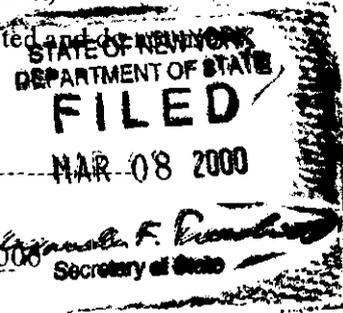


Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and use italics or underlining to indicate new matter.



~~County~~
City of KINGSTON, NEW YORK
~~Town~~
Village

Local Law No. TWO (2) of the year 19 2000

A local law AMENDING THE CITY OF KINGSTON CODE
(Insert Title)

Be it enacted by the COMMON COUNCIL of the
(Name of Legislative Body)

~~County~~
City of KINGSTON, NEW YORK as follows:
~~Town~~
Village SEE ATTACHED COMPLETE TEXT OF LOCAL LAW #2 OF 2000
OF THE CITY OF KINGSTON

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. Two of ~~19~~ 2000 of the ~~(County)(City)(Town)(Village)~~ of Kingston was duly passed by the Common Council on Dec. 16 1999, and was (approved)(not approved)(repassed after ~~disapproval~~) by the Mayor and was deemed duly adopted on Jan. 3 ~~19~~ 2000, *(Elective Chief Executive Officer*)* in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after ~~disapproval~~) by the _____ on _____ 19____. Such local law was submitted *(Elective Chief Executive Officer*)* to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after ~~disapproval~~) by the _____ on _____ 19____. Such local law was subject to *(Elective Chief Executive Officer*)* permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____²____, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: January 6, 2000

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Ulster

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature

Corporation Counsel

Title

County

City

Town

Village^x

of Kingston

Date: January 6, 2000

LOCAL LAW NO. 2 OF 2000 OF THE CITY OF KINGSTON, NEW YORK, AMENDING THE CITY OF KINGSTON CODE.

Sponsored by: Laws & Rules - Aldermen Schupp, Reynolds, Parker, Jones, Landi

WHEREAS, the City of Kingston recently had its Charter and Code reviewed; and

WHEREAS, certain amendments are required to revise and update the Code; and

WHEREAS, the adoption of this local law is in the best interest of the City of Kingston.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

Section 1. That any reference or use of the term Building Department in the Kingston City Code shall be amended to delete said reference and replace the same with the term Building Safety Division of the Fire Department. Additionally, any reference or use of the term, Building Superintendent, Superintendent of Buildings, Building Inspector and Zoning Enforcement Officer, in the Kingston City Code, shall be amended to delete said reference and to replace the same with the term Fire Officer.

Section 2. That any reference or use of the term, Board of Public Works, in the Kingston City Code, shall be amended to delete said reference and to replace the same with the term Mayor.

Section 3. That any reference or use of the term, Dog Warden, in the Kingston City Code, shall be amended to delete said reference and replace the same with the term Dog Control Officer.

Section 4. That any reference or use of the term, Superintendent of Parks, in the Kingston City Code, shall be amended to delete said reference and to replace the same with the term, Director of Recreation/Parks Administrator.

Section 5. That any reference or use of the term, Treasurer, in the Kingston City Code, shall be amended to delete said reference and to replace the same with the term Comptroller.

Section 6. That any reference or use of the term, National Electric Code, in the Kingston City Code, shall be amended to delete said reference and to replace the same with the term New York State Uniform Fire Prevention and Building Code.

Section 7. That any reference or use of the term, Board of Fire Commissioners of the City of Kingston, in the Kingston City Code, shall be amended to delete said reference and to replace the same with the term Mayor.

Section 8. That any reference or use of the term, Superintendent of Streets and the term, Director of Public Works, in the Kingston City Code, shall be amended to delete said reference and to replace

the same with the term Superintendent of Public Works.

Section 9. That Chapter 11, Bicentennial Commission, of the City of Kingston Code is hereby repealed in its entirety.

Section 10. That Chapter 15, Central Purchasing Office, of the City of Kingston Code is hereby repealed in its entirety.

Section 11. That Chapter 18, Office of Civil Defense, of the City of Kingston Code is hereby repealed in its entirety.

Section 12. That Article V, Environmental Conservation Commission, of Chapter 22, Commissioners, of the City of Kingston Code is hereby repealed in its entirety.

Section 13. That § 22-7 of Chapter 22, Commissions, of the City of Kingston Code is hereby amended as follows:

22-7. Creation; membership; meetings.

A. There is hereby created in the Office of the Mayor, of the Executive Department, a Commission to be known as the Pike Plan Commission, which shall consist of seven members appointed by the Mayor. Of the foregoing members of the Commission, the City Planner of the City of Kingston and the Mayor or his designee shall be perpetual members. A local architect shall be appointed to serve on the Commission for a term of two years. The remaining four members of the Pike Plan Commission shall be members of the business community who have business interests located under the Pike Plan Canopy and/or property owners who own real property under the Pike Plan Canopy. These four members shall be appointed, one for a term of one year, one for a term of two years and two for a term of three years. No such member shall serve for more than two consecutive terms. Following these initial terms, all future terms shall be for a period of three years.

B. The members of the Pike Plan Commission shall hold no other public office or public employment in the state, with the exception of the City Planner and the Mayor or his designee as aforementioned.

Section 14. That Article III, Youth Commission, of Chapter 22, Commissions, of the City of Kingston Code is hereby repealed in its entirety.

Section 15. That Chapter 26, Common Council, of the Code of the City of Kingston is hereby repealed in its entirety and replaced as follows:

§ 26-1. Rules

The President of the Common Council shall establish the rules for governing the procedures and committee makeup of the Common Council.

§ 26-2. Change and suspension of rules

No standing rule or order of the Common Council shall be changed, suspended or rescinded except by the affirmative vote of at least 2/3 of the members elected to the Common Council.

Section 16. That Chapter 49-6, Standards of Conduct, of Chapter 49, Ethics, of the Code of the City of Kingston is hereby amended as follows:

§49-6. Standards of Conduct

A. Gifts. He shall not solicit any gift or accept or receive any gift having a value of \$75 or more, whether in the sum of money, services, loan, travel, entertainment or promise or any other form, under circumstances in which it could be inferred that the gift was intended to influence him or could reasonably be expected to influence him in the performance of his official duties or was intended as a reward for any official action on his part.

Section 17. That Section 55-3, Explanation of Design of Chapter 55, Official Flag and Seal of the City of Kingston Code is hereby amended as follows:

§ 55-3. Explanation of design.

The design of such seal and flag shall symbolize the following:

D. The Hudson River sloop serves as a reminder that the river is a valuable aid to commerce and means of general early transportation.

Section 18. That Chapter 70, Department of Land and Buildings, of the City of Kingston Code is hereby repealed in its entirety.

Section 19. That Chapter 74, Laws of 1913: Exercise of Powers, of the City of Kingston Code is hereby amended as follows:

§ 74-5. Issuance of bonds for school purposes, shall be repealed in its entirety.

§ 74-6. Subdivision 12 of Section 20 of Article 2-a.

The power granted by Subdivision 12 of said Section 20 of said Article 2-a of said act shall be exercised by the Mayor of the City of Kingston.

§ 74-7. Subdivision 17 of Section 20 of Article 2-a.

The power granted by Subdivision 17 of said Section 20 of said Article 2-a of said act shall be exercised by the Mayor and the Board of Police Commissioners of said city.

§ 74-8. Subdivision 20 of Section 20 of Article 2-a.

The Mayor shall have and exercise, in addition to the powers already granted, the right to exercise the powers granted by Subdivision 20 of said Section 20 of said Article 2-a of said act.

Section 20. That Chapter 82, Narcotic Guidance Council, of the City of Kingston Code is hereby repealed in its entirety.

Section 21. That Chapter 85, Office Hours, of the City of Kingston Code is hereby amended as follows:

§ 85-1. City offices to close on Saturdays; exceptions.

All city offices, with the exception of the Police Department and the Fire Department, shall not be open for business on Saturdays.

§ 85-3. Hours for excepted departments.

The Mayor shall determine the hours when the the Police Department and the Fire Department shall be open for the transaction of business.

Section 22. That Chapter 87, Office Supplies, of the City of Kingston Code is hereby repealed in its entirety.

Section 23. That Chapter 90, Official Notices and Reports, of the City of Kingston Code is hereby repealed in its entirety.

Section 24. That Chapter 93, Personnel, of the City of Kingston Code be amended as follows:

§ 93-2. Liability insurance required.

No city official or employee shall operate their own vehicle for city business unless they maintain a policy of automotive insurance with at least a minimum liability coverage amount as required by law. A copy of said policy shall be provided if requested by the Mayor or Corporation Counsel.

Section 25. That Chapter 96, Planning Board, of the City of Kingston Code is hereby amended as follows:

§ 96-1. Composition; terms; vacancies; removal.

There shall be a City Planning Board appointed by the Mayor of the City of Kingston, which Board shall consist of two members who shall be officials of the City of Kingston and three who do not hold any municipal office therein. The terms of the two official members shall terminate with that of the appointing Mayor. The respective terms of the other members first appointed shall be one, two and three years from and after appointment. Their successors shall be appointed for a term which shall be equal in years to the number of board members (3) from and after the expiration of the term of their predecessors in office. If a vacancy shall occur other than by expiration of term, it shall be filled by appointment for the unexpired term. Any member may be removed by the appointing authority for cause and after a public hearing.

§ 96-5. Adoption of rules and regulations.

The City Planning Board may recommend to the Common Council, regulations relating to any subject matter over which the Planning Board has jurisdiction under Article III of the General City

Law, any other statute or under Local Law or Ordinance of the City. Adoption of any such recommendations by the Common Council shall be by Local Law.

§ 96-6. City Comprehensive Plan

A. The Common Council or by resolution the Planning Board or a Special Board, may prepare a proposed City Comprehensive Plan and amendments thereto. In the event the Planning Board or Special Board is directed to prepare a proposed plan or amendment thereto, such board shall, by resolution, recommend such proposed plan or amendment to the Common Council. Said plan shall be prepared in accordance with General City Law §28-A.

That §96-6(B) is hereby ^{repealed} ~~deleted~~ in its entirety.

§ 96-8. Review and approval of plans, plats, maps.

A. No plan, plat or description showing the layout of any highway or street upon private property or of building lots in connection with or in relation to such highways or streets within the limits of this municipality shall be received for record in the office of the Clerk of Ulster County until a copy thereof shall have been filed with the City Planning Board and it has been certified with relation to its approval or its refusal to approve. The City Planning Board shall review preliminary and final plans in accordance with the provisions of General City Law §32.

That § 96-9. Power to confirm or change zoning regulations. This section is hereby repealed in its entirety. ↩

Section 26. That Chapter 103, Procurement Policy, of the City of Kingston is hereby amended as follows:

§ 103-2. Requests for proposals or quotations; exceptions.

All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances:

- A. Purchase contracts over \$10,000 and public works contracts over \$20,000.
- B. Goods purchased from correctional institutions pursuant to § 186 of the Correction Law.
- C. Purchases under state contracts pursuant to § 104 of the General Municipal Law.
- D. Purchases under county contracts pursuant to § 103, Subdivision 3, of the General Municipal Law.
- E. Purchases pursuant to § 103-6 of this chapter.

Section 27. That Chapter 107, Public Employment Relations Board, of the City of Kingston Code is hereby repealed in its entirety.

Section 28. That Chapter 116, Traffic Violations Bureau, of the City of Kingston Code is hereby repealed in its entirety.

Section 29. That Chapter 138, Airports and Aircrafts, of the City of Kingston Code is hereby repealed in its entirety.

Section 30. That Chapter 145, Alcoholic Beverages, of the City of Kingston Code is hereby repealed in its entirety and replaced as follows:

Chapter 145, Alcoholic Beverages

§ 145-1. Statement of policy.

The Common Council declares that it is the public policy of the City of Kingston and the purpose of this article to promote the public health and well-being of the citizens of said city by prohibiting the use of open containers containing any type of alcoholic beverage on the public highways and thoroughfares within the city limits.

§ 145-2. Definitions.

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

ALCOHOLIC BEVERAGE -- Any form of beer, wine or spirituous liquor.

CONTAINER -- Any bottle, can or drinking cup or glass from which alcoholic beverages may be ingested.

PARK OR RECREATION AREA -- Any tract of land specifically set aside and designated for public use by the City of Kingston, New York, for recreational activities.

PUBLIC HIGHWAYS AND THOROUGHFARES -- Any street, sidewalk, roadway or public parking area set aside for public use within the City of Kingston, New York.

§ 145-3. Possession prohibited; exception.

No person shall have in his possession within the City of Kingston an open or unsealed bottle or container of an alcoholic beverage while such person is in any public place (with the intent to consume said alcoholic beverage in any public place or to have the same so consumed by another), including, but not limited to, any public highway, public street, public sidewalk, public alley, public parking lot or area, except for locations licensed for the sale of alcoholic beverages by the State of New York.

§ 145-4. Open containers prohibited and restricted.

It shall be unlawful for any person to have in his possession in a public park or recreation area, as defined in § 145-2 of this article, an open or unsealed bottle or container of an alcoholic beverage, as defined in § 145-2 of this article, with the intent to consume said alcoholic beverage or to have the same consumed by another, unless a proper permit has been obtained from the Police Department, which permit is to be available for inspection at the site specified in such permit.

§ 145-5. Penalties for offenses.

Any person violating this article shall be punished by a fine of not less than \$50 nor more than \$500 and/or incarceration up to 15 days for each such offense.

Section 31. That Chapter 151, Animals, of the City of Kingston Code is hereby amended as follows:

§151-4 Penalties for offenses.

Except as otherwise provided in §119 of the Agriculture and Markets Law, any owner violating any provision of this article shall pay a penalty of \$25 for a first violation, \$50 for a second violation and \$100 for a third violation.

§ 151-6. Agreement for seizure and impoundment authorized.

The Mayor of the City of Kingston is hereby authorized to negotiate an agreement pursuant to §115 of the Agriculture and Markets Law with an incorporated society for the prevention of cruelty to animals, for the seizure and impounding of all unlicensed or untagged dogs and for such other services as he may deem necessary.

§ 151-12. Property damage.

The owner of a dog shall not permit such dog, even though leashed, to do any of the following acts:

- A. Enter public buildings (except for business concerned with dogs), restaurants, stores subject to the approval of owners, except Seeing Eye Dogs or Hearing Dogs properly trained to assist blind or deaf persons when such dogs are actually being used by blind or deaf persons for the purpose of aiding them in going from place to place.
- B. Damage or deface property not belonging to the owner of the dog.
- C. Deposit waste or commit a nuisance on the private property of a person or party other than that of the owner of the dog.

§ 151-14. Seizure of dogs.

H. If an owner is entitled to redeem a dog, as herein provided, and if not so redeemed, the owner shall forfeit all title to the dog. The dog shall be made available for adoption or euthenized by the agency having the care and custody of the dog pursuant to §118-7 of the Agricultural and Markets Law. The agency which destroys the dog shall immediately dispose of the same and make a written report of such destruction and disposition to the City Clerk, who shall keep a record thereof.

§ 151-16. Dog Control Officer

A Dog Control Officer shall be designated by the City Clerk of the City of Kingston as provided by §114 of the Agriculture and Markets Law, at an annual salary to be fixed from time to time by the Common Council, who shall have all of the duties and responsibilities hereinafter provided. In lieu of designating and employing a Dog Control Officer as herein provided, an agreement may be made by the City of Kingston with the Ulster County Society for Prevention of Cruelty to Animals where under all the duties, responsibilities and obligations and the powers and authority of the Dog Control Officer shall be assumed and performed by said Ulster County Society for Prevention of Cruelty to Animals.

§ 151-20. Penalties for offenses.

Except as otherwise provided in §119 of the Agriculture and Markets Law, any person who violates or knowingly permits the violation of this article shall be deemed to have committed an offense against this article and shall be subject to a fine of not more than \$25 or imprisonment for not exceeding 25 days for a first offense, a fine of \$50 for a second offense and a fine of \$100 for a third offense. Each separate offense shall constitute a separate additional violation.

§ 151-34. Local license fee added; total.

The additional sum of \$4 shall be added to each new license and renewal as a local license fee. The cost of licensing would be as follows:

Dog	License Fee	Local Fee	Amount
Unneutered males and unspayed females	\$10.50	\$4.00	\$14.50
Neutered males and spayed females	\$2.50	\$4.00	\$6.50

Section 32. That Article V, Horses or Beasts of Burden on Streets, of Chapter 151, Animals, of the City of Kingston Code is hereby repealed in its entirety.

Section 33. That Article VI, Pigsties, of Chapter 151, Animals, of the City of Kingston Code is hereby repealed in its entirety.

Section 34. That Chapter 157, Automobile Trailer Camps, of the Code of the City of Kingston is hereby repealed in its entirety.

Section 35. That Chapter 160, Bicycles, of the City of Kingston Code is hereby amended as follows:

§ 160-6. Fees.

A. Registration fees. The fee to be paid for registration of each bicycle shall be \$.25. The fee shall be paid in advance at the time of the issuance of the registration and identification tag.

§ 160-9. Operation of bicycles and tricycles.

A. Use on sidewalks or footpaths. No person shall ride any bicycle, tricycle or other vehicle propelled by the hands or feet of the rider along or upon any public sidewalk or footpath intended for the use of pedestrians within the City of Kingston, but this subsection shall not apply to children under 12 years of age nor to infirm person or persons who cannot walk by reason of being invalids or cripples.

B. Lamps and other equipment. No persons shall ride or propel any bicycle or tricycle upon any

public street or avenue in the City of Kingston, unless said bicycle or tricycle shall be equipped with lamps and other equipment required in Vehicle and Traffic Law §1236.

C. Riding restrictions. No driver of a bicycle shall carry any other person thereon except on a seat securely fastened to the machine at the rear of the driver and provided with suitable rests and hand grips, nor practice any fancy or trick riding on any roadway.

Section 36. That Chapter 163, Bingo, of the City of Kingston Code is hereby repealed in its entirety and replaced as follows:

§ 163-1. Conduct Authorized.

It shall be lawful for any authorized organization as defined in §476 of the General Municipal Law, upon obtaining the required license to conduct the game of bingo within the territorial limits of the City of Kingston subject to the provisions of this chapter, Article 14-H of the General Municipal Law, and Article 19-B of the Executive Law.

§163-2. Sunday Games.

Any game of bingo conducted within the City of Kingston, pursuant to a license issued in accordance with this chapter and the applicable statutes, may be operated by authorized organizations on the first day of the week, commonly known as Sunday.

Section 37. That Chapter 169, Bootblacking, of the City of Kingston Code is hereby repealed in its entirety.

Section 38. That Chapter 172, Building Construction, of the Code of the City of Kingston is hereby amended as follows:

§ 172-1. Adoption by reference.

The Common Council of the City of Kingston hereby accepts the applicability of Chapter B of the New York State Uniform Fire Prevention and Building Code for the City of Kingston in accordance with the provisions of §370 et seq of the Executive Law.

§ 172-3. Superintendent of Buildings.

B. The Fire Officer shall be compensated at the rate set for this position.

That §172-3(C) is hereby deleted in its entirety.

§ 172-22. Unsafe buildings and structures, of the Code of the City of Kingston is hereby repealed in its entirety.

§ 172-23. Penalties for offenses.

D. This section shall not apply to violations of the provisions of the New York State Uniform Fire Prevention and Building Code punishable under §382(2) of the Executive Law of the State of

New YorkEN; nor to violations of the provisions of the Multiple Residence Law punishable under §304 of the Multiple Residence Law of the State of New York.

Section 39. That Article III, New Buildings and Additions, of Chapter 172, Building Construction, of the Code of the City of Kingston is hereby repealed in its entirety.

Section 40. That Section 178-1 of Chapter 178, Buildings, Unsafe, of the Code of the City of Kingston is hereby repealed and replaced as follows:

§ 178-1. Inspection; notice; authority of city.

In addition to any other remedies at law available to compel the removal or repair of any building or structure that endangers the health, safety or welfare of the public:

A. The Fire Officer shall inspect or cause to be inspected every building that is reported as a danger, from any cause, to the health, safety and welfare of the public and shall make a written record of such inspection.

B. 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 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 to be illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure of this section.

C. Whenever the Fire Officer shall find any building or structure or portion thereof to be an unsafe building, he shall serve or cause to be served upon the owner and all other persons having an interest in such property or structure, agent or person in control of such building, either personally or by registered mail, addressed to his last known address, as shown on the records of the Tax Assessor and/or in the records in the office of the County Clerk, containing a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous and an order of the Fire Officer requiring the building or structure to be repaired or removed within a stated time. If such service is made by registered mail, the Fire Officer shall conspicuously post a copy of such notice on the premises.

D. The owner and/or any other person having an interest in the premises shall have 30 days within which they must provide acceptable plans for remedy of the cited hazardous condition to the Building Inspector and obtain a building permit for the same; or submit plans and obtain a permit for the removal of said building. Upon issuance of the building permit, work must commence within 15 days from issuance thereof and be completed within six months from issuance of the permit. Failure of the owner to comply with these provisions will result in a fine of \$25 per day retroactive to the date of notice.

E. If the Fire Officer 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, inspected and approved by the Fire Officer. The Fire Officer 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 Safety Division." 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 Fire Officer.

F. The Fire Officer shall file or cause to be filed a copy of the notice served pursuant to Subsection C above in the office of the County Clerk of Ulster County, which notice shall be filed by such Clerk in the same manner as a notice of pendency as provided by said Clerk, except as otherwise hereinafter provided in this subsection. A notice so filed shall be effective for a period of one year from the date of filing; provided, however, that it may be vacated upon the order of a judge or justice of a court of record or upon the consent of the Corporation Counsel of the City of Kingston. The County Clerk of Ulster County shall mark such notice and any record or docket thereof as canceled upon presentation and filing of such consent or of a certified copy of such order.

G. 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 the notice to repair, rehabilitate or to demolish and remove said building, structure or portion thereof, within the time provided by the notice served, 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.

H. In cases of emergency which, in the opinion of the Fire Officer, 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.

I. All costs and expenses incurred by the city in connection with the proceedings to repair or remove such building or structure, including but not limited to the cost of actually removing the building or structure, shall be assessed against the land on which said building or structure is located.

Section 41. That Article II, Building Violations Board of Appeals of Chapter 178, Buildings, Unsafe, of the City of Kingston Code is hereby repealed in its entirety.

Section 42. That Chapter 185, Cemeteries and Burial Grounds, of the City of Kingston Code is hereby repealed in its entirety.

Section 43. That Chapter 188, Container Hazards, of the City of Kingston Code is hereby repealed in its entirety.

Section 44. That Chapter 217, Fees, of the City of Kingston Code is hereby amended as follows:

That §217-2(B) is hereby repealed in its entirety.

§217.3 Fee schedule.

B. Special permit - noise \$25.00

Special Permit - rooming and
boarding house, annual

\$200.00

plus \$20.00 per room over 4
rooms

§217-6.2 Cooking Permits

There shall be a \$10.00 fee for cooking permits in accordance with §310-9.

§217-6.3 Building Safety Division

A. The fee schedule for the Building Department shall be as follows:

1. Site development permit: \$25.00. This permit is issued for any and all projects where site plan approval is required by the Planning Board and where final site plan approval is required before a Certificate of Occupancy is issued.
2. Building permits: Minimum fee for any building permit, which shall include signs, fences, decks, porches, stairs, chimneys and stoves, sheds and similar construction: \$25.00. A minimum fee of \$25.00 plus a square foot fee shall be charged for the following:
 - a. New building (per square foot, per floor for habitable space): \$0.15.
 - B. Additions (per square foot, per floor for habitable space): \$0.15.
 - C. Alterations (per square foot, per floor for habitable space): \$0.15.
4. Elevators and lifts (flat fee): \$25.00.
5. Demolition (flat fee): \$25.00
6. Pools.
 - a. Above ground (flat fee): \$25.00.
 - b. In ground (flat fee): \$50.00 including required fencing.
7. Job trailers (per job): \$100.00
8. Blasting (per job): \$100.00
9. Dumpster permit fee
 - a. Initial charge: \$25.00
9. In addition to the above, the following fees shall apply:
 - a. Certificate of compliance: \$50.00
 - b. Certificate of occupancy (copy): \$5.00
 - c. Certificate of compliance (copy) \$5.00
 - d. Inspection for a certificate of compliance or certificate of occupancy
 - (1) Inspections in response to special request for inspections by lending institutions, banks, proposed purchasers, homeowners, real estate officer and others, where a certificate of occupancy or certificate of compliance is requested or needed:
 - (a) One- and two-family house: \$50.00
 - (b) Three or more apartments: \$25.00 per unit.
 - (2) If more than one reinspection is required for any reason, including those set forth above, to insure compliance in a timely manner, a reinspection fee of \$50.00 shall be charged

for each additional inspection. All unpaid reinspection fees shall be assessed to the property owner against the property upon which the reinspection took place and shall be added to the tax bill for said property.

- e. Record of inspection fee: \$.025 per square foot per floor.
- B. The complete cost of a building permit is payable with the application. In the event that a building permit is not issued for any reason, 1/3 of the fee will be refundable after a request is made in writing to the Superintendent of Buildings.
- C. The Superintendent, in his discretion, shall have the authority to waive the fees prescribed herein for building permits in cases where the work to be performed is to a building or structure in a Landmark (L) District, as defined in the Zoning Ordinance of the City of Kingston, and such work alters said building or structure with respect to the design, arrangement, texture, nature or quality of material, color detail or general appearance as to a visible portion of any exterior facade thereof.

§217-6.4 Electrical Permits and License Fees

Pursuant to §208, the following are the fees for electrical permits and licenses:

- A. \$5.00 per copy of the manual of rules and regulations.
- B. \$200.00 for a Master Electrician License. The annual renewal fee for said license shall be \$100.00.
- C. \$200.00 fee for a Master Electrician's License Class B.
- D. \$100.00 fee for a Special Electrician's License. Said license may be renewed upon payment of an annual fee of \$50.00.
- E. \$200.00 fee for a Master Electrician limited license. Said license renewal shall be \$100.00.
- F. \$25.00 late charge for all electrical licenses not renewed by January 10th of the new year.
- G. \$25.00 fee for all license holders who wish to consider their license inactive for the current year.
- H. \$5.00 examination fee.
- I. Every person to whom a Class A Master Electrician's License is granted, shall have issued to him/her a plate or sign upon payment of a \$20.00 fee.
- J. One job permit fee schedule:

<u>Dollar Amount of Project</u>	<u>Fee</u>
Up to \$10,000	\$200.00
From \$10,001 to \$100,000	\$500.00
Over \$100,000	\$1,000.00

That Article V, Plumbing Department, of Chapter 217 Fees shall be renamed and renumbered as

§217-6.5 Plumbing Fees

That § 217-8. Fee for purchase of updates is hereby repealed in its entirety and replaced as follows:
§217-8 Fee for Purchase of Code

The fee for the purchase of the purchase of the City of Kingston Code book set or computer version of the City Code shall be \$330.00. The fee for the purchase of annual updates for the City Code shall be \$110.00 per year. The fee for the purchase of the Zoning Ordinance in computer form shall be \$140.00. The fee for the annual update of the computer version of the Zoning Ordinance shall be \$100.00 per year.

§217-12.1 Dog License Fees

Dog	License Fee	Local Fee	Amount
Unneutered males and unspayed females	\$10.50	\$4.00	\$14.50
Neutered males and spayed females	\$2.50	\$4.00	\$6.50

§217-12.2 Bingo Licenses

A license fee of \$10.00 shall be charged for each occasion upon which any games of chance are to be conducted pursuant to §163.

§217-12.3 Games of Chance License Fees

- A. A license fee of \$25.00 shall be charged for the conducting of games of chance in accordance with §245.
- B. A license fee of \$50.00 shall be charged for authorized games of chance lessors pursuant to §245-5A(2).

§217-12.4 Records

The fee for photocopies, not exceeding 8½" x 14" pages, shall be \$0.25 per page.

§217-12.5 Pawnbroker Permits

The annual permit fee for pawnbrokers shall be \$25.00 for each place of business pursuant to §313.

§217-12.6 Sales of Merchandise Licenses

The license fee for sales of merchandise shall be \$100.00 pursuant to §335.

§217-12.7 Auction Licenses

There shall be a \$125.00 fee for an auction license pursuant to §154.

ARTICLE VIII, Waterfront Facilities

§217-13.2

- B. Site A rates established by resolution #31 of 1997. Contact the Harbormaster for current rates.
- C. Site B rates established from time to time by the Common Council through lease agreements.
- D. Site C rates established by resolution #140 of 1994. Contact the Harbormaster for current rates.
- E. Site D rates established from time to time by the Common Council through lease agreements.

§217-14.1 Parking Meters

There shall be a fee of \$.10 for 30 minutes for parking any vehicle in a space adjacent to a multiple meter parking meter.

§217-14.2 Parking Fees

The following fees shall be charged for parking in a vehicle within a parking meter space in the following lots within the City of Kingston:

- A. \$.10 per hour in the two municipal parking lots located on North Front Street; and
- B. \$.10 for each hour of time desired, not to exceed one hour, in each and every other parking lot located in the City of Kingston.

§217-14.3 Municipal Parking Garage Fee

The municipal parking lot on the South side of North Front Street shall be permit parking only at \$12.00 per month.

That Article X, Recreation Department, shall be repealed in its entirety and replaced as follows:

§ 217-15. Fee schedule.

Contact the Recreation Department for the current fee schedule.

§217-16.1 Bicycle Registration Fees

- A. The fee to be paid for registration of each bicycle shall be \$1.00 pursuant to §162.
- B. There shall be a \$1.00 fee for the replacement of registration card and/or identification tags.

§217-16.2 Exhibitions and Shows

There shall be a \$10.00 show license fee for each show, entertainment and concession, for

each day to be exhibited, and the further sum of \$50.00 to cover the cost and expense of the first investigation in the event of same being made by the Chief of Police, prior to issuance of license and the further sum of \$10.00 for each subsequent inspection, pursuant to §213.

§217-16.3 Peddling & Soliciting

Pursuant to §318, the license fee for peddling and soliciting shall be as follows: \$10.00 for a license to expire on the first day of January next following the issuance thereof; the Chief of Police may also, in his discretion, grant a license for one day of 24 hours, for which the fee shall be \$25.00.

§217-16.4 Tow Trucks

There shall be a \$50.00 non-refundable fee for a tow truck license plus \$1.00 for each tow truck pursuant to §370.

§218-18 Scavenger Waste

There shall be a \$100.00 fee for a scavenger waste permit pursuant to §340.

Article XIII Department of Public Works

§217-19 Sign Permits

There shall be a \$25.00 fee for sign permit applications pursuant to §355-15.

§217-20 Solid Waste

The following is a list of fees as set by the Common Council for disposal of solid waste in the City of Kingston:

- A. \$2.00 per tire and \$3.00 per tire on a rim for disposal pursuant to §350.
- B. \$80.00 tipping fee per ton at the transfer station pursuant to §350-26.
- C. \$20.00 for the disposal of appliances pursuant to §350-27.
- D. \$5.00 for the disposal of microwave ovens pursuant to §350-29.
- E. \$75.00 for the collection of non-complying refuse pursuant to §350-28.

Section 45. That Chapter 226, Fire Insurance Proceeds, of the Code of the City of Kingston is hereby amended as follows:

§ 226-2. Notice of intention to claim.

The Treasurer shall file a notice of intention to claim against the proceeds of fire insurance policies pursuant to § 22 of the General Municipal Law with the State Superintendent of Insurance for entry in the index of liens maintained by him as provided in § 331 of the Insurance Law.

§ 226-3. Filing of claim by Treasurer.

Prior to the payment of any proceeds of a policy of insurance for damages caused by fire to real property, which policy insures the interest of an owner and is issued on real property located within

the city, and following notification to the Treasurer by an insurer of the filing of a claim for payment of such proceeds, the Treasurer shall claim, by serving a certificate of lien, against such proceeds to the extent of any lien (including interest and penalties to the date of the claim) thereon, which claim when made and perfected in the manner provided for in § 22 of the General Municipal Law and § 331 of the Insurance Law, shall constitute a special lien against such proceeds and shall, as to such proceeds, be prior to all other liens and claims, except the claim of a mortgagee of record named in such policy. Notice of the service of the certificate of the special lien shall be given to the insured by certified mail to the address as it appears on the records of the insurer.

Section 46. That Chapter 233, Fire Prevention, of the City of Kingston Code is hereby amended as follows:

That §233-2, Penalties for Offenses is hereby repealed in its entirety.

§ 233-8. Penalties for offenses. [Amended 2-6-1986 by L.L. No. 1-1986, approved 2-25-1986]

A. Failure to comply with any provision of Chapter C of the New York State Uniform Fire Prevention and Building Code, this article, rules or regulations adopted pursuant to this article or a violation order shall be deemed a violation, and the violator shall be liable for a fine of not more than \$1,000 per day of violation or imprisonment not exceeding 1 year or both and each day such violation continues shall constitute a separate violation.

That §233-12, Board of Review, is hereby repealed in its entirety.

Section 47. That Chapter 236, Flood Damage Control, of the City of Kingston Code is hereby repealed in its entirety.

Section 48. That Chapter 245, Games of Chance, of the City of Kingston Code is hereby repealed in its entirety and replaced as follows:

§ 245-1. Conduct Authorized.

It shall be lawful for any authorized organization, upon obtaining a license as provided in Article 9-A of the General Municipal Law, to conduct games of chance within the City of Kingston subject to the provisions of this chapter, Article 9-A of the General Municipal Law and the New York State Racing and Wagering Board.

§ 245-2. Sunday Games.

Conduct of games of chance on Sunday is only permitted when it is specifically provided for in the license issued. No games of chance shall be conducted on Easter Sunday, Christmas Day, New Year's Eve, Rosh Hashanah or Yom Kippur.

§ 245-3. Supervision.

The Clerk of the City of Kingston shall exercise control over and supervision of all games of chance.

Section 49. That Chapter 261, Heating of Multiple Residences, of the City of Kingston Code is hereby repealed in its entirety.

Section 50. That Chapter 267, Housing, of the City of Kingston Code is hereby repealed in its entirety.

Section 51. That Chapter 280, Loitering, of the City of Kingston Code is hereby repealed in its entirety.

Section 52. That Chapter 295, Municipal Stadium Regulations, of the City of Kingston Code is hereby repealed in its entirety.

Section 53. That Chapter 300, Noise, of the City of Kingston Code is hereby amended as follows:

§ 300-2. Definitions.

B. As used in this article, the following terms shall have the meanings indicated:

NOISE DISTURBANCE -- Any sound which:

- (1) Endangers or injures the safety or health of humans;
- (2) Is a noise that disturbs reasonable persons of normal sensitivities;
- (3) Endangers or injures personal or real property; or
- (4) Is defined in §300-5 and §300-6.

~~That~~ §300-3(B)(5) Noise-sensitive zone recommendations, is hereby repealed in its entirety.

~~That~~ §300-5 Prohibitive Acts, is amended as follows:

A. Specific prohibitions. No person shall cause, allow or permit the following acts which shall be considered to be a noise disturbance:

- (1) Animals. Owning, possessing or harboring any animal which creates a noise disturbance across a residential real property boundary.
- (2) Construction. Operating or permitting the operation of any tools or equipment used in construction, drilling or demolition work:
 - (a) Between the hours of 6:00 p.m. and 8:00 a.m. on weekdays or at any time on Sundays/weekends or holidays, such that the sound therefrom creates a disturbance across a residential real property boundary or is in violation of § 300-6 (sound level measurements), except for emergency work or public service utilities or by special permit issued pursuant to § 300-7.
- (5) Explosives, firearms and similar devices. The use of firing of explosives, firearms or any other impulsive source so as to cause a noise disturbance across the real property

boundary on a public space or right-of-way, without first obtaining a special variance issued pursuant to § 300-9. Such permit need not be obtained for such licensed game-hunting activities on property where such activities are authorized.

That §300-5(B)(10) Noise-sensitive zones, is hereby repealed in its entirety.

(14) Vehicle or motor boat repairs and testing. Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle or motor boat in such a manner as to cause a noise disturbance across a residential real property boundary or between the hours of 8:00 p.m. and 8:00 a.m. At no time shall the decibel level exceed 85 d.b.a. at the receiving boundary.

That §300-6 shall be retitled:

Maximum permissible sound levels by receiving land use for determining noise disturbances.

Section 54. That Article II, Sound Amplifiers and Devices, of Chapter 300, Noise, of the City of Kingston Code is hereby repealed in its entirety.

Section 55. That §310-9(D) and (E), Open Fires, of Chapter 310, Parks and Recreational Facilities, of the City of Kingston Code is hereby deleted and replaced as follows:

§ 310-9. Open fires.

D. The fee for cooking permits for individuals shall be \$10, and the permitted fuels to be used shall be propane or charcoal. [Added 12-3-1991, approved 12-4-1991]

Section 56. That Chapter 313, Pawnbrokers, of the City of Kingston Code is hereby amended as follows:

§ 313-1. License requirements.

E. A bond shall be filed with the City in the amount designated in §41 of the General Business Law.

F. Such permit may be revoked by the City Clerk for misconduct on the part of the licensee or his agent after an appropriate hearing based on such charges. Such hearing shall be conducted by said City Clerk, and his decision thereon shall be final.

Section 57. That Chapter 324, Public Transportation, of the City of Kingston Code is hereby amended as follows:

§ 324-1. Certificates of consent, public convenience and necessity required.

No bus line, stage route nor motor vehicle line route nor any vehicle in connection therewith, nor any vehicle carrying passengers at a rate of fare of \$0.15 or less for each passenger within the

limits of the City of Kingston or in competition with another common carrier which is required by law to obtain the consent of the authorities of said city to operate over the streets thereof, and no bus line, stage route or motor vehicle line or route shall be operated wholly or partly upon or along any street, avenue or public place in said city until the owner or owners thereof shall have procured the consent of said City of Kingston to such operation as herein provided, and until the owner or owners thereof shall have procured a certificate of public convenience and necessity from the Public Service Commission as required by said provisions of the Transportation Corporations Law of the State of New York.

§ 324-8. Licenses.

Upon filing with the City Clerk of a certified copy of the certificate of public convenience and necessity issued by the Public Service Commission to the applicant, in reference to the operation of such bus line or stage route, and upon producing evidence of the filing of the bond or insurance policy pursuant to §370 of the Vehicle and Traffic Law, the Mayor shall issue a license to the applicant. Every such license shall be in force for a period of three years from the date of its issuance, unless sooner revoked and shall not be transferable without the consent of the Common Council. Each license shall refer to the date of approval by the Common Council and by the Mayor and the route and the terminal or terminals within the city, and shall provide that the applicant shall and will obey all the laws of the State of New York and all local laws and ordinances of the City of Kingston regulating traffic upon the public streets of said city, and all other ordinances of the city, and that in case of a violation thereof, or in case of failure of the applicant to operate his car or vehicle over said route and to stop at such terminal or terminals as mentioned in said application or as modified by the Common Council, the Mayor may revoke such license after hearing, of which the licensee is given due notice. An additional duplicate license shall be issued for each car or vehicle, and conspicuously displayed thereon.

Section 58. That Section 330-3, Designation of records access officers, of Chapter 330, Records, of the City of Kingston Code is hereby amended by repealing the following:

Director of the City of
Kingston Laboratory
400 Broadway
Kingston, New York 12401

In charge of all records of the
City of Kingston Laboratory

Section 59. That Section 330-6, Hours for public inspection, of Chapter 330, Records, of the City of Kingston Code is amended as follows:

§330-6. Hours for public inspection.

Requests for public access to records shall be accepted and records produced during all hours regularly open for business.

Section 60. That Chapter 333, Refrigeration Systems, Water Consuming, of the City of Kingston

Code is hereby repealed in its entirety.

Section 61. That Chapter 335, Sales of Merchandise, of the City of Kingston Code is hereby repealed in its entirety and replaced as follows:

§ 335-1. Conduct to Authorize

It shall be lawful for any authorized organization, upon obtaining a license as provided in Article 29-F of the General Business Law, to conduct going out of business sales of merchandise within the City of Kingston, subject to the provisions of this chapter and Article 29-F of the General Business Law.

§ 335-2. Supervision.

The Clerk of the City of Kingston shall exercise control over and supervision of all going out of business sales of merchandise.

Section 62. That Chapter 338, Sewers, of the City of Kingston Code, is hereby amended as follows:

§ 338-1. Connections by licensed plumbers only.

No other person than a licensed plumber will be allowed to make any connection to any city sewer.

§ 338-2. Permit required.

The property owner desiring to make a connection with any city sewer, or the licensed plumber employed by him, shall, before the work is started, obtain the necessary permits from the Street Superintendent for opening the street and from the City Plumbing Inspector for connecting with the sewer.

§ 338-5. Insertion of Y-branch or Saddle.

If, when the excavation for the connection is made to the sewer, no Y-branch is found within three feet each way from the point indicated, the Plumbing Inspector shall notify the Superintendent of Public Works, who will at once insert a Y-branch or saddle connection when deemed appropriate by the Superintendent of Public Works for such connection.

~~That~~ § 338-6. Endorsement by Inspector, ~~return~~ of permit, is hereby repealed in its entirety.

§ 338-11. Sewer charges.

F. Sewer charges shall be levied on the basis of the amount of water from the Kingston Water Department used by each user at such per-unit rates as the City Council may from time to time establish or on the basis of the meter installed pursuant to §340-24 of the City of Kingston Code..

That § 338-12. Additional industrial surcharge, of Chapter 338 Sewers, of the Code of the City of

Kingston is hereby repealed in its entirety.

That §338-23 Capital improvement fund contribution for new construction of the Code of the City of Kingston shall be repealed in its entirety.

That Article V, Right of Entry, of Chapter 338, Sewers of the City of Kingston Code, is hereby repealed in its entirety.

Section 63. That Section 355-13, of Chapter 355, Streets and Sidewalks, of the Code of the City of Kingston is hereby amended as follows:

§ 355-13. Building in or over streets, sidewalks; consent; insurance.

No building or other structure shall be erected wholly or partly in or over any street or sidewalk unless the consent and permission of the Planning Board and the Board of Public Works of the City of Kingston shall first be obtained. Consent or permission for such erection or construction shall not be granted until the party seeking such consent or permission shall have filed with the City Clerk of the City of Kingston a policy of liability insurance naming the City of Kingston as a named insured and covering the section of the street or sidewalk affected and protecting the City of Kingston against liability for damages caused by personal injuries to persons using said street or sidewalk in the amount of \$1,000,000 personal injury liability and \$500,000 property damage coverage. Persons seeking such permission shall maintain such liability coverage protecting the City of Kingston so long as the erection or structure is in existence. Failure to maintain such coverage shall result in an automatic revocation of such permission.

Section 64. That Article VII, Utility Wires, of Chapter 355, Streets and Sidewalks, of the City of Kingston Code, is hereby repealed in its entirety.

Section 65. That Article VIII, Building Materials, of Chapter 355, Streets and Sidewalks, of the City of Kingston Code, is hereby repealed in its entirety.

Section 66. That Chapter 358, Sunday Activities, of the City of the City of Kingston Code is hereby repealed in its entirety.

Section 67. That Section 360-21, Establishment of proportions, of Chapter 360, Taxation, of the City Code is hereby amended as follows:

§ 360-21. Establishment of proportions.

The homestead base proportions shall be established by resolution of the Common Council of the City of Kingston, New York, in accordance with the Rules of the State Board of Real Property Services, and shall apply to taxes levied on the 1989 final assessment roll and to taxes levied on subsequent rolls, until this article shall be repealed.

Section 68. That Chapter 366, Theaters and Motion-picture Establishments, of the City of Kingston Code is hereby repealed in its entirety.

Section 69. That Chapter 373, Trees, of the City of Kingston Code is hereby amended as follows:

That §373-4, Definitions, shall be amended by replacing the diagram under the definition of Property Owner with a new sketch showing the typical street right of ways as shown above .

That the definition for Tree Pit in §373-4 shall be amended as follows:

TREE PIT -- A minimum three-foot-by-three-foot planting pit whose surface may be mulched or covered by a tree grate.

That the typical tree pit diagram shall be replaced with a new sketch as follows:

That the following definition shall be added to §373-4:

TREE PLANTING ZONE - The City may plant a street tree with the property owner's permission within 20 feet of the curb line (outside of the official right-of-way) in order to avoid overhead or underground utilities and/or promote the growth of the tree.

That § 373-5C. Tree Commission; creation; term of office, is hereby amended as follows:

(3) To make recommendation to the Common Council as to desirable legislation concerning the tree program and activities for the municipality such as certification as "Tree City, USA;"

§373-7. Tree permits and procedures

A. Public tree maintenance or planting permit.

No person shall plant, remove or otherwise disturb trees in public places without first filing an application and procuring a permit from the Tree Commission. The application shall be on a form designated by the Tree Commission and shall contain such information and data as deemed reasonably necessary to a fair determination of whether a permit should be issued. The Tree Commission shall issue the permit provided for herein if, in their judgment, the proposed work is necessary and desirable and the proposed method and workmanship are satisfactory (there shall be no fee assessed for such permits). When necessary, the Tree Commission shall check with local utilities prior to issuance of permits.

B. Public tree removal permit:

(1) The Tree Commission shall have primary responsibility for administering this chapter

- through the issuance, revocation, denial of public tree permits.
- (2) Application for a public tree permit shall be made in writing to the Tree Commission on prescribed forms available in the City Hall.
 - (3) A public tree permit for the removal of a public tree shall normally be issued under the following conditions:
 - (a) The location of the tree(s) clearly endangers the health, safety and welfare, or the property of the general public, the property owner of this adjoining property owner closest to the tree(s).
 - (b) The location of the tree(s) prevents the property owner from undertaking a construction or alteration because the location of the tree(s) substantially interferes with a permitted use of the property and the construction or alteration cannot be reasonably adjusted to accommodate the tree(s).
 - (c) The tree(s), due to death or advanced age, disease, blight, infestation, storm damage, accident or other condition, causes undue hardship for the property owner to maintain it (them).

§373-8. Duty to trim, treat or remove trees.

A. It shall be the duty of any person or person owning real property abutting on any street upon which property there are trees or shrubs to trim or remove such trees so that they will not obscure or interfere with the view of motorists entering any intersection of the city, obstruct the passage of pedestrians on sidewalks or obstruct the street lights or traffic signs.

F. The actual cost to the city of such trimming, treating or removal plus a sum equal to 5% of such actual cost for inspection and other additional cost in connection therewith shall be certified by the Superintendent of Public Works and/or his designee to the City Comptroller and the amount thereof shall become and be a lien upon the property on which such tree was located, or if the tree was in a public right-of-way on the abutting property owner, the total amount thereof shall be added to and become part of the next annual assessment roll at the time and in the manner prescribed by the Charter of the city and subject to all the provisions thereof.

§ 373-9. Tree removal and restoration.

A. The tree trunk, limbs, stump and any roots remaining above grade shall be removed completely and to a depth below grade that will permit replanting another tree, minimum of twelve inches.

§ 373-10. Recommended and prohibited street trees.

A. Recommended trees. The following species of trees have been determined to be suitable for maintaining a vigorous urban forest based upon city wide tree surveys conducted in 1982 and 1990. It will be the responsibility of the Tree Commission to maintain and revise this list as necessary.

(1) Trees for three-foot-by-three-foot tree pits:

- (e) Princess Diana Serviceberry
- (f) Ivory Silk Japanese Tree Lilac
- (g) Flame Amur Maple
- (2) Trees for four-foot-by-four-foot tree pits:
 - (g) Sky Rocket English Oak
 - (h) Robin Hill Pink Serviceberry
- (3) Trees for five-foot-by-five-foot tree pits or larger tree pits:
 - (c) Patmore Green Ash
 - (g) Bauman Horse Chestnut
 - (h) Dynasty Lace Bark Elm
 - (i) Legacy Sugar Maple
 - (j) Sweet Shadow Sugar Maple
 - (k) Silver Mountain Linden
- (4) Trees recommended under utility lines, with a 3' x 3' tree pit:
 - (a) Trident Maple
 - (b) Hedge Maple
 - (c) Flame Maple
 - (d) Tatarian Maple
 - (e) Autumn Brilliance Serviceberry
 - (f) Cole's Select Serviceberry
 - (g) Princess Diana Serviceberry
 - (h) Snowcloud Serviceberry
 - (i) Crimson Cloud Hawthorn
 - (j) Lavalle Hawthorn
 - (k) Snowbird Hawthorn
 - (l) Toba Hawthorn
 - (m) Washington Hawthorn
 - (n) Amur Maackia
 - (o) Adirondack Crabapple
 - (p) Golden Raindrops Crabapple
 - (q) Red Barton Crabapple
 - (r) Red Jewel Crabapple
 - (s) Sentinel Crabapple
 - (t) Red Cascade Mountain Ash
 - (u) Ivory Silk Japanese Tree Lilac
 - (v) Summer Charm Tree Lilac

Section 70. That Section 376-4(D), Removal, Impounding and Return of Vehicles of Chapter 376, Parking of Trucks, of the City of Kingston Code is hereby amended as follows:

D. No person shall recover any vehicle removed in accordance with this section, except as provided herein. Before the owner or person in charge of such vehicle shall be allowed to recover it from the place where it has been placed or impounded, he shall present to a member of the Police

Department evidence of his identity and right to possession of the vehicle, shall sign a receipt for its return, shall pay the cost of removal not to exceed \$75, and shall pay any cost of storage accrued, not to exceed \$8 for the first day or portion thereof, and \$8 for each additional day or portion thereof, until paid, these charges constitute a lien on the vehicle which may be enforced in the same manner as a garage keeper's lien.

Section 71. That Section 390-3(c) of Chapter 390, Vehicles and Traffic, of the City of Kingston Code is hereby repealed in its entirety.

Section 72. That Section 390-64(B)(4), Snow Emergency Parking Prohibition, of Chapter 390, Vehicles and Traffic, of the Code of the City of Kingston is hereby amended as follows:

(4) No person shall recover any vehicle removed in accordance with this section, except as provided herein. Before the owner or person in charge of such vehicle shall be allowed to recover it from the place where it has been placed or impounded, he shall present to a member of the Police Department evidence of his identity and right to possession of the vehicle, shall sign a receipt for its return, shall pay the cost of removal, and shall pay any cost of storage accrued, not to exceed \$8 for the first day or portion thereof, and \$8 for each additional day or portion thereof. Until paid, these charges constitute a lien on the vehicle which may be enforced in the same manner as a garage keeper's lien.

Section 73. That Section 390-92 of Chapter 390, Vehicles and Traffic, of the City of Kingston Code is hereby amended as follows:

<u>Stop Sign on</u>	<u>Direction of Travel</u>	<u>At Intersection of</u>
Patriot's Place	Northeast	Grandview Avenue
South Wall Street	Northwest	Winchell Avenue

Section 74. That Section 390-97 of Chapter 390, Vehicles and Traffic, of the Code of the City of Kingston is hereby amended as follows:

Mary's Avenue	West	From the Medical Arts Building to West O'Reilly Street
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Section 75. That Section 390-99 of Chapter 390, Vehicles and Traffic, of the Code of the City of Kingston is hereby amended by deleting the following:

Mary's Avenue	West	From the Medical Arts Building to West O'Reilly Street
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Section 76. That Section 390-100 of Chapter 390, Vehicles and Traffic, of the Code of the City of Kingston is hereby amended as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Time Limit (minutes)</u>	<u>Hours/Days</u>	<u>Location</u>
Spring Street	Southeasterly	10	anytime	Pick up and drop off area only
Wynkoop Place	North	0	anytime Monday through Friday	From the driveway entrance of Meagher School to Reynolds Street

Section 77. That Chapter 395, Water, of the City of Kingston Code is hereby repealed in its entirety and replaced as follows:

Article I: Applications

395-1. Making application

All applications for the use of city water from the city mains or distribution pipes or from any supply pipes must be made at the office of the Water Department, City Hall, where a copy of the rules and regulations will be furnished, together with instructions as to the form prescribed for that purpose. The application shall state truly and fully each particular purpose and manner in which the water is to be used, and the name of a duly licensed plumber selected to do the work, and shall be signed by the owner of the premises or his authorized attorney.

Article II: Permits

395-2. Permit granted to named plumber for particular use.

The permit granted thereupon by the Superintendent or the Water Department to the plumber designated, who will be recognized as the agent of the owner or applicant, shall be for the particular use applied for and no other, and when thereafter any further use of water or additional service is desired, a further application as directed in 395-1 must be made and a permit obtained.

Article III: Tapping Mains

395-3. Tapping and furnishing of equipment; cost

The tapping of water mains or distribution pipes, and the furnishing of copper connections, curb stops, curb stop boxes, patent taps, gate valves, gate valve boxes, shall be done by the Water Department, to be paid for in advance by the person making the application for a supply of water.

395-4. Size of tap

No single tap smaller than three-fourths (3/4) inch will be allowed. Taps larger than one (1) inch must have the approval of the Superintendent.

395-5. Tapping to be done by authorized person

No water main or distribution pipe shall be tapped by any person except an authorized employee of the Water Department.

395-6. Charge for tapping and material furnished

The charge for tapping and material furnished shall be established by the Board of Water Commissioners, copies of which may be obtained at the office of the Water Department.

Article IV: Plumber's Tapping Notice

395-7. Notice required prior to tapping

A plumber receiving a permit to lay service or supply pipes for the introduction of water to any premises shall give the Superintendent of the Water Department 2 business days notice previous to the time for tapping the main.

Article V: Service Lines

395-8. Size and material of service pipes

All service pipes three-fourths (3/4) inch to and including two (2) inches between the main and the curb stop shall be Type K soft-copper tubing. The minimum size of service from the main to the premises shall be three-fourths (3/4) inch. All services three (3) inches and above shall be cement-lined ductile iron pipe, and such pipe shall conform to the standards of the Kingston Water Department for its mains.

395-9. Laying of service pipes

All service pipes to any premises shall be laid at least four (4) feet below the surface of the grade lines of the street and shall extend at right angles from the street main to the inside of the curblines, where a curb stop shall be attached and a valve box placed.

395-10. Valve required

There shall be a valve placed on every supply pipe just inside the building or cellar.

395-11. Required slack in pipes

Every copper connection or service pipe must be laid with not less than six (6) inches of slack; such slack shall not be more than two (2) feet from the main, and in such a manner as to prevent rupture or settlement.

395-12. Approved sanitary facilities required

No service application will be granted for any premises or property which is not served by approved type of sanitary facilities.

395-13. Compliance required; private lines prohibited

No application for water service will be granted for any premises or property which cannot comply with the foregoing provisions. The installation of so-called private waterlines is prohibited.

395-14. Expenses to be paid by owner; exception

All expenses for introducing water to any premises, excavating for and laying service pipes, and all fixtures connected therewith, except the connection on the main which belongs to the Water Department, must be paid for by the owner of the premises.

395-15. Work to be done under supervision; location of mains.

All work attendant upon the introduction of water to any premises, laying supply pipes thereto and fixtures connected therewith shall be done under the supervision of the Superintendent of the Water Department and subject to his/her approval. Responsibility for the location of water mains to which supply lines are to be connected or repaired rests solely with the Water Department. All persons desiring such location shall give 3 business days notice to the Water Department previous to the time of starting the work. Failure to give such notice shall relieve the Water Department of all responsibility for the location of said main.

395-16. Maintenance and repair.

The maintenance and repair of all service pipe from the main to the premises, including but not limited to the curbstop, shall be the responsibility of the owner. If for any reason a leak develops on the service line, the owner shall take immediate steps to repair the same. In the event of unreasonable delay in the prosecution of the repair work, due notice will be given by the Superintendent to the owner or the tenant of the premises to start the necessary repairs within twenty-four (24) hours. Upon failure of the owner to start repairs within this period, the Water Department shall repair the break, and the cost of the repairs shall be levied against the owner. The determination of the responsibility involved, whether Water Department or owner, shall rest with the Superintendent, and his/her decision shall be final.

395-17. Emergency repairs of service line breaks

Where an emergency shall exist upon the occasion of a break on a service line, the Superintendent may make the necessary repairs with Department forces without notice to the owner. However, the costs involved in the prosecution of the work will be a charge against the owner of the service.

395-18. Abandonment, disconnection of service lines

When, for any reason, a service line to a property is to be abandoned, the property owner shall notify the Water Department immediately. The owner shall then have such service line disconnected at the main and the corporation stop shut off. The disconnection of the service line shall be done only under supervision of the Water Department.

Article VI: Introduction of Water; Supervision

395-19. Required supervision and approval of work

All work attendant upon the introduction of water to any premises, laying supply pipe thereto and fixtures connected therewith, shall be done under the supervision of the Water Department and subject to his/her approval.

Article VII: Plumber's Reports

395-20. Time of filing, failure to comply

Repealed in its entirety.

395-21. Permit required for additions, attachments, alterations or extensions

No addition, attachment, alteration or extension to any water supply or service pipe on any premises shall be made until a permit is granted upon an application made and signed by the owner of the premises, as provided in 395-1 and 395-2 of these rules.

Article VII: Water Turn On

395-22. Permit required

No plumber or other person shall open any curb cock or let on the supply of water through any service pipe without a permit from the Water Department.

Article IX: Independent Service to Each Building

395-23. Multiple service prohibited

One (1) tap and one (1) service pipe shall serve only one (1) house or building.

Article X: Payment of Water Rents

395-24. Where paid

All water rents or other charges shall be payable at the office of the Water Department, City Hall.

395-25. Responsibility for payment

All water rents, accounts or other charges shall be made against the owner or owners of the premises which is connected with the city water main, and such owners shall be held responsible for all accounts and charges.

395-26. Quarterly payments

Water rents for all service, both metered service and fixture service, shall be payable quarterly at the end of each quarter. The Superintendent shall establish the quarterly due dates for each billing zone by January 1 of each year. A schedule of due dates may be obtained at the office of the Water Department, City Hall, Kingston, NY

395-27. Charge for late payment

Ten percent (10%) will be added to bills not paid on or before the due date.

395-28. Rents for fractional part of quarter

Repealed in its entirety.

395-29. Overdue rents become lien

In the event that water rents are in arrears for more than three (3) months, the water rents and interest charges thereon shall become a lien upon the real estate against which the water rents shall have been laid, levied or charged.

Article XI: Shutting Off at Main

395-30. Additional protection against further use of water

In the cases where water is shut off for nonpayment of water rent or other causes, and when, in the opinion of the Superintendent, the shutting off at the curb is not sufficient protection against the further use of water, he/she may order or cause the corporation valve to be shut off at the main and the supply line to be disconnected therefrom.

395-31. Reapplication for service; charge for connection

Upon reapplication for water service where the water service has been shut off and disconnected at the main, an additional charge of thirty-five dollars (\$35.) must be paid for the reconnecting of the supply line.

395-32. Right of Superintendent to shut off water for violations

The payment of the regular water rents shall not conflict with the right of the Superintendent to shut off the supply of water from any premises for any violation of these rules and regulations.

395-33. Right to shut off water for repairs or additions

Nothing in the above provisions shall conflict with the right of the Superintendent to shut off the supply of water from any premises in order to make repairs or additions of new work.

Article XII: Building and Special Permits

395-34. Application and advance payment required

Persons desiring the use of city water for building or any other special purpose whatever will be required to make application at the office of the Water Department and to pay in advance for the same, when the Superintendent will issue a permit therefor.

Article XIII: Responsibility of Owners

395-35. Unauthorized use of water

Repealed in its entirety.

Article XIV: Maintenance of Pipes and Curb Boxes

395-36. Responsibility of owners

All persons having or using city water on their premises must keep their supply pipes and all fixtures connected therewith in good repair and protected from frost or other injury at their own expense. They shall keep the curb boxes connected with their supply pipes in plain sight, at all times, and on a level with the top of the curbstone.

Article XV: Deductions

395-37. All fixtures to be charged; removal of fixtures and deductions

A. *Repealed in its entirety.*

B. *Repealed in its entirety.*

Article XVI: Rebates

395-38. Vacant houses or apartments: notice required.

Repealed in its entirety.

Article XVII: Seasonal Uses

395-39. Season established; restrictions on use.

Repealed in its entirety.

Article XVIII: Inspections

395-40. Right of entry: notice to repair

The Board of Water Commissioners, its agents, officers and employees, may enter the premises of any water consumer, at any reasonable time, to examine the pipes and fixtures to ascertain the quantity of water used and the manner of its use, and whether there is any unnecessary waste of water. If any waste or irregular use of water is found, a written or printed notice shall be left with the owner or consumer occupying the premises, and within twenty-four (24) hours after leaving such notice all necessary repairs must be made and waste of water stopped or the water will be shut off and shall not be let on again until such repairs are made and the sum of twenty-five dollars (\$25) for turning on the water is paid at the office of the Water Department.

Article XIX: Meters

395-41. Right to attach water meter

The Board of Water Commissioners reserves the right to attach a water meter to any supply or service pipe, at any time, whenever it shall deem it expedient to do so and thereafter charge for the quantity of water passing through the meter. All meters shall be the property of the Kingston Water Department.

395-42. Attachment or setting of meter, charges; notice.

All meters shall be attached or set by employees of the Water Department only, and no meter shall be interfered with, removed, disconnected or repaired by any person other than an employee of the Water Department. The plumber making the service installation shall provide all necessary supports for the meter, as directed by the Superintendent. The Superintendent shall be given not less than 2 business days notice of the setting of the meter.

395-43. Protection of meters; installation

Owners of premises where meters are attached to the supply pipes will be required to protect the meter from frost or other injury at their own expense and to pay the cost of all necessary repairs resulting from said lack of protection. Whenever it should become necessary to attach a meter outside of the building, the owner shall pay the expense incurred in excavating for and boxing the same. The type of installation shall be as required by the Superintendent.

395-44. Replacement or repair of defective meters

Where a water meter fails to register the correct quantity of water delivered through it or where it otherwise becomes out of order or in need of repair, notice thereof shall be immediately given to the Water Department. Another meter will be loaned and installed during the time required for the testing and repair, except in cases where the meter is to be tested and repaired on the premises. All repairs, except as stipulated in 395-43, shall be made by the Water Department. When, in the opinion of the Superintendent, the meter becomes unsuitable for use, it shall be replaced by another meter by the Water Department.

395-45. Sizing of meters; notice required

The sizing of meters on all service lines shall be determined by the Superintendent and shall be subject to his/her approval. On installations requiring meters of two (2) inches in size and over, the owner of the premises shall be required to give not less than sixty (60) days' notice to the Department.

395-46. Bypass required for certain meters

Owners of premises where meters of three (3) inches in size and over are or shall be attached to the supply line may, at the discretion of the Superintendent, be required to provide a suitable bypass and the necessary valves and cross connection control around such meters. The bypass, valves, and cross connection control devices shall be installed subject to the approval of the Superintendent and shall be metered.

395-47. Meters required for new taps; fire protection excepted

Applicants for new taps on the mains will be required to have a meter installed on their supply line

and be charged for the quantity of water passing through the water at the meter rates established. Service lines dedicated for fire protection, and approved for that use by the Superintendent shall not be required to have a meter installed and shall be charged at the fixture rates established for this purpose.

395-48. Meter installation cost.

For each service or supply pipe, a single meter up to one-inch size will be installed by the Water Department under usual conditions at no charge to the owner or applicant, except where an outside installation in a meter pit is necessary, the expense of such meter pit is to be borne by the owner. All meters of one-inch size and over shall be installed at the expense of the owner, said charge to be the actual cost of the meter. Where specific permission has been granted by the Superintendent, additional meters may be installed within a building that is served by a single service line. The cost of the additional meters shall be borne by the owner.

Article XX: Damages, Additions, and Repairs

395-49. Limitation of liability

No person shall be entitled to damages nor to have any portion of a payment refunded for any stoppage of supply occasioned by accident to any portion of the works, nor for stoppage for purposes of additions or repairs. The Superintendent of the Water Department shall have the right to shut off water to make repairs or additions of new work.

Article XXI: Safety Valves

395-50. Where required; purpose.

In all cases where water is supplied to storage tanks, or boilers for domestic, commercial, or manufacturing purposes, the supply pipe must be provided with a suitable valve or other sufficient device to prevent any damage from collapse or explosion when the water is shut off from the street mains or other causes.

Article XXII: Public Buildings

395-51. Irregular use, waste; notice, repair

The use of water in all city or school buildings shall be subject to the same requirements and restrictions as in private buildings. When any irregular use or waste of water is found to exist, caused by defective pipes or fixtures, notice of such waste or defect shall be given to the Department having control of such buildings, and such Department shall immediately cause the same to be repaired.

Article XXIII: Yard Hydrants

395-52. Hydrants and standpipes to be placed inside building
Repealed in its entirety.

Article XXIV: Fire Hydrants; Valves

395-53. Unauthorized use

No person or persons shall open any city fire hydrant or draw water therefrom except the Superintendent of the Water Department and persons under his/her direction or with his/her permission, except in case of fire, when the Chief of the Fire Department, his assistants, officers and members of the Fire Department shall have free and entire control of the hydrants for the purpose of extinguishing fires.

395-54. Valves and gates

No person or persons except the Superintendent and employees under his/her direction shall open or close any valve or gate in any water main or street pipe, or in any manner interfere with or obstruct the same.

Article XXV: Right to Change Rules

395-55. Modifications and additions

The Board of Water Commissioners shall have the right to modify or change any of the foregoing rules or make such rules and regulations as may be found essential to a more perfect protection of the public interests in the management of the Water Department, and to impose such additional restrictions as may be deemed proper.

Article XXVI: Contract

395-56. Rules and regulations as part of contract with user

All the foregoing rules, regulations and restrictions relating to the use of city water and the Water Department of the City of Kingston, made and adopted by the Board of Water Commissioners, shall be considered a part of the contract with and between any person who applies for and obtains a supply of water from said Department, and every person receiving the water so supplied shall be considered as having expressed his consent to be bound thereby.

Article XXVII: Violations and Penalties; Miscellaneous Provisions

395-57. Penalties for offenses

Any violation of these rules and regulations and provisions is hereby declared to be a misdemeanor punishable by a fine not to exceed fifty dollars (\$50) or imprisonment for a term not to exceed six (6) months, or by both fine and imprisonment. When a violation of any of the rules and regulations is continuous, each twenty-four (24) hours thereof shall constitute a separate and distinct violation.

395-58. Enabling legislation.

Laws of 1896: To revise and consolidate the several acts in relation to the City of Kingston, etc.

- A. The Board may fix, make, determine and collect all water rates; publish and enforce all

needful rules and regulations concerning said Water Department and the property and appliances thereof, and to the management and supply of water thereby, and alter and modify the same from time to time and fix the penalty, not exceeding fifty dollars (\$50), for the violation thereof, and prosecute in his/her own name or in the name of the city for all water rates and charges and violations of such rules and regulations. The Common Council may enforce such rules and regulations by ordinance and fix a like penalty for violation thereof.

B. Any willful act whereby said Water Department or any property, apparatus or appliance pertaining thereto shall be injured or the supply of water obstructed, impaired or made less pure shall be deemed a misdemeanor, and the person or persons convicted thereof shall be punished accordingly.

395-59. Schedule of rates

A. A schedule of water rates may be obtained at the offices of the Kingston Water Department, City Hall, Kingston, New York.

B. For purposes not named in the aforesaid rate schedule, and for all peculiar circumstances, special assessments or contracts for the use of measured or estimated water may be made by the Superintendent, upon approval by the Board of Water Commissioners.

C. The schedule of rates, both for fixture service and meter service, are subject to such alteration and amendments as may, from time to time, be adopted by the Board of Water Commissioners.

Article XXVIII: Cross Connection Control

395-60. Cross Connection Control

A. As per the requirements of the New York State Sanitary Code 5-1.31, the Board of Water Commissioners has adopted Cross Connection Control Regulations.

B. A copy of these regulations may be obtained at the offices of the Kingston Water Department, City Hall, Kingston, NY.

Section 78. That Chapter 398, Waterfront, of the Code of the City of Kingston is hereby amended as follows:

§ 398-4. Site A information and regulations.

A. General information.

(8) Contact persons. Harbormaster, (914-331-6940) and the Kingston Police Department (914-331-1671).

§ 398-5. Site B information and regulations.

A. General information.

(8) Contact persons. Harbormaster, (914-331-6940) and the Kingston Police Department (914-331-1671).

§ 398-6. Site C information and regulations.

A. General information.

(8) Contact persons. Harbormaster, (914-331-6940) and the Kingston Police Department (914-331-1671).

Section 79. That Chapter 401, Weights and Measures, of the Code of the City of Kingston is hereby repealed in its entirety.

Section 80. That Section 3, Definitions, of Chapter 405, Zoning, of the Code of the City of Kingston is hereby amended as follows:

NONCONFORMING BUILDING -- A building which contains a use permitted in the district in which it is located, but which does not comply with one or more district regulations respecting lot area, width or depth; front, side or rear yards; or maximum height or lot coverage but which lawfully existed prior to the enactment of this chapter or any revision or amendment thereto.

NONCONFORMING LOT OF RECORD -- A lot of record which does not comply with lot area or dimension requirements for any permitted use in the district in which it is located but which lawfully existed prior to the enactment of this chapter or any revision or amendment thereto.

Section 81. That Section 405-9C(4)(b) of Chapter 405, Zoning, of the City of Kingston Code is hereby deleted and replaced as follows:

Swimming pool fencing shall be erected in accordance with the provisions of the New York State Uniform Fire Prevention and Building Code §720.

Section 82. That Section 405-30D(6) of Chapter 405, Zoning, of the City of Kingston Code, is hereby amended as follows:

The Planning Board may hold a public hearing on the site plan if it determines that the matter is of wide public interest. If such a hearing is held, it shall be held within 62 days of the official submission date of the application, and notice shall be given at least five days prior to the date of such hearing by publication in the official city newspaper.

Section 83. That Section 405-30D(7) of Chapter 405, Zoning, of the City of Kingston Code, is hereby amended as follows:

The Planning Board shall act to approve or disapprove with conditions any such site plan within 62 days after the public hearing or, if no hearing is held, within 62 days of the official submission date. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the board. Conditional approval by the Planning Board shall include written findings upon any site plan element found contrary to the provision or intent of this chapter. In reviewing the application, the Planning Board shall consider whether a proposed plan will conform to the intent and requirements of this chapter and/or what revisions are appropriate. In reviewing site plans, the Planning Board shall comply with the provisions of the State Environmental Quality Review Act. The decision of the Planning Board shall be filed in the office of the City Clerk within five business days of the rendering of the decision. All conditions must be satisfied prior to issuance of a building permit.

Section 84. That Section 405-32B of Chapter 405, Zoning, of the City of Kingston Code, is hereby amended as follows:

B. Procedure. The procedure for a special permit shall be the same as set forth in General City Law §27-b.

Section 85. That Section 405-31C(5) of Chapter 405, Zoning, of the City of Kingston Code, is hereby amended as follows:

(5) Sites determined to be subject to ongoing contamination under existing uses shall be required to undergo environmental cleanup. Property owners will be notified promptly of a finding of contamination. A cleanup plan shall be submitted within 45 days to the New York State Department of Environmental Conservation and the City Department of Planning and Department of Engineering. Cleanup shall be complete within one year.

Section 86. That Section 405-38B of Chapter 405, Zoning, of the City of Kingston Code, is hereby amended as follows:

DISH ANTENNAS -- Satellite antennas, parabolic dishes, hemisphere dishes or other similar antennas, the purpose of which is to send, transmit or receive television, radio and/or microwave or other similar signals.

Section 87. That Section 405-54B of Chapter 405, Zoning, of the City of Kingston Code, is hereby amended as follows:

B. Variance

(1) To authorize in accordance with General City Law §81b(3) & (4), upon denial of a building permit, such variance from the terms of this chapter as will not be contrary to the public interest where, owing to exceptional and extraordinary circumstances, there are practical difficulties or unnecessary hardships in the way of the carrying out of the strict letter of this chapter.

That §405-54B(1)(a)(b) and (c) are hereby deleted in iter entirety.

Section 88. That Section 405-49, Trailers of Chapter 405, Zoning, of the Code of the City of Kingston is hereby amended as follows:

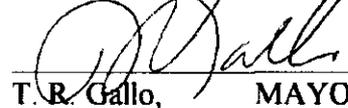
B. Storage and parking of one trailer on a residential lot may be permitted, provided that such trailer is not placed in use, is secured in place within the required setback lines of the residential district and the doors thereof are kept securely locked. Notwithstanding the provisions hereinbefore contained in this chapter, a trailer parked on the premises of a city resident may be occupied for a period not exceeding 48 hours by a guest of the resident provided that said trailer's location complies with setback requirements of Chapter 405 and is not less than 10 feet from any building or other vehicle. Upon application to the Building Safety Division of the Fire Department, the resident may apply for a permit to allow said guests to remain on the premises for an additional period of 144 hours. Upon receiving such application, the Fire Officer shall make the necessary inspections and issue or deny such permit.

Section 89. That this local law shall take effect after final passage, public hearing, approval by the Mayor of the City of Kingston, New York, and filing with the State in accordance with Municipal Home Rule Law Section 27.

Submitted to the Mayor this
3rd day of January 2000.


Kathy Janeczek, CITY CLERK

Approved by the Mayor this
3rd day of January 2000.


T. R. Gallo, MAYOR

Adopted by Council on December 16, 1999.

Local Law 13