

## **ORDINANCES INTRODUCED**

- 35.52.11 AN ORDINANCE AMENDING ARTICLE I (GENERAL) OF CHAPTER 323 (STREETS AND SIDEWALKS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO BLOCKING TRAFFIC SIGNAGE**
- 36.52.11 AN ORDINANCE AMENDING ARTICLE IX (GENERAL PROVISIONS) OF CHAPTER 231 (HOUSING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO FEES**
- 37.52.11 AN ORDINANCE AMENDING SECTION 359-22 (PARKING, STANDING AND STOPPING RESTRICTIONS) OF CHAPTER 359 (VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE PARKING OF DUMPSTERS**

## **RESOLUTIONS INTRODUCED**

**23.52.11R RESOLUTION OF THE COMMON COUNCIL REPEALING THE 1811  
PROHIBITION ON PINKSTER DAY**

Council Member Sano introduced the following:

Ordinance Number 35.52.11

**AN ORDINANCE AMENDING ARTICLE I (GENERAL) OF CHAPTER 323 (STREETS AND SIDEWALKS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO BLOCKING TRAFFIC SIGNAGE**

The City of Albany, in Common Council convened, does hereby ordain and enact:

**Section 1. Section 323-5 of Chapter 323 of the Code of the City of Albany is hereby amended to read as follows:**

**Section 323-5. Obstruction of streets and sidewalks; traffic signs and devices.**

A. No person shall obstruct any street, sidewalk, driveway or alley without first obtaining a barricade permit from the Building Commissioner. ~~Violations of this section are subject to the remedies and penalties of Chapter 375, Zoning, of this Code.~~

B. No fence or vegetation shall impair or cause confusion of vehicular, bicycle or pedestrian traffic, by design, or placement. No fence or vegetation shall obstruct the sight distance of the motorist at a street corner or intersection by placement and location within 25 feet of the intersection of the street or highway lines.

C. Violations of this section are subject to the remedies and penalties of Chapter 375, Zoning, of this Code.

**Section 2. This ordinance shall take effect immediately.**

**APPROVED AS TO FORM  
May 6, 2011**

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**Corporation Counsel**

**TO:** John Marsolais, City Clerk  
**FROM:** James Sano, Council Member  
**RE:** Request for Common Council Legislation  
Supporting Memorandum  
**DATE:** May 9, 2011

**ORDINANCE NUMBER 35.52.11**

**TITLE: AN ORDINANCE AMENDING ARTICLE I (GENERAL) OF CHAPTER 323 (STREETS AND SIDEWALKS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO BLOCKING TRAFFIC SIGNAGE**

**GENERAL PURPOSE OF LEGISLATION:** To mandate that property owners maintain their properties so that street signage, line of site and traffic signals are not blocked.

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW:** This ordinance would amend the city code to prevent property owners from installing or maintaining fences or growing vegetation that blocks a motorist's view of traffic signs or devices or line of site of traffic.

**FISCAL IMPACT:** None.

**Council Member** introduced the following:

**Ordinance Number 36.52.11**

**AN ORDINANCE AMENDING ARTICLE IX (GENERAL PROVISIONS) OF CHAPTER 231 (HOUSING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO FEES**

**The City of Albany, in Common Council convened, does hereby ordain and enact:**

**Section 1. Section 231-135 of Chapter 231 of the Code of the City of Albany is hereby amended to read as follows:**

**§ 231-135. Fees.**

A. The following schedule of fees shall apply with respect to the inspection and certification of residential dwelling units:

- (1) There shall no charge for an initial inspection to determine compliance with the applicable provisions of this code or for a first reinspection.
- (2) Any and all subsequent reinspection(s) necessary to determine compliance with required corrective action or repairs shall be subject to a charge of [~~\$40~~] \$50 per unit inspected.
- (3) Failure to appear within 15 minutes of a scheduled inspection ("no show") shall result in a fee of [~~\$25~~] \$50 per unit.
- (4) Cancellation of a scheduled inspection less than 24 hours before that scheduled inspection ("late cancellation") shall result in a fee of [~~\$25~~] \$50 per unit.
- (5) Cancellation of a scheduled inspection for the unit more than once or after a "no show" ("second cancellation") shall result in a fee of [~~\$25~~] \$50 per unit.

B. Fees prescribed under this section for failure to appear at, and cancellation of, a scheduled inspection may be waived at the discretion of the Chief of the Department of his designee for good cause shown.

C. Unpaid fees shall be subject to the placement and recording of a lien by the City of Albany against the inspected property.

**Section 2. This ordinance shall take effect immediately.**

**APPROVED AS TO FORM  
February 11, 2011**

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**Corporation Counsel**

**To:** John C. Marsolais, City Clerk  
**From:** Patrick K. Jordan, Assistant Corporation Counsel  
**Re:** Request for Common Council Legislation  
Supporting Memorandum  
**Date:** May 6, 2011

**ORDINANCE NUMBER 36.52.11**

**TITLE**

AN ORDINANCE AMENDING ARTICLE IX (GENERAL PROVISIONS) OF CHAPTER 231  
(HOUSING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO FEES

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**GENERAL PURPOSE OF LEGISLATION**

To update the inspection fees for residential dwelling units.

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**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW**

To bring the fees in line with actual costs and realities of the inspection process.

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**EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE**

As soon as practicable.

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**SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)**

N/A

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**SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)**

N/A

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**FISCAL IMPACT(S)**

Unknown at this time.

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**Council Member Calsolaro introduced the following:**

**Ordinance Number 37.52.11**

**AN ORDINANCE AMENDING SECTION 359-22 (PARKING, STANDING AND STOPPING RESTRICTIONS) OF CHAPTER 359 (VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE PARKING OF DUMPSTERS**

**The City of Albany, in Common Council convened, does hereby ordain and enact:**

**Section 1. Section 359-22 of Chapter 359 of the Code of the City of Albany is hereby amended by adding thereto a new subsection (K) to read as follows:**

(K) Park or cause to be parked on city streets, a dumpster without reflective markings or other similar warning devices to alert motorists to the existence of the dumpster at night.

**Section 2. This ordinance shall take effect immediately.**

**APPROVED AS TO FORM  
May 6, 2011**

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**Corporation Counsel**

Matter in ~~strickethrough~~ to be deleted. Matter underlined is new material.

**TO:** John Marsolais, City Clerk  
**FROM:** Dominick Calsolaro, Council Member  
**RE:** Request for Common Council Legislation  
Supporting Memorandum  
**DATE:** May 9, 2011

**ORDINANCE NUMBER 37.52.11**

**TITLE: AN ORDINANCE AMENDING SECTION 359-22 (PARKING, STANDING AND STOPPING RESTRICTIONS) OF CHAPTER 359 (VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE PARKING OF DUMPSTERS**

**GENERAL PURPOSE OF LEGISLATION:** To prohibit dumpsters without reflective markings from being parked on city streets.

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW:** Property owners in the city who rent dumpsters occasionally have them parked in the street if no suitable location exists on the property. These dumpsters can be hazardous to motorists at night who may not see the dark colored dumpsters. This legislation will require that a dumpster parked in the street have some type of reflective marking to help motorists navigate around it.

**FISCAL IMPACT:** None.

**Council Member Conti introduced the following:**

**Resolution Number 23.52.11R**

**RESOLUTION OF THE COMMON COUNCIL REPEALING THE 1811 PROHIBITION ON PINKSTER DAY**

**WHEREAS**, on April 28, 1811 the City of Albany Common Council prohibited the celebration of Pinkster Day by passing an ordinance reading in part, “No person shall erect any tent, booth or stall within the limits of this city, for the purpose of vending any spirituous liquors, beer, mead or cider, or any kind of meat, fish cakes or fruit, on the days commonly called Pinxter; nor to collect in numbers for the purpose of gambling or dancing, or any other amusements, in any part of the city, or to march or parade, with or without any music under a penalty of ten dollars or confinement in jail;” and

**WHEREAS**, in the 19<sup>th</sup> century in New York’s Hudson Valley, Pinkster Day was a most-anticipated holiday. A celebration of spring for all, to the Dutch, Pinkster was a religious holiday, a chance to rest, gather, and celebrate religious services like [baptisms](#) and [confirmations](#). For their African slaves, Pinkster was a time free from work and a chance to gather and catch up with family and friends. It also provided the opportunity to share, express and pass on African culture and tradition, especially to those African Americans born in North America; and

**WHEREAS**, the Albany Common Council may have banned Pinkster Day because of concerns that the congregation and socialization of large groups of people could provide an opportunity to plot or plan revolution. Some historians believe the council wanted to eliminate Pinkster because it didn't appeal to the burgeoning middle class; and

**WHEREAS**, the University Club has been recommended by the State Office of Parks, Recreation, and Historic Places for placement on the National Register of Historic Places and would like to hold a Pinkster Day celebration on June 13 where authors or experts in a number of fields will read from a variety of books that illustrate the arc of Albany's history through selected readings. The Pinkster Day Celebration will also provide a means to celebrate Albany’s rich history with readings from four centuries of scholarly and popular publications documenting the people and places of New York’s capital city.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany hereby repeals the 1811 law prohibiting the celebrating of Pinkster Day and congratulates the University Club on their recommendation for inclusion on the National Register of Historic Places and on their historic Pinkster Day celebration.

**TO:** John Marsolais, City Clerk  
**FROM:** Richard Conti, Council Member  
**RE:** Request for Common Council Legislation  
Supporting Memorandum  
**DATE:** May 9, 2011

**RESOLUTION NUMBER 23.52.11R**

**TITLE: RESOLUTION OF THE COMMON COUNCIL REPEALING THE 1811  
PROHIBITION ON PINKSTER DAY**

**GENERAL PURPOSE OF LEGISLATION:** To repeal the prohibition on Pinkster Day.

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW:** This resolution officially repeals a 19<sup>th</sup> century prohibition on Pinkster Day so that it can be celebrated for its historic interest.

**FISCAL IMPACT:** None.