

ORDINANCES INTRODUCED

37.101.12 AN ORDINANCE AMENDING PART 2 (DEPARTMENT OF FIRE) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION DEPARTMENTAL FUNCTIONS

38.101.12 AN ORDINANCE AMENDING CHAPTER 133 (BUILDING CONSTRUCTION) OF THE CODE OF THE CITY OF ALBANY ADDING THERETO A DEPARTMENT OF BUILDINGS AND REGULATORY COMPLIANCE AND ESTABLISHING THE QUALIFICATION FOR THE COMMISSIONER

Council Member Igoe introduced the following:

Ordinance 37.102.12

AN ORDINANCE AMENDING PART 2 (DEPARTMENT OF FIRE) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION DEPARTMENTAL FUNCTIONS

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

Section 1. Sections 42-58.1 and 42-58.2 of Article VIII of Part 2 of Chapter 42 of the Code of the City of Albany is amended to read as follows:

§ 42-58.1. Departmental functions.

- A. The Department of Fire, Emergency and Building Services shall perform all fire-fighting, fire safety, fire prevention and fire investigation services required in the City and to serve and promote the public health, safety and welfare.
- B. The Department of Fire, Emergency and Building Services shall provide all initial emergency paramedic life support response services as required.

~~[C. The Department shall have a Division of Building and Codes to oversee, administer and manage the building permit and code enforcement processes in the City. This function shall consist of, but not necessarily be limited to, the review of applications and plans for building permits and the imposition and collection of the requisite fees therefore, together with all aspects of permits, licenses and inspections involving electric, plumbing, heating, ventilating and air conditioning (HVAC) installations, elevators and all other building construction and occupancy issues and requirements under this code and state law. The person charged with the responsibility of administering these duties shall be the Director of the Division of Buildings and Codes and shall be either a civil engineer of not fewer than five years experience in such profession or an architect, a general building contractor or a person engaged in the supervision of building construction with at least 10 years actual experience in such profession or occupation. The Division of Buildings and Codes shall assume and be vested with all powers and duties previously exercised and performed by the Bureau of Buildings as set forth and established in Chapter 20, together with those enumerated in Chapter 133 (Building Construction) and Chapter 231 (Housing) of this code.]~~

42.58.2 [References;] [s]Supersession.

- ~~[A. Any and all powers, duties and references in state or local law, rule or regulation to the Department of Buildings, Bureau of Buildings, Superintendent of Building, Commissioner of Buildings, Deputy Commissioner of Buildings and similar, like connotations and terms shall be hereafter interpreted and are hereby amended to mean~~

~~and read "Department of Fire, Emergency and Building Services," "Chief of the Department of Fire, Emergency and Building Services" or his designee.]~~

[B.] To the extent inconsistent herewith, Article 9 of the Second Class Cities Law is hereby superseded.

Section 2. This ordinance shall take effect immediately.

**APPROVED AS TO FORM
October 5, 2012**

Corporation Counsel

To: Nala Woodard, City Clerk
From: Patrick K. Jordan, Assistant Corporation Counsel
Re: Request for Common Council Legislation
Supporting Memorandum
Date: October 5, 2012

ORDINANCE NUMBER 37.102.12

TITLE

AN ORDINANCE AMENDING PART 2 (DEPARTMENT OF FIRE) OF CHAPTER 42
(DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN
RELATION DEPARTMENTAL FUNCTIONS

GENERAL PURPOSE OF LEGISLATION

Removes the Division of Buildings and Codes from the oversight of the Fire Department. Removes
references to the Division and its predecessors from the section of the Code.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

Changes to the City Code require Council approval.

EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE

N/A

SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)

N/A

SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)

N/A

FISCAL IMPACT(S)

N/A

Council Member Igoe introduced the following:

Ordinance 38.102.12

AN ORDINANCE AMENDING CHAPTER 133 (BUILDING CONSTRUCTION) OF THE CODE OF THE CITY OF ALBANY ADDING THERETO A DEPARTMENT OF BUILDINGS AND REGULATORY COMPLIANCE AND ESTABLISHING THE QUALIFICATION FOR THE COMMISSIONER

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

Section 1. Section 133-16 of Article II of Part 1 of Chapter 133 of the Code of the City of Albany is amended to read as follows:

133-16 Expiration of permit.

Any permit issued by the [~~Superintendent of Buildings~~] Commissioner of Buildings and Regulatory Compliance [~~under which no work has been commenced within one year of the date of issue shall expire by limitations~~] shall expire upon the one year anniversary of said permit, unless the permit holder has requested, and has received, an extension from the Division of Buildings and Regulatory Compliance.

Section 2. Section 133-48 of Article IX of Part 2 of Chapter 133 of the Code of the City of Albany is amended to read as follows:

§ 133-48 [~~Commissioner of Buildings; qualifications and appointment~~] Department of Buildings and Regulatory Compliance.

~~The Commissioner of Buildings of the City of Albany shall be the head of the Building Department. The Commissioner shall be either a civil engineer of not fewer than five years' experience in such profession or an architect, a general building contractor or a person engaged in the supervision of building construction with at least 10 years' actual experience in such profession or occupation. The Commissioner of Buildings shall be appointed by the Mayor and serve at his pleasure.~~

The function of the Department of Buildings and Regulatory Compliance shall consist of, but not necessarily be limited to, the review of applications and plans for building permits and the imposition and collection of the requisite fees therefore, together with all aspects of permits, licenses and inspections involving electric, plumbing, heating, ventilating and air conditioning (HVAC) installations, elevators and all other building construction and occupancy issues and requirements under this code and state law. The Department shall assume and be vested with all powers and duties previously exercised and performed by the Division of Buildings and Code and/or the Bureau of Buildings as set forth and established in Chapter 20, together with those enumerated in this Chapter 133 (Building Construction) and Chapter 231 (Housing) of this code.

Section 3. Sections 133-48.1 and 133-48.2 are hereby added to Article IX of Part 2 of Chapter 133 of the Code of the City of Albany and shall read as follows:

§ 133-48.1 Commissioner; qualifications and appointment.

The Commissioner shall be the head of the Department of Buildings and Regulatory Compliance. The Commissioner shall be either a civil engineer of not fewer than five years' experience in such profession or a licensed attorney of not fewer than five years experience handling matters dealing with state and local building codes in addition to planning and zoning laws and regulations or an architect, a general building contractor or a person engaged in the supervision of building construction with at least 10 years' actual experience in such profession or occupation. The Commissioner shall be appointed by the Mayor and serve at his pleasure.

§ 133-48.2 References.

Any and all powers, duties and references in state or local law, rule or regulation to the Department of Buildings, Bureau of Buildings, Superintendent of Building, Commissioner of Buildings, Deputy Commissioner of Buildings and similar, like connotations and terms shall be hereafter interpreted and are hereby amended to mean and read "Department of Buildings and Regulatory Compliance", "Commissioner of the Department of Buildings and Regulatory Compliance" or his designee.

Section 4. This ordinance shall take effect immediately.

**APPROVED AS TO FORM
October 5, 2012**

Corporation Counsel

To: Nala Woodard, City Clerk
From: Patrick K. Jordan, Assistant Corporation Counsel
Re: Request for Common Council Legislation
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ORDINANCE NUMBER 38.102.12

TITLE

AN ORDINANCE AMENDING CHAPTER 133 (BUILDING CONSTRUCTION) OF THE CODE OF THE CITY OF ALBANY ADDING THERETO A DEPARTMENT OF BUILDINGS AND REGULATORY COMPLIANCE AND ESTABLISHING THE QUALIFICATION FOR THE COMMISSIONER

GENERAL PURPOSE OF LEGISLATION

Creates the Department of Buildings and Regulatory Compliance and lays out the responsibilities of the Department. This established the qualification for the Commissioner of the Department. References to the Division of Buildings and Codes, Bureau of Buildings or similar entities, and their administrators, should now be read to mean the Department of Buildings and Regulatory Compliance and its Commissioner.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

Changes to the City Code require Council approval.

EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE

N/A

SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)

N/A

SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)

N/A

FISCAL IMPACT(S)

As detailed in the 2013 Budget.
