



COMMON COUNCIL COMMITTEE MEETING
LAW, BUILDINGS AND CODE ENFORCEMENT
Joseph Igoe, Chair

DATE: Wednesday, June 19, 2019

PLACE: City Court, Room 209 – 2nd Fl. City Hall

TIME: 5:30 PM

TOPIC OF DISCUSSION:

ORDINANCE NUMBER 8.31.19 *As Amended*

AN ORDINANCE AMENDING ARTICLE VIII (FARM ANIMALS) OF CHAPTER 115 (ANIMALS) OF THE CODE OF THE CITY OF ALBANY TO AUTHORIZE AND PERMIT THE KEEPING OF HENS

ORDINANCE NUMBER 11.61.19

AN ORDINANCE AMENDING ARTICLE XIA (VACANT BUILDING REGISTRY) OF CHAPTER 133 (BUILDING CONSTRUCTION) OF THE CODE OF THE CITY OF ALBANY TO INCLUDE AN INITIAL INTERIOR INSPECTION OF THE PROPERTY TO BE REGISTERED AND TO REQUIRE THE PROVIDING OF PROOF OF THE TERMINATION OF UTILITIES AND WINTERIZATION OF THE PROPERTY

PUBLIC COMMENT PERIOD: Yes

Council Members Hoey, Doesschate and Anane introduced the following:

ORDINANCE NUMBER 8.31.19 (As Amended)

AN ORDINANCE AMENDING ARTICLE VIII (FARM ANIMALS) OF CHAPTER 115 (ANIMALS) OF THE CODE OF THE CITY OF ALBANY TO AUTHORIZE AND PERMIT THE KEEPING OF HENS

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

Section 1. Section 115-30 of Chapter 115 of the Code of the City of Albany is hereby amended to read as follows:

§ 115-30. Purpose.

~~The purpose of this article is to protect the residents of the City of Albany from nuisance by animals usually known as farm animals or fowl. The keeping or harboring of farm animals within the City of Albany is incompatible with urban life to regulate the conditions for the keeping of "farm animals or fowl" so as to protect the residents of the City of Albany from nuisance and to maintain compatibility with urban life.~~

Section 2. Section 115-31 of Chapter 115 of the Code of the City of Albany is hereby amended to read as follows:

§ 115-31. Keeping of farm animals or fowl prohibited.

~~It shall be unlawful for any~~~~No~~ person except as provided herein, to shall keep or maintain, harbor, or shelter any farm animal or fowl within the City of Albany. For purposes of this article, farm animal or fowl shall include cows, cattle, horses, ponies, donkeys, mules, pigs, goats, sheep, chickens, roosters, ducks, geese, or other animals or fowl usually known as "farm animals" but not solely limited to the aforementioned and not including common household pets.

Section 3. Section 115-32 and 115-33 of Chapter 115 of the Code of the City of Albany are hereby re-numbered as Section 115-36 and 115-37 and new Sections 115-32, 115-33, 115-34 and 115-35 are added to read as follows:

§115-32. Keeping of Hens

The owner or primary occupant of any dwelling may be permitted to be keep on the lot containing the dwelling a maximum of six (6) hens provided that:

- A. The property has two hundred (200) square feet of total lot area exclusive of buildings for the keeping of two hens, with an additional one hundred (100) square feet for every additional hen up to the maximum of six hens permitted;
- B. No person shall keep any rooster (male chicken);

- C. The hens shall be provided with a clean, covered, well-ventilated enclosure that is secure from predators and is cleaned regularly to prevent the accumulation of animal waste, feathers, and uneaten food;
- D. The hens must be kept in the covered enclosure or within a fenced area at all times;
- E. No enclosure for the hens shall be located closer than 25 feet to an occupied residential dwelling on an adjoining lot, provided, however such setback can be reduced upon submission of written permission from the owner of any adjoining dwelling(s) that is closer than 25 feet to the planned location of the hen enclosure;
- F. The total area of all coops or enclosures on a lot shall not be greater than 150 sq. feet for up to 6 hens. Coops or enclosures shall not exceed seven feet in height and coops exceeding 80 sq. feet in size shall be subject to any and all permits deemed necessary by the Director of the Department of Buildings and Regulatory Compliance;
- G. All coops or enclosures shall provide a minimum of 4 sq. feet per hen and a run shall have a minimum of 8 sq. feet;
- H. No part of the enclosure or coop for hens shall be located in front of the front wall plane of a building or side wall plane of a building facing a street.
- I. Hens shall be fed only from a trough or appropriate container. Scattering of food on the ground is prohibited. Any feed not in use shall be kept in a sealed rat proof container;
- J. The person has obtained a license from the City Clerk and maintains a facility for keeping hens in compliance with the issuance criteria;
- K. There shall be no outdoor slaughtering of hens;
- L. All hens are subject to the unnecessary and unusual noises provisions set forth in Article V of Chapter 255 of the Code of the City of Albany; and
- M. Any person who keeps hens under this section shall comply with all City and New York State laws, ordinances, and regulations regarding care, shelter, sanitation, health, noise, cruelty, neglect, reasonable control, and any other requirements pertaining to the adequate care and control of animals in the City.

Sec. 115-33 Hen License Application and License Issuance

- A. The Albany City Clerk's Office is hereby authorized and directed to establish an application and license for the keeping of hens consistent with the provisions of this chapter;
- B. The application for such license must be accompanied by a \$25 dollar application fee and shall include the following information and documentation:
 - 1. The name, phone number and property address of the applicant and the property owner, if different;
 - 2. The location of the subject property;
 - 3. The number of hens the applicant seeks to keep on the property;

4. A description of any coops or cages that will house the hens, together with a description of any fencing, barriers or enclosures surrounding the boundaries of the property;
 5. A scaled drawing of the property showing the precise location of cages, coops, enclosures, fences and barriers in relation to property lines and to structures on adjacent properties;
 6. A signed statement from the property owner, if the applicant is not the property owner, granting the applicant permission to engage in the keeping of hens as described in the license application;
 7. A signed statement from any adjoining property owner if the coop is to be located less than 25 feet from the occupied residential dwelling located on their property;
 8. If the proposed coop or other structure will exceed 80 sq. feet, a permit or other documentation from the Director of the Department of Buildings and Regulatory Compliance approving the structure;
 9. Any additional information the City Clerk may require to determine whether the application and proposed keeping of hens will comply with the requirements of this chapter.
- B. No more than one license may be issued for each parcel of property and no more than 80 licenses shall be issued and in effect at any given time;
- C. The City Clerk shall issue a license upon determining that the application is complete and that the information provided reasonable demonstrates that the proposed structure and keeping of hens will be consistent with the provision of the chapter. The City Clerk may impose such conditions as he or she may deem necessary to ensure compliance with this chapter;
- D. Licenses shall be effective only for the calendar year in which they are issued. A license may be renewed annually pursuant to the provisions hereof and the applicant may continue to keep hens pursuant to the terms and conditions set forth herein and imposed in the initial license, provided that he or she submits a renewal application and pays the annual fee of \$25 dollars on or before the expiration date of the license or the date at which this provision is deemed expired and repealed. The application fee shall not be prorated.

Sec. 115-34. Unsanitary Facilities, Penalties for Offenses and Revocation of Permit.

- A. All facilities for keeping hens shall be open at all times for inspection by an Animal Control Officer, the Director of Buildings and Codes or an agent thereof. If an inspection reveals that any provision in this Chapter is violated, the Director of Buildings and Codes

shall give written notice to the keeper of the hens, specifying the violation and requiring that the violation be corrected within 48 hours, or within such reasonable time period as determined by the Director of Buildings and Codes or an agent thereof and as set forth in written correspondence. If the violation is not corrected within the period specified, the Director of Building and Codes or an agent thereof shall issue a fine or the City Clerk may revoke the specified hen permit in accordance with this chapter.

- B. If after 48 hours or such reasonable time period as determined by the Director of Building and Codes or an agent thereof, the violation persists, the Director of Building and Codes or an agent thereof shall issue a letter stating the violation and shall issue a fine of \$150 for a first offense, and provide an additional 15 day period from the date of the letter to correct such violation. If a person or entity is found to be in violation of this chapter beyond the initial 15 day period or found to be in violation for a second time, the Director of Building and Codes or an agent thereof shall issue a letter stating the violation and impose a fine of \$300, and provide a 15 day period from the date of the letter with which to correct the violation. A person or entity being found in violation of this chapter for a third offense shall have their permit revoked and hens seized.
- C. The City Clerk may revoke any permit upon determining, in conjunction with the City's Department of Buildings and Regulatory Compliance, that the facility for keeping hens no longer meets the conditions required for the issuance of a permit or that the permit was issued upon fraudulent or untrue representations or that the person holding the permit has violated any of the foregoing provisions.
- D. Any fines levied under this chapter shall be in addition to any other provisions for enforcement contained in this Code.

Sec. 115-35 Seizure of Hens

Anytime at which a person or entity has their permit revoked under this chapter, an animal control officer shall immediately demand that possession of all hens be forthwith relinquished to said animal control officer, who shall impound said hens with notice to the owner. The owner of such hens may request the City Court to conduct a hearing within 15 days to determine if the revocation of the permit was valid. Upon such request, the City Court shall provide for the hearing within 5 days. At such hearing all interested persons shall have the opportunity to present evidence on the issue. If no such hearing is requested within 15 days from the notification of the hen's impoundment, the hens shall become the property of the City.

Section 4. This ordinance shall take effect on the 30th day after it shall become a law and shall expire and be deemed repealed December 31, 2021.

APPROVED AS TO FORM
March 8, 2019

Corporation Counsel

TO: Cashawna Burt, Acting City Clerk
FROM: Jared Pellerin, Research Counsel
RE: Request for Common Council Legislation
Supporting Memorandum
DATE: March 8, 2019

ORDINANCE NUMBER 8.31.19

TITLE: AN ORDINANCE AMENDING ARTICLE VIII (FARM ANIMALS) OF CHAPTER 115 (ANIMALS) OF THE CODE OF THE CITY OF ALBANY TO AUTHORIZE AND PERMIT THE KEEPING OF HENS.

GENERAL PURPOSE OF LEGISLATION: This ordinance amends Chapter 115 of the City Code in order to allow the keeping of hens in the City of Albany. It also establishes a permit system and allows for revocation of the permit if the standards are not met.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW: The keeping of hens in the city supports a local, sustainable food system by providing an affordable, nutritious source of protein through fresh eggs. The keeping of hens also provides free, quality, nitrogen-rich fertilizer; chemical-free pest control; animal companionship and pleasure; weed control; amongst other benefits of urban agriculture. The purpose of this ordinance is to provide support for standards for the keeping of domesticated hens and to propose specified regulations for the keeping of hens within City limits. It is intended to enable residents to keep a small number of female chickens on a non-commercial basis while limiting the potential adverse impacts on the surrounding neighborhood. This legislation also allows for only 80 hen licenses to be issued and in effect at any given time over the two year time period that these provisions are active. The bill is set to sunset on December 31, 2021, at which time the provisions will be deemed repealed unless the Common Council acts prior to the expiration date to extend the sunset date or chooses to make the provisions permanent.

FISCAL IMPACT: None.

Council Member Anane introduced the following:

ORDINANCE NUMBER 11.61.19

AN ORDINANCE AMENDING ARTICLE XIA (VACANT BUILDING REGISTRY) OF CHAPTER 133 (BUILDING CONSTRUCTION) OF THE CODE OF THE CITY OF ALBANY TO INCLUDE AN INITIAL INTERIOR INSPECTION OF THE PROPERTY TO BE REGISTERED AND TO REQUIRE THE PROVIDING OF PROOF OF THE TERMINATION OF UTILITIES AND WINTERIZATION OF THE PROPERTY

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

Section 1. Section 78.3 (Vacant Building Registry) of Chapter 133 (Building Construction) is amended to read as follows:

§ 133-78.3. Vacant building registration.

- A. An owner of a vacant building shall register such building with the Department of Buildings and Regulatory Compliance immediately and renew said registration annually thereafter until the building is no longer vacant.
- B. An owner at the time of registration of such building shall schedule an interior inspection of the property in its entirety with the Department of Buildings and Regulatory Compliance and this inspection must be conducted within seven days of said registration. The interior inspection will be conducted annually until the building is no longer vacant.
- C. An owner shall have all utilities turned off (electric, natural gas and water) and provide the Department of Buildings and Regulatory Compliance documentation and proof of such. The utilities shall remain off until such time that the building is going to be made ready to be reoccupied and any required permits have been obtained.
- D. An owner shall winterize said building by having all necessary water, drain and heating lines emptied of all sitting water and the necessary material is placed in all necessary traps to prevent freezing.
- BE. The registration shall be submitted on forms provided by the Department of Buildings and Regulatory Compliance and shall include the following information supplied by an owner:
 - (1) The property address;
 - (2) The tax map identification (section, block and lot) number associated with the parcel improved by the building or structure;
 - (3) The names, addresses, email addresses, and telephone numbers of all owners;

- (4) The name, address, email address, and telephone number of a person who resides in Albany County or an adjoining county and who has the authority to act on the owner's behalf regarding the property in the event of an emergency;
- (5) The names and addresses of all known lienholders and all other parties with an ownership interest in the building, and a statement indicating whether the property is the subject of any mortgage or tax foreclosure;
- (6) A statement as to whether the owner intends or owners intend to rehabilitate and reoccupy the building, or if not, a statement as to how the owner intends or owners intend to dispose of the property;
- (7) If the owner is a corporate entity, including but not limited to a corporation, limited liability corporation, professional limited liability company, or limited liability partnership, the name, address, email, and telephone number of an agent responsible for maintenance of the property, at least one active officer, partner and/or member of such entity, the registered address for the entity, and the state in which the entity is registered; and
- (8) Proof of property insurance. This requirement may be waived by the Chief Building Official upon a showing by the applicant that such insurance is not available for the subject property.

~~€F.~~As a condition of registration, all applicable laws and codes shall be complied with by the owner.~~=~~The owner shall notify the Enforcement Officer of any changes in information supplied as part of the vacant building registration within 30 days of the change.

~~ĐG.~~ A new owner shall register or re-register a vacant building with the Enforcement Officer within 30 days of any transfer of an ownership interest in a vacant building.

~~€H.~~ Vacant building registration fees.

- (1) The owner of a vacant building shall pay an annual fee as set forth in paragraph (2) of this subsection for the period the building remains a vacant building.
- (2) Fee schedule:
 - (a) for residential buildings of one to three units:
 - (i) for the first year, \$250,
 - (ii) for the second year, \$500,
 - (iii) for the third year, \$750,
 - (iv) for each subsequent year, \$1,000.
 - (b) for residential buildings of four to six units, and mixed commercial and residential buildings of two to three residential units:

- (i) for the first year, \$500,
- (ii) for the second year, \$1,000,
- (iii) for the third year, \$1,500,
- (iv) for each subsequent year, \$2,000.

(c) for residential buildings of seven or greater units, and mixed commercial and residential buildings of four or greater units:

- (i) for the first year, \$1,000,
- (ii) for the second year, \$2,000,
- (iii) for the third year, \$3,000,
- (iv) for each subsequent year, \$4,000.

(d) for non-residential buildings, the greater of:

- (i) for the first year, \$1,000 or \$.05 per square foot,
- (ii) for the second year, \$2,000 or \$.10 per square foot,
- (iii) for the third year, \$3,000 or \$.15 per square foot,
- (iv) for each subsequent year, \$4,000 or \$.20 per square foot.

(3) The vacant building shall be registered prior to the issuance of any building permits, with the exception of a demolition permit.

(4) The vacant building registration fee shall be applied by the Chief Building Official toward the cost of any building permit fees otherwise owed for work proposed at the building for which the vacant building registration fee was paid.

FI. The Enforcement Officer shall document any property-specific engineering reports, written statements from community organizations, other interested parties or community residents regarding the condition, history, problems, status or blighting influence of a vacant building.

GJ. The Chief Building Official may reduce vacant building fees by up to fifty percent under the following circumstances:

(1) for a specific property if said property has not been the subject of any enforcement action by any enforcing entity during the shorter of the previous year or the period of the current owner's ownership of the vacant building; or

(2) the Chief Building Official determines that in the interest of improving compliance with this ordinance, the Chief Building Official may offer a fee reduction for all registrants for a period of up to 60 days provided that a notification to the Common Council is provided by the Chief Building Official or their designee and a reasonable attempt is made to notify would-be registrants of the fee reduction and that no fee reduction offer made pursuant to this subsection has been extended in

the previous 30 months; or

- (3) the Chief Building Official may offer a reduction in fees to all vacant building registrants for a period of up to 180 days after the date upon which this ordinance became effective provided that no such reduced fee period extends past January 1, 2020.

HK. A one-to-three unit residential vacant building where no code violations exist and which is unoccupied for less than ninety days is exempt from registration under either of the following circumstances:

- (1) where the vacant building is the primary residence of, and owned by, a natural person; or
- (2) where the vacant building is owned by a natural person and where a registered New York State licensed real estate agent has been retained to actively market the building.

Section 2. This ordinance shall take affect thirty days after enactment.

To: Danielle Gillespie, City Clerk
From: Robert Magee, Deputy Corporation Counsel
Re: Request for Common Council Legislation
Supporting Memorandum
Date: May 17, 2019

ORDINANCE NUMBER 11.61.19

TITLE: AN ORDINANCE AMENDING PART 2 (BUILDING CONSTRUCTION) OF ARTICLE XIA (VACANT BUILDING REGISTRY) OF CHAPTER 133 (BUILDING CONSTRUCTION) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE VACANT BUILDING REGISTRY

GENERAL PURPOSE OF LEGISLATION: This legislation makes changes to the vacant building registry in order to improve compliance and the effectiveness of the registry in preventing serious structural deterioration of vacant buildings. Changes include:

1. Requiring all buildings registered vacant to be inspected by City of Albany Buildings Department Personnel.
2. Requiring as a condition of registration that all utilities be cut to vacant buildings.
3. Requiring winterization of vacant buildings.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW: These changes are required to give the Buildings Department greater and more systemic access to vacant buildings so that minor problems may be identified and corrected as early as possible in the vacancy cycle. This will reduce instances of emergency demolition and stabilization as well as identify imminent threats to public safety which may only be capable of identification from within a vacant building.

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): TBD