

CITY OF RENSSELAER
IN
COMMON COUNCIL

WEDNESDAY EVENING
REGULAR MEETING

The Council convened at 8:10 O'clock P.M. and was called to order by
Pres. Stewart.

The roll being called the following answered to their names:

Pres. Stewart ✓

Alderman: Bullent ✓
Mooney ✓
Lithgow ✓
Buono ✓

Alderman: Girolami ✓
Adams ✓
Benedetto ~~Ratcliffe~~ ✓
Leahey ✓
Jukes ✓

Alderman *Buono* moved that the minutes be adopted as printed subject to
correction.

COMMUNICATIONS FROM THE MAYOR
HEADS OF THE DEPARTMENTS AND CITY OFFICIALS

The Clerk reports that the Mayor had approved of all resolutions passed at
the last meeting.

TREASURER'S REPORT

PRESENTATION OF ACCOUNTS

Alderman *Buono* moved that all bills be referred to the auditing committee.

All bills be allowed and ordered paid.

PRESENTATION OF PETITIONS AND ACCOUNTS

RESOLUTIONS

REPORT OF COMMITTEE

Alderman *Adams* moved to adjourn, seconded by Alderman *Leahey*

Alderman Buono moved that all bills and payrolls be referred to the auditing committee.

The City Clerk reports that the City Bills, Water Dept. Bills, Water Dept. Payroll, Street Repair Payroll, Highway Payroll audited by the Committee amounted to Highway Payroll \$5,610.04, Street Repair Payroll \$1,531.50, Water Dept. Payroll \$842.70, Water Dept. Bills \$1,611.23 and City Bills \$5,323.07.

Alderman *Buono* moved seconded by Alderman *Adams* that all bills and payrolls be allowed and ordered paid.

	AYES	NOES
IRWIN STEWART	✓	
HAROLD BULLENT	✓	
JOHN MOONEY	✓	
WILLIAM LITHGOW	✓	
STEPHEN BUONO	✓	
ARMAND GIROLAMI	✓	
WILLIAM ADAMS	✓	
ANTHONY BENEDETTO	✓	
J. DONALD LEAHEY	✓	
ALFRED JUKES	✓	
TOTAL		

#130

BY ALDERMAN Buono

RESOLVED, that the City Clerk be and he hereby is authorized and directed to advertise for bids for the furnishing of one compact Station wagon vehicle for use in the Water Department. Bids are to be accompanied by specifications and cuts of machine to be furnished.

Bids are to be submitted less trade-in allowance for one (1) Ford 1967 ~~Ford~~ Sedan presently in use by the police department and One(1) 1965 Valiant presently in use in the Water Department. Bids are to be submitted with a bid bond in the sum of five (5) per cent of the total amount bid and further to be accompanied by the non collusive bidding certificate available at the office of the City Clerk. Bids are to be returnable at the next regular meeting of this Council to be held on ^{November 6} ~~October 30~~, 1968. The Common Council reserves the right to accept or reject any or all bids.

Approved as to form and sufficiency

this 16th day of October, 1968.

Richard Shulz
Corporation Counsel

And by Girolami

	AYES	NOES
STEWART	✓	
BULLENT	✓	
MOONEY	✓	
WILLIAM LITHGOW	✓	
STEPHEN BUONO	✓	
ARMAND GIROLAMI	✓	
WILLIAM ADAMS	✓	
ANTHONY BENEDETTO	✓	
J. DONALD LEAHEY	✓	
ALFRED JUKES	✓	
TOTAL		

#131

BY ALDERMAN Buono

WHEREAS THE Mayor and City Comptroller were called to attend a conference with reference to the City Housing Authority on the 15th day of October, 1968 in New York City and New Jersey and whereas said officials were obligated to attend said conference without aid of legislation authorizing such attendance and

WHEREAS said conference was in the interest of the furtherance of City business,

Now therefore, be it resolved that the trip made by the Mayor and City Comptroller be affirmed and ratified and the City Treasurer be and he hereby is authorized and directed to reimburse said City officials for expenses incurred on said trip.

Approved as to form and sufficiency
this 16th day of October, 1968

Richard Neely
Cooperation Counsel

Wm. J. Lithgow

	AYES	NOES
IRWIN STEWART	✓	
MAROLD BULLENT	✓	
JOHN MOONEY	✓	
WILLIAM LITHGOW	✓	
STEPHEN BUONO	✓	
ARMAND GIROLAMI	✓	
WILLIAM ADAMS	✓	
ANTHONY BENEDETTO	■	✓
J. DONALD LEAHEY	✓	
ALFRED JUKES		✓
TOTAL	8	2

#132

BY ALDERMAN Buono

resolved, that the City Treasurer be and he hereby is authorized and directed to transfer the sum of Two Thousand Dollars (\$2000.00) from Water Surplus Revenue Account to City of Rensselaer, Water Department Account for the Purpose of paying a part of the principal of a Bonds Anticipation Note due October 23, 1968 in connection with the joint construction (Water) between the City and Town of East Greenbush.

Dated: October 16, 1968

Approved as to form and sufficiency
this 16th day of October 1968

Richard J. Kelly
Corporation Counsel

and by Mooney

	AYES	NOES
IRWIN STEWART	✓	
HAROLD BULLENT	✓	
JOHN MOONEY	✓	
WILLIAM LITHGOW	✓	
STEPHEN BUONO	✓	
ARMAND GIROLAMI	✓	
WILLIAM ADAMS	✓	
ANTHONY BENEDETTO	✓	
J. DONALD LEANEY	✓	
ALFRED JUKES	✓	
TOTAL		

The resolution published herewith has been adopted on the 16 day of Oct, 1968 and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of Rensselaer is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

Harry H. Beaudin, Jr.

1

#134

RESOLUTION AUTHORIZING THE ISSUANCE OF \$50,000.00 SERIAL BONDS OF THE CITY OF RENSSELAER FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF MATERIALS AND SERVICES IN CONNECTION WITH THE JOINT CONSTRUCTION OF A NEW WATER SYSTEM FOR THE CITY OF RENSSELAER.

BE IT RESOLVED, by the common council of the City of Rensselaer as follows:

SECTION 1. There shall be borrowed on the credit of the City of Rensselaer the sum of \$50,000.00 and serial bonds shall be issued in the aggregate amount of or such lesser amount as may be required for the purpose of providing funds to pay a portion of the cost of materials and services in connection with the joint construction of a new water system for the City of Rensselaer.

SECTION 2. The maximum cost of the object or purpose described in Section 1 of this resolution is hereby estimated to be the sum of \$50,000.00.

SECTION 3. The plan for financing of the object or purpose described in Section 1 of this Resolution is as follows: \$50,000.00 shall be provided by the issuance of serial bonds as herein authorized and the balance of the cost, to wit, - - shall be paid from budgetary appropriations, and/or current funds of the City in code No. - . The said sum of - shall be provided for said purpose prior to the issuance of the bonds herein authorized.

SECTION 4. It is hereby determined and declared that the period of probable usefulness of the object or purpose, or class thereof, for which the bonds herein authorized are to be issued is 40 years (40) and that Section 11:00 subdivision 1 of the Local Finance Law applies to such object or purpose, or class thereof.

SECTION 5. The Treasurer is hereby authorized to proceed with the sale of said bonds in the manner provided by law at such time as hee shall determine and he is further authorized to determine, consistently with this resolution and with the provisions of the Local Finance Law, the date, maturities, forms, interest rate and all other matters relating to said bonds.

SECTION 6. The principal of and interest on said bonds shall be payable in lawful money of the United States of America at the National Commercial Bank & Trust Company of Albany, Rensselaer Branch, Rensselaer, New York and said bonds shall be

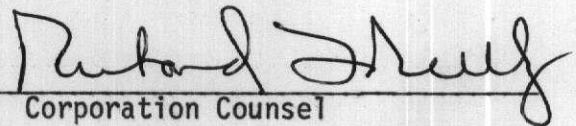
SECTION 7. The faith and credit of the City of Rensselaer shall be and are hereby pledged for the punctual payment of the principal of and interest on said bonds and a tax shall be levied annually on all the taxable property in said city in an amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

SECTION 8. The validity of the bonds herein authorized may be contested only if (1) such obligations are authorized for an object or purpose for which the City of Rensselaer is not authorized to expend money, or (2) the provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after date of such publications, or (3) such obligations are authorized in violation of the provisions of the Constitution.

SECTION 9. This resolution shall be dated **October 16, 1968** and shall take effect immediately.

Approved as to form and sufficiency
this ^{16th} ~~xxxx~~ day of **October 1968**

Dated at Rensselaer, New York


Corporation Counsel

and by Adams.

	AYES	NOES
IRWIN STEWART	✓	
HAROLD BULLENT	✓	
JOHN MOONEY*	✓	
WILLIAM LITHGOW	✓	
STEPHEN BUONO	✓	
ARMAND GIROLAMI	✓	
WILLIAM ADAMS	✓	
ANTHONY BENEDETTO	✓	
J. DONALD LEAHEY	✓	
ALFRED JUKES	✓	

25
The resolution published herewith has been adopted on the 16 day of October 1968 and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of Rensselaer is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

Harry H. Beaudin Jr

RESOLUTION AUTHORIZING THE ISSUANCE OF \$50,000.00
BOND ANTICIPATION NOTE OR NOTES OF THE CITY OF
RENSSELAER IN ANTICIPATION OF THE ISSUANCE OF
\$50,000.00 SERIAL BONDS OF THE CITY OF RENSSELAER
FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF
MATERIALS AND SERVICES IN CONNECTION WITH THE JOINT
CONSTRUCTION OF A NEW WATER SYSTEM FOR THE CITY OF
RENSSELAER.

#135

WHEREAS, the Common Council of the City of Rensselaer has heretofore at this meeting duly adopted a resolution authorizing the issuance of certain serial bonds in the amount of \$50,000.00 for the purpose of paying a portion of the cost of materials and services in connection with the - - - construction of a new water system of the City of Rensselaer.

WHEREAS, there are no bond anticipation note or notes outstanding which have been previously issued in anticipation of the sale of said bonds, and

WHEREAS, the Common Council desires to provide for the issuance of bond anticipation note or notes in anticipation of the sale of said bonds,

BE IT RESOLVED, by the Common Council of the City of Rensselaer as follows:

SECTION 1. A bond anticipation note or notes in the amount of \$50,000.00 shall be issued by the City of Rensselaer for the purpose aforesaid in anticipation of the sale of serial bonds of this City in the amount of \$50,000.00 as heretofore authorized by resolution adopted at this meeting entitled, "Resolution Authorizing the Issuance of \$50,000.00 Serial Bonds of the City of Rensselaer For the Purpose of Paying a Portion of the Cost of Materials and Services in Connection with the Joint Construction of a New Water System For the City of Rensselaer."

Said note or notes are not issued in anticipation of bonds for an assessable improvement. No notes have been previously issued in anticipation of the sale of said bonds, the notes or note herein authorized being an original obligation.

SECTION 2. The note or notes authorized shall be dated and shall mature at such time as the Treasurer of the City shall determine but its maturity shall not be more than one year after its date.

SECTION 3. The note or notes hereby authorized shall be executed in the name of the city by the Mayor and Treasurer, shall be attested by the city clerk and shall be

SECTION 5. The faith and credit of said city are hereby pledged for the punctual payment of the principal of and interest on said bond anticipation note or notes. Said bond anticipation note or notes shall be paid from the proceeds of the sale of the bonds in anticipation of which they are issued or may be redeemed as provided by the Local Finance Law of the State of New York.

SECTION 6. The sum of _____ appropriated from current funds in the resolution adopted at this meeting authorizing said bonds shall be provided prior to the issuance of the note or notes herein authorized.

SECTION 7. This resolution shall be dated October 16, 1968 and shall take effect immediately.

Approved as to form and sufficiency
this 16th day of October 1968

Richard J. Deely
CORPORATION COUNSEL

Dated at Rensselaer, New York

Ind Lithgow

	AYES	NOES
IRWIN STEWART	<input checked="" type="checkbox"/>	
HAROLD BULLENT	<input checked="" type="checkbox"/>	
JOHN MOONEY	<input checked="" type="checkbox"/>	
WILLIAM LITHGOW	<input checked="" type="checkbox"/>	
STEPHEN BUONO	<input checked="" type="checkbox"/>	
ARMAND GIROLAMI	<input checked="" type="checkbox"/>	
WILLIAM ADAMS	<input checked="" type="checkbox"/>	
ANTHONY BENEDETTO	<input checked="" type="checkbox"/>	
J. DONALD LEAHEY	<input checked="" type="checkbox"/>	
ALFRED JUKES	<input checked="" type="checkbox"/>	
TOTAL		

7-2-68
The resolution published herewith has been adopted on the 16 day of October 1968 and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of Rensselaer is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

Harry H. Beaudin, Jr.

#136

RESOLUTION OF COMMON COUNCIL OF THE CITY OF
RENSSELAER APPROVING SUBMISSION OF THE
WORKABLE PROGRAM

Resolved, that the Workable Program for the City of Rensselaer be submitted to the United State Department of Housing and Urban Development and that the Mayor of the City of Rensselaer be and he hereby is designated as the public official responsible for the preparation and coordination of the program.

TAKE NOTICE , that I, the City Clerk of the City of Rensselaer, New York, will receive sealed proposals at my office in the City Hall located at 505 Broadway, Rensselaer, N. Y. until eight (8) O'clock P. M. on Wednesday, November 6, 1968, for the furnishing of one (1) Compact Station Wagon Vehicle for use in the Water Department. Bids will be accompanied by specifications and cuts of machine to be furnished, less trade-in allowance for one (1) 1967 Ford presently in use in the Police Department, and one (1) 1965 Valiant presently in use in the Water Department, and less excise tax credit applicable to municipalities.

Bids must be submitted accompanied by a bid bond, cash or certified check in an amount equal to five per cent of the total amount bid and also by the non collusive bidding certificate available at the office of the City Clerk.

The Common Council reserves the right to accept or reject any of all bids.

Harry H. Beaudin, Jr.
City Clerk

28 + 31
Please insert October ~~26th~~, and ~~28th~~, 1968

PLEASE TAKE NOTICE that a public hearing will be held by the Common Council of the City of Rensselaer on May 15th at 8:00 P.M. at City Hall, Broadway, Rensselaer, New York, relative to the proposed Housing Code of the City of Rensselaer, and that a copy of such proposed code is on file with the City Clerk of the City of Rensselaer and with the Secretary of State of the State of New York.

That among other things, the Housing Code proposes to provide basic and uniform standards, in terms of performance objectives implemented by specific requirements, governing the condition, occupancy and maintenance of residential premises, and establishing reasonable safeguard for the safety, health and welfare of the occupants and users thereof. The Housing Code treats One and Two Family Dwellings, Multiple Dwellings, occupants per square foot of space, by defining standards for light and ventilation, sleeping rooms, bathrooms, stairways, exits, exterior protection, interior protection, and by setting requirements for fire safety, equipment consisting of plumbing, heating, electrical, ventilating, air conditioning, refrigerating, cooking, among other equipment.

The Housing Code provisions also cover Property Maintenance requirements and minimum standards for Mobile Homes and Mobile Home Courts.

DATED: May 1st, 1968.

Harry N. Beaudin Jr.
Clerk of the Common Council

LOCAL LAW NO. 1 FOR THE YEAR 1968

A Local Law of the City of Rensselaer Providing for the Enactment of the City of Rensselaer Housing Code to Provide Basic and Uniform Standards, in terms of Performance Objectives Implemented By Specific Requirements, Governing the Condition, Occupancy and Maintenance of Residential Premises, and Establishing Reasonable Safeguards for the Safety, Health and Welfare of the Occupants and Users Thereof, and Providing Penalties for Violations of said Housing Code.

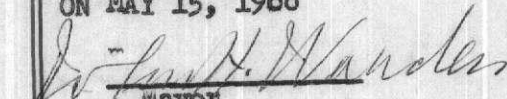
Be it enacted by the Common Council of the City of Rensselaer as follows:

SECTION 1. That the City of Rensselaer Housing Code dated May 15, 1968 be and the same hereby is adopted by Reference and is in full force and effect from the date of the adoption of this Local Law and that a copy thereof shall be filed with the clerk of the City of Rensselaer and with the Comptroller of the State of New York, and three copies with the Secretary of State of the State of New York.

SECTION 2. This Local Law shall take effect immediately.

DATED: May 15, 1968

APPROVED BY ME
ON MAY 15, 1968


Mayor

ORDINANCE NO. 11 FOR 1942

ORDINANCE CREATING AND ESTABLISHING A CITY PLANNING COMMISSION;
PROVIDING FOR THE APPOINTMENT OF MEMBERS THERETO AND SETTING FORTH
THE POWERS AND DUTIES THEREOF.

The City of Rensselaer in Common Council convened, does ordain as follows:

SECTION 1. COMMISSION CREATED:

Pursuant to General City Law, Laws of 1926, Chapter 69, (and acts amendatory thereof) Article 3, Sections 27 and 28, a commission to be known as the "City Planning Commission" is hereby created.

SECTION 2. MEMBERSHIP:

The commission shall consist of five (5) members, each of whom are to be residents of the City of Rensselaer, and two (2) of whom shall be the City Engineer and the Corporation Counsel.

SECTION 3. HOW APPOINTED:

The members of said commission shall be appointed by the Mayor of the City of Rensselaer, and each member so appointed shall be appointed for a period of three (3) years except as herein otherwise provided. For the first year, the Mayor of the City of Rensselaer shall appoint three (3) members, one (1) for a term of three (3) years, one (1) for a term of two (2) years and one (1) for a term of one (1) year, and at the expiration of any such term, their successors shall be appointed for a full term of three (3) years. The terms of the City Engineer and the Corporation Counsel shall terminate with the terms of the Mayor appointing them. Any vacancies occurring shall be filled by the appointment of the Mayor for the unexpired term.

SECTION 4. POWERS AND DUTIES:

The commission shall annually elect a Chairman from its

clerks and such other expenses as may be necessary and proper, not exceeding, in all, the annual appropriation that may be made by the City of Rensselaer for the said Commission. The said Commission shall be vested with such powers and authority and have such duties as are defined in Article 3 of the General City Law (Chapter 21 of the Consolidated Laws).

SECTION 5. REPEAL OF RESOLUTIONS AND ORDINANCES:

All ordinances and resolutions or parts of ordinances and resolutions inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 6. VALIDITY:

If any section, part of section, sentence, clause or phrase of this ordinance shall be held to be unconstitutional or invalid the remaining provisions hereof shall nevertheless remain in full force and effect.

SECTION 7.

This ordinance shall take effect immediately upon approval by the Mayor.

Dated: October 7, 1942.

Approved as to form and sufficiency

James J. Miller
 Corporation Counsel.

ALDERMAN	AYES	NOES
T. CLARK	✓	
W. ALBRIGHT	✓	
V. FINN	✓	
J. DISTELL	✓	
M. HART	✓	
J. MCGOWAN	✓	
D. BOYD	✓	
J. WELSH	✓	
E. CLARKE	✓	
W. PRATT	✓	
TOTAL		

NARRATIVE IN SUPPORT OF CODES

AND ORDINANCE SECTION

The City anticipates that it will make Housing Code inspections in its 3,390 dwelling units over a five-year period of time, on an ascending scale. As personnel are added to staff and as experience accumulates, it is expected that the pace of inspections will increase from year to year. The City expects that its Chief Officer of the Bureau of Code Enforcement will be employed on or before January 1, 1969. Budget notes will be issued in lieu of a line item in this year's budget, which has been previously adopted. It is expected that the City Budget will reflect expenditures for Housing Code staff as soon as possible after initial certification of Workable Program.

The City requests that the Housing Code official be given the benefits of HUD training, which the City understands to be available on an appointment basis. The City also plans to send its official to NAHRO conferences dealing specifically with Code Enforcement, so that the experience of other cities may be brought back to the City of Rensselaer.

**ORDINANCE OF THE COMMON COUNCIL OF THE CITY
OF RENSSELAER CREATING A BOARD OF APPEALS
AND ADOPTING PROCEDURES FOR THE CON-
DUCT THEREOF.**

Be it ordained by the Common Council of the City of Rensselaer.

1. There shall be a Board of Appeals consisting of five (5) members appointed by the Mayor. One member shall be appointed for a term of one (1) year, two members shall be appointed for a term of two (2) years and two members for a term of three (3) years. Thereafter, all appointments, except to fill vacancies, shall be for three (3) years. Vacancies occurring otherwise than by expiration of terms of office shall be filled for the unexpired terms of office so filled. The Mayor shall designate one of such members to be chairman.
2. Any person aggrieved by a decision of any department or by decision of any officer of the City or any officer or Board of the City, charged with the enforcement and administration of the provisions of any code, may take an appeal to the Board of Appeals. All appeals shall be made in writing on forms provided by the Board. An appeal must be taken within fifteen (15) days after receipt of written notice of the decision or ruling or action sought to be reviewed.
3. The Board of Appeals shall have the powers and duties prescribed by statute and by this ordinance, which powers and duties shall include:
 - (a) Interpretation. On appeal from a determination of the Chief Officer of Departments charged with the administration of codes, the Board of Appeals shall decide any questions involving the interpretation of any provision of any code.
 - (b) Variances. On appeals from a determination of the Chief Officer of the Department, the Board of Appeals may grant a variance where the strict application of the Code would result in practical difficulty or unnecessary hardship.

**AN ORDINANCE ADOPTING A FIRE PREVENTION CODE
PRESCRIBING REGULATIONS GOVERNING CONDI-
TIONS HAZARDOUS TO LIFE AND PROPERTY
FROM FIRE OR EXPLOSION.**

Be it ordained by the Common Council of the City of Rensselaer.

Section 1. Adoption of Fire Prevention Code.

There is hereby adopted by the Common Council of the City of Rensselaer for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, Abbreviated Edition, recommended by the American Insurance Association, being particularly the 1965 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended (by section 5 of this ordinance), of which code not less than three (3) copies have been and now are filed in the office of the Clerk of the City of Rensselaer and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Rensselaer.

Section 2. Enforcement.

The code hereby adopted shall be enforced by the Chief of the Fire Department.

Section 3. Definition.

Wherever the word "Municipality" is used in the code hereby adopted, it shall be held to mean the City of Rensselaer.

Section 4. Establishment of Limits of Districts in which Storage of Explosives and Blasting Agents, Storage of Flammable Liquids in Outside Above-ground Tanks, and Bulk Storage of Liquefied Petroleum Gases is to be Restricted.

The limits referred to in section 53b of the code hereby adopted, in which storage of explosives and blasting agents

is prohibited, the limits referred to in section 74a of the code hereby adopted in which storage of Class I liquids in outside aboveground tanks is prohibited, and the limits referred to in section 114 of the code hereby adopted, in which bulk storage of liquefied petroleum gas is restricted are hereby established as follows:

Beginning at a point on the Hudson River shoreline intersected by the extension of Belmont Place extended; thence eastward on Belmont Place extended and Belmont Place to an intersection with a line one hundred feet west of and parallel with the west line of Columbia Street; thence northward along said line to an intersection with Aiken Avenue; thence eastward on Aiken Avenue to an intersection with the west property line of the Penn Central Railroad; thence northward along said line to Third Avenue; thence westward along Third Avenue to Washington Street; thence northward along Washington Street to its extension to Herrick Street; thence eastward on Herrick Street to an intersection with East Street; thence southward on East Street and its extension to the Rensselaer boundary line; thence southward and southwestward on the City boundary to an intersection with the Hudson River shoreline; thence northward along the Hudson River shoreline to a point of beginning.

Section 5. Modifications.

The Chief of the Fire Department shall have power to modify any of the provisions of the code hereby adopted upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

Section 6. Appeals.

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the Board of Appeals within thirty (30) days from the date of the decision appealed.

Section 7. Penalties.

a. Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than \$25.00 nor more than \$100.00. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

b. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 8. Repeal of Conflicting Ordinances.

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code hereby adopted are hereby repealed.

Section 9. Validity.

The Common Council of the City of Rensselaer hereby declares that should any section, paragraph, sentence, or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the Common Council of the City of Rensselaer that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

Section 10. Date of Effect.

This ordinance shall take effect and be in force from and after its approval as required by law.

*Approved as to form and sufficiency
this 16th day of October, 1968*

Richard Healy

Corporation Council

Irwin Adams

IRWIN STEWART
HAROLD BULLENT
JOHN MOONEY
WILLIAM LITHGOW
STEPHEN BUONO
ARMAND GIROLAMI
WILLIAM ADAMS
ANTHONY BENEDETTO
J. DONALD LEAHEY
ALFRED JUKES
TOTAL

	AVES	NOES
IRWIN STEWART	✓	
HAROLD BULLENT	✓	
JOHN MOONEY	✓	
WILLIAM LITHGOW	✓	
STEPHEN BUONO	✓	
ARMAND GIROLAMI	✓	
WILLIAM ADAMS	✓	
ANTHONY BENEDETTO	✓	
J. DONALD LEAHEY	✓	
ALFRED JUKES	✓	
TOTAL		

ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF
RENSSELAER ADOPTING RULES AND REGULATIONS FOR
THE ADMINISTRATION AND ENFORCEMENT
OF THE STATE BUILDING CONSTRUCTION
CODE

The Common Council of the City of Rensselaer herewith ordains and enacts:

Section 1. Designation of Responsible Official.

The Chief Officer of the Building Department of the City of Rensselaer, hereinafter referred to as Building Official, is herewith designated as the public official charged with the responsibility for the administration and enforcement of the State Building Construction Code.

Section 2. Acting Building Official.

In the absence of the Chief Officer of the Building Department, or in the case of his inability to act for any reason, the Mayor shall have the power, with the consent of the Common Council of the City of Rensselaer to designate a person to act in behalf of the Chief Officer of the Building Department and to exercise all the powers conferred upon him by this ordinance.

Section 3. Appointment of Building Inspectors.

The Mayor of the City of Rensselaer with the approval of the Common Council of the City of Rensselaer may appoint one building inspector or more, as the need may appear, to act under the supervision and direction of the Chief Officer of the Building Department and to exercise any portion of the powers and duties as directed by him. The compensation of such building inspectors shall be fixed by the Common Council of the City of Rensselaer.

Section 4. Restrictions on Employees.

A building official, building inspector or an officer or employee of the building department, shall not engage in any activity inconsistent with his duties, or with the interests of the building department; nor shall he, during the term of his employment, be engaged directly or indirectly

in any building business, in the furnishing of labor, materials, supplies or appliances for, or the supervision of, the construction, alteration, demolition or maintenance of a building or the preparation of plans or specifications thereof with the City of Rensselaer, excepting that this provision shall not prohibit any employee from engaging in any such activities in connection with the construction of a building or structure owned by him for his own personal use and occupancy or for the use and occupancy of members of his immediate family, and not constructed for sale.

Section 5. Duties and Powers of Building Official.

(a) Except as otherwise specifically provided by law, ordinance, rule or regulation, or except as herein otherwise provided, the building official shall administer and enforce all of the provisions of laws, ordinances, rules and regulations applicable to the plans, specifications, or permits for the construction, alteration and repair of buildings and structures, and the installation and use of materials and equipment therein, and the location, use and occupancy thereof.

(b) He shall promulgate rules and regulations subject to the approval of the Common Council of the City of Rensselaer to secure the intent and purposes of this ordinance and a proper enforcement of the laws, ordinances, rules and regulations governing building plans, specifications, construction, alteration or repairs.

(c) He shall receive applications, approve plans and specifications and issue permits for the erection and alteration of buildings or structures or parts thereof and shall examine the premises for which such applications have been received, plans approved, or such permits have been issued for the purpose of insuring compliance with laws, ordinances, rules and regulations governing building construction or alterations.

(d) He shall issue in writing all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to insure

compliance during the entire course of construction with the requirements of such laws, ordinances, rules and regulations, and such notices or orders may be served upon the property owner or his agent personally, or by sending by certified mail a copy of such order to the owner or his agent at the address set forth in the application for permission for the construction or alteration of such building, and by posting the same upon a conspicuous portion of the premises to which the notice applies. He shall make all inspections which are necessary or proper for the carrying out of his duties, except that he may accept written reports of inspection from building inspectors or other employees of the department of buildings or from generally recognized and authoritative service and inspection bureaus or agencies, provided the same are certified by a responsible official thereof.

(e) Whenever the same may be appropriate to determine compliance with the provisions of applicable laws, ordinances, rules and regulations covering building construction or alteration, he may, in his discretion, accept and rely upon written reports of tests in the field by experienced, professional persons or by accredited and authoritative testing laboratories or service and inspection bureaus or agencies.

(f) He shall issue a certificate of occupancy where appropriate for a building constructed or altered in accordance with the provisions of the State Building Construction Code which such certificate shall certify that the building conforms to the requirements of the State Building Construction Code.

Section 6. Department Records and Reports.

(a) The building official shall keep permanent official records of all transactions and activities conducted by him including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated by him with the consent of the Common Council of the City of Rensselaer, and notices and orders issued. All such records

shall be public records open to public inspection during normal business hours.

(b) The building official shall, annually, submit to the Common Council of the City of Rensselaer a written report and summary of all business conducted by the department of buildings, including approvals, permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals or litigation pending or concluded.

Section 7. Penalties for Violation.

In accordance with Section 383 of Article 18 of the Executive Law of the State of New York:

(a) It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, equip, use or occupy any building or structure or portion thereof in violation of any provision of law or ordinance, as well as any regulation or rule promulgated by the building official in accordance with applicable laws, or to fail in any manner to comply with a notice, directive or order of the building official, or to construct, alter, use or occupy any building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy.

(b) Any person who shall fail to comply with a written order of the building official within the time fixed for compliance therewith, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents, or any other person taking part or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of law, or any lawful order, notice, directive, permit or certificate of the building official made thereunder shall be punishable by fine or imprisonment or both. Each day that a violation continues shall be deemed a separate offense.

(c) Except as provided otherwise by law, such a violation shall not be a crime and the penalty or punishment imposed therefor shall not be deemed for any purpose a penal or criminal penalty or punishment, and shall not impose any disability upon or affect or impair the credibility as a witness, or otherwise, of any person found guilty of such an offense.

Section 8. Abatement of Violation.

Appropriate action and proceedings may be taken at law or in equity to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to prevent illegal acts, conduct or business in or about any premises and these remedies shall be in addition to penalties otherwise prescribed by law.

Approved as to form and
substance this 16th day
of October, 1968
Richard J. Reilly
Corporation Council

2nd by Adams

	AYES	NOES
ARWIN STEWART	✓	
HAROLD BULLENT	✓	
JOHN MOONEY	✓	
WILLIAM LITHGOW	✓	
STEPHEN BUONO	✓	
ARMAND GIROLAMI	✓	
WILLIAM ADAMS	✓	
ANTHONY BENEDETTO	✓	
J. DONALD LEAHEY	✓	
ALFRED JUKES	✓	
TOTAL		

Rules for Promulgation by the Building Official with the
Consent of the Common Council of the
City of Rensselaer

Rule No. 1 Application for Building Permit

(a) No person, firm or corporation shall commence, the erection, construction, enlargement, alteration, improvement, conversion, or change in the nature of the occupancy of any building or structure, or cause the same to be done, without first obtaining a separate building permit from the building official for each such building or structure; except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature.

(b) Application for a building permit shall be made to the building official on forms provided by him and shall contain the following information:

- (1) A description of the land on which the proposed work is to be done;
- (2) A statement of the use or occupancy of all parts of the land and the proposed building or structure;
- (3) The valuation of the proposed work;
- (4) The full name and address of the owner and of the applicant, and the names and addresses of their responsible officers if any of them are corporations, and the name and address of the owner's authorized agent, if any;
- (5) A brief description of the nature of the proposed work;
- (6) If the construction is to be in accordance with the provisions of the State Building Construction Code, a statement that the application is made for permission to construct in accordance with the provisions of such code;

- (7) A statement that the applicant consents to permit the building official, any building inspector and any officer or employee of the building department to enter upon the premises without a search warrant in the manner prescribed in Rule No. 7.
- (8) Such other information as may reasonably be required by the building official to establish compliance of the proposed work with the requirements of the applicable building laws, ordinances, rules and regulations.
- (c) The application shall be signed by the owner or his authorized agent.
- (d) The application shall be made by the owner or by the agent, architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner that the proposed work is authorized by the owner and that the applicant is authorized to make such application; and the affidavit shall contain a statement that the owner authorizes the applicant to consent to permit the building official, any building inspector and any officer or employee of the building department to enter upon the premises without a search warrant in the manner prescribed in Rule No. 7.
- (e) Each application for a building permit shall be accompanied by duplicate copies of plans and specifications, including a plot plan, drawn to scale, showing the location and size of all proposed new construction and all existing structures on the site, the nature and character of the work to be performed and the materials to be incorporated, distance from lot lines, the relationship of structures on adjoining property, widths and grades of adjoining streets, walks and alleys, and, where required by the building official, details of structural mechanical and electrical work, including computations, stress diagrams and other essential technical data; plans and specifications shall bear the signature of the person responsible for the design and drawings and where required by Sections 7202 and 7302, as amended, of Articles 145 and 147 of the Education Law of the State of New York, the seal of a licensed architect or a licensed professional engineer; the building official may waive the requirements for filing plans and specifications for minor alterations and issue a building permit so stating.

(f) Amendments, if any, to the application or to the plans and specifications accompanying the same shall be filed with the building official and approval received from the building official prior to the commencement of such change of work.

Rule No. 2 Fees

(a) Upon the filing of an application for a building permit, the following fees shall be payable:

See Attached Sheets

(b) In the event that an application for a building permit is not approved, the applicant shall be entitled to a refund of 50 percent of the fee paid, provided no work has been commenced. If work has been started and the application is not approved, the fees paid shall not be refunded.

Rule No. 3 Issuance of Building Permit or Disapproval of Application

(a) The building official shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith. He shall approve or disapprove the application within sixty (60) days from the date of submission of the application.

(b) Upon approval of the application and upon receipt of the legal fees therefor, the building official shall issue a building permit to the applicant upon the form prescribed by the building official and shall affix his signature or cause his signature to be affixed thereto.

(c) Upon approval of the application, both sets of plans and specifications shall be endorsed with the word "approved". One set of such approved plans and specifications shall be retained in the files of the building department and the other set shall be returned to the applicant together with the building permit and shall be kept by the applicant at the building site open to inspection by the building official or his authorized representative at all reasonable times.

(d) If the application together with plans, specifications and other documents filed therewith describe proposed work which does not conform to all of the requirements of the applicable building regulations, the building official shall disapprove the same and shall return the plans and specifications to the applicant. Upon the request of the applicant, the building official shall cause such refusal, together with the reasons therefor, to be transmitted to the applicant in writing.

Rule No. 4 Performance of Work Under Building Permit

(a) A building permit shall be effective to authorize the commencing of work for a period of six months after the date of its issuance. For good cause the building official may allow a maximum of two extensions for periods not exceeding three months each. All work shall conform to the approved application, plans and specifications and shall be in accordance with applicable building laws, ordinances, rules and regulations.

(b) Building permits shall be prominently displayed on the job site at all times during the progress of the work so as to be readily seen from adjacent thoroughfares.

Rule No. 5 Revocation of Building Permit

The building official may revoke a building permit theretofore issued in the following instances:

(a) Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based;

(b) Where he finds that the building permit was issued in error and should not have been issued in accordance with the applicable law;

(c) Where he finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications; or

(d) Where the person to whom a building permit has been issued fails or refuses to comply with a stop order issued by the building official.

Rule No. 6 Stop Orders

Whenever the building official has reasonable grounds to believe that work on any building or structure is being prosecuted in violation of the provisions of the applicable building laws, ordinances, rules or regulations, or not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent, to suspend all work, and any such persons shall forthwith stop such work and suspend all building activities until the

stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him, or by posting the same upon a conspicuous portion of the building where the work is being performed and sending a copy of the same to him by certified mail at the address set forth in the application for permission for the construction of such building.

Rule No. 7 Right of Entry

The building official and building inspectors, upon the showing of proper credentials and in the discharge of their duties, shall be permitted to enter upon any building, structure or premises without interference, during reasonable working hours.

Rule No. 8 Certificate of Occupancy

(a) No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the building official.

(b) No building hereafter enlarged, extended or altered, or upon which work has been performed which required the issuance of a building permit shall be occupied or used for more than 30 days after the completion of the alteration or work unless a certificate of occupancy shall have been issued by the building official.

(c) No change shall be made in the nature of the occupancy of an existing building unless a certificate of occupancy authorizing such change shall have been issued by the building official.

(d) The owner or his agent shall make application for a certificate of occupancy. Accompanying this application and before the

issuance of a certificate of occupancy, there shall be filed with the building official an affidavit of the registered architect or licensed professional engineer who filed the original plans, or of the registered architect or licensed professional engineer who supervised the construction of the work, or of the superintendent of construction who supervised the work and who, by reason of his experience, is qualified to superintend the work for which the certificate of occupancy is sought. This affidavit shall state that the deponent has examined the approved plans of the structure for which a certificate of occupancy is sought, that the structure has been erected in accordance with approved plans, and as erected complies with the law governing building construction or as varied by a variance which has been legally authorized. Such variances and qualifying conditions imposed therewith, if any, shall be specified in the affidavit.

Rule No. 9 Inspection Prior to Issuance of Certificate of Occupancy

Before issuing a certificate of occupancy, the building official shall examine or cause to be examined all buildings, structures and sites for which an application has been filed for a building permit to construct, enlarge, alter, repair, or change the use or nature of occupancy, and he may conduct such inspections as he deems appropriate from time to time during and upon completion of the work for which a building permit has been issued. There shall be maintained in the building department a record of all such examinations and inspections together with a record of findings of violations of the law.

Rule No. 10 Issuance of Certificate of Occupancy

(a) When, after final inspection, it is found that the proposed work has been completed in accordance with the applicable building laws,

ordinances, rules and regulations; and also in accordance with the application, plans and specifications filed in connection with the issuance of the building permit, the building official shall issue a certificate of occupancy upon the form provided by him. If it is found that the proposed work has not been properly completed, the building official shall not issue a certificate of occupancy and shall order the work completed in conformity with the building permit and in conformity with the applicable building regulations.

(b) A certificate of occupancy shall be issued, where appropriate, within 30 days after written application therefor is made.

(c) The certificate of occupancy shall certify that the work has been completed, and that the proposed use and occupancy is in conformity with the provisions of the applicable building laws, ordinances, rules and regulations, and shall specify the use or uses and the extent thereof to which the building or structure or its several parts may be put.

Rule No. 11 Temporary Certificate of Occupancy

Upon request, the building official may issue a temporary certificate of occupancy for a building or structure, or part thereof, before the entire work covered by the building permit shall have been completed provided such portion or portions as have been completed may be occupied safely without endangering life or the public health or welfare. A temporary certificate of occupancy shall remain effective for a period not exceeding three months from its date of issuance. For good cause the building official may allow a maximum of two extensions for periods not exceeding three months each.

SUGGESTED FEE SCHEDULE FOR BUILDING WORK

Extract from Executive Law, Article 18, Section 383:

"..... each municipality is expressly authorized and empowered:
To make, amend and repeal rules for the administration and enforcement
..... and for the collection of reasonable fees in connection there-
with"

BUILDING PERMIT

For a one-family or two-family house (all work):

Up to 1,000 square feet of floor area.....	\$ 30.00
Over 1,000 square feet and up to 2,000 square feet of floor area.....	50.00
Over 2,000 square feet of floor area.....	100.00

Note: Floor area shall not include cellar, nonhabitable basement,
nonhabitable attic, or carport but shall include an accessory
garage.
Floor area shall be based upon outside dimensions of the
building.

For a multiple dwelling (all work):

For the first 30,000 cubic feet of volume.....	\$100.00
For the next 20,000 cubic feet, for each 1,000 cubic feet thereof.....	3.00
For each 1,000 cubic feet over 50,000 cubic feet.....	2.00

Note: Volume shall include basement, cellar and sub-cellar but shall
not include a crawl space, or an attic space no part of which
exceeds 5 feet in height;
Volume shall be based upon outside dimensions of the building.

For a building of nonresidential occupancy (all work):

For the first 10,000 cubic feet of volume.....	\$ 50.00
For the next 40,000 cubic feet, for each 1,000 cubic feet thereof.....	2.00
For each 1,000 cubic feet over 50,000 cubic feet.....	1.00

Note: The permit fee for a building occupied in part for residential
use and in part for nonresidential use shall be the sum of the
two occupancy fees calculated separately;
Volume shall include basement, cellar and sub-cellar but shall
not include a crawl space, or an attic space no part of which
exceeds 5 feet in height;
Volume shall be based upon outside dimensions of the building.

For repairs, alterations, and additions (all work):

Up to \$100.00.....	no charge
Over \$100.00, up to \$500.00.....	\$ 5.00
Over \$500.00, up to \$1,000.00.....	10.00
For each \$1,000 over \$1,000.00.....	3.00

For electrical work only; repairs or additions:

Service equipment.....	\$ 3.00
Branch circuits used (excluding outlets):	
one.....	2.00
each additional.....	1.00
Each cooking range, clothes dryer, and similar fixed appliance:	
less than 3-1/2 kw. rating.....	1.50
3-1/2 kw. rating or more.....	2.50
Outlets: up to 50.....	2.00
each additional.....	.05

For oil-burning system only:

Each oil burner, hourly rated capacity:	
up to 2 gallons.....	\$ 10.00
over 2 gallons and up to 10 gallons.....	25.00
over 10 gallons.....	50.00
Each oil storage tank:	
up to 275 gallons.....	10.00
over 275 gallons and up to 550 gallons.....	20.00
over 550 gallons and up to 1,000 gallons.....	30.00
over 1,000 gallons and up to 2,000 gallons.....	50.00
for each 1,000 gallons over 2,000 gallons.....	5.00

For sprinkler, standpipe, or refrigeration work only:

Repairs or additions up to \$1,000.00.....	\$ 20.00
For each \$1,000 over \$1,000.00.....	3.00

For demolition work:

Up to \$1,000.00.....	\$ 10.00
Over \$1,000.00, up to \$5,000.00.....	20.00
For each \$1,000 over \$5,000.00.....	2.00

CERTIFICATE OF OCCUPANCY

For building or structure costing up to \$10,000.....	\$	5.00
" " " " " over \$10,000 and up to \$20,000.....		10.00
" " " " " over \$20,000 and up to \$50,000.....		20.00
" " " " " over \$50,000, for each \$50,000 thereof.....		10.00

NOTES

Permits and appropriate fees may be required for the following:

- Permission to cut curb and construct driveway across sidewalk;
- Parking lots, by area;
- Vaults under sidewalk, by area;
- Trailers, moving buildings, signs, marquees, transmission towers, etc.

No fees for bonafide religious, charitable, educational organizations, where such exemptions are consistent with provisions applicable to taxes generally.

The fact that an organization is merely "nonprofit" does not necessarily exempt it from payment of fees. Confer with counsel or assessor.