fire Department shall, ~~when on duty,~~ wear the firemen's **their department issued** badge **while wearing their Class A uniform.** ~~provided by the City on penalty of expulsion from the Fire Department for noncompliance.~~

SECTION 28: Section 8-40 is amended to revise the title and text as shown below:

Section 8-41. Return of badge when leaving Department; loss of badge.

~~No volunteer fireman shall be required to pay a fee for his badge, but upon resigning or leaving the Department, he shall return the same to the Fire Chief, and it shall be the duty of the secretary of each and every company to notify at once the Chief of the Department of the expulsion, resignation or death of the member in possession of a badge. In the event of loss of a badge, a new one may be obtained by paying such fee as will cover the expense of furnishing such badge.~~

A member’s badge must be returned upon request by the Fire Chief.

SECTION 29: Sections 8-42 through 8-51 are deleted as shown below:

Section 8-42. Giving badge away.

~~Any fireman disposing of or giving away his fire badge shall incur a penalty of \$10 and shall be subject to expulsion from the Fire Department.~~

Section 8-43. Expulsion of persons without badges from fire area.

~~Police officers on duty at fires shall be empowered to exclude and eject all persons not wearing a fire badge as provided for by this Article.~~

Section 8-44. Fire Chief to keep personnel records, report same.

~~The Chief of the Department shall keep a record of the names of the members of the different companies, specifying the company to which each member belongs, and all reductions and increases in membership of such companies and shall report the same to the Common Council annually.~~

Section 8-45. Fire Chief to keep record of membership.

~~A register shall be kept by the Fire Chief in which he shall enter the name of the fireman and the name of the company.~~

Section 8-46. Volunteer membership reports to Common Council.

~~The secretaries of the several volunteer companies, semiannually, on the first day of January and~~

~~July and upon request shall report to the Chief of the Department the names of the members of their respective companies who have ceased to be firemen by removal from the City or otherwise, the names of the persons to be recommended to the Common Council for appointment as firemen and the names of all delinquent members thereof with the nature of each delinquency.~~

~~**Section 8-47. Application for exemption certificate.**~~

~~Any volunteer fireman who shall apply for an exemption certificate shall, with such application, present to the Common Council a statement verified by his oath of the time he was in actual service as a volunteer member of the Fire Department, stating to what company or companies and the term of such service and the certificate of the captain of such company or companies giving the term of his membership.~~

~~**Section 8-48. Issuance of certificate of membership or exemption.**~~

~~All certificates of membership or exemption granted by the Common Council, as provided in Section 8-47, shall be delivered by the Chamberlain to the Chief of the Department, and by him delivered to the captain of the company of which the applicant is a member; and if such certificate of membership shall not be called for by such applicant within one month after its date, such certificate shall be void and returned by the Chief of the Department to the Chamberlain.~~

~~**Section 8-49. Records of certificates of membership and exemption.**~~

~~The Chamberlain shall keep a record of all certificates of membership and exemption, with the respective dates thereof, granted as provided in Section 8-47 by the Common Council.~~

~~**Section 8-50. Violations constituting grounds for expulsion.**~~

~~If any fireman shall neglect to attend a fire without a sufficient excuse therefor or shall refuse to do his duty in working the engine or other apparatus to which he may be attached or shall disobey the orders of the Chief of the Department or his Assistants or the officers in command or the officers of his company, he shall be liable to expulsion from the Fire Department.~~

~~**Section 8-51. Reports of disobedience, neglect by personnel.**~~

~~The Chief of the Department, or the person having command at a fire, shall report to the City Administrator the names of such firemen or volunteer firemen as have disobeyed orders or neglected or refused to attend to their duty. Volunteer firemen may be expelled from membership for such violations, by the Chief, pursuant to Section 209-1 of the General Municipal Law of the State of New York.~~

RESERVED

SECTION 30: Section 8-53 “Possession of hydrant at fire” is amended as follows:

~~Any hose company laying a line of hose from a hydrant at a fire shall retain possession of the hydrant unless otherwise ordered by the officer in command.~~

The Fire Department shall be given access to any fire hydrant, public or private, for use during an emergency.

SECTION 31: Section 8-55 is deleted as shown below:

~~Section 8-55. False alarms.~~

~~No person shall knowingly make or assist in making a false alarm of fire or willfully or otherwise turn in a false alarm of fire through any alarm box in the City nor set fire to any material or substance for the purpose of creating such false alarm.~~

RESERVED

SECTION 32. This Local Law shall take effect immediately upon filing with the New York State Secretary of State.