



City of Kingston Mayor's Public Hearing
Meeting Agenda
Tuesday, March 19, 2019
5:00 PM

CALL TO ORDER

READING OF PROPOSED LAW

Local Law 1 of 2019

[LOCAL LAW 1 of 2019 \(2\).pdf](#)

ADJOURN

Mayor's Public Hearing Agenda Item Report

Meeting Date: March 19, 2019

Submitted by: Elisa Tinti

Submitting Department: Mayor

Item Type: Proposed Resolution

Agenda Section:

Subject:

Local Law 1 of 2019

Suggested Action:

Attachments:

[LOCAL LAW 1 of 2019 \(2\).pdf](#)

Local Law 1 of 2019

LOCAL LAW 1 OF 2019 OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AMENDING SECTIONS OF THE CITY CODE TO REFLECT THAT ALL CURRENT REFERENCES TO THE "BUILDING SAFETY DIVISION OF THE FIRE DEPARTMENT" SHALL BE CHANGED TO THE "BUILDING DEPARTMENT" AND ALL REFERENCES TO THE "FIRE OFFICER" SHALL BE CHANGED TO "BUILDING SAFETY OFFICER"

Laws and Rules Committee: Aldermen: Shaut, Ventura Morell,
Scott-Childress, Carey, O'Reilly

WHEREAS, a request has been made to amend Code of the City of Kingston.

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

SECTION-1. That the Common Council authorizes amending the following Sections of the City Code as follows:

a. Amend Section C-5(1) of the Charter to replace the phrase "Building Safety Division of the Fire Department headed by the Fire Officer" with the phrase "Building Department headed by the Building Safety Officer"

b. Amend Section A-4(c) to provide that all references in the City Code to the phrase "Building Safety Division of the Fire Department" shall be changed to "Building Department"

c. Amend Section A-4(d) to provide that all references in the City Code to the term "Fire Officer" shall be changed to "Building Safety Officer"

d. Amend all references in Section 142 of the City Code to the term "Fire Officer" to be changed to "Fire Chief or his designee"

e. Amend all references in Section 166 of the City Code to the term "Fire Officer" to be changed to "Fire Chief of his designee"

f. Amend all references in Section 226 of the City Code to the term "Fire Officer" to be changed to "Fire Chief or his designee"

g. Amend all references in Sections 405-16, 405-20, 405-21, 405-26 and 405-31 of the City Code to the term "Fire Officer" to be changed to "Fire Chief or his designee"

SECTION-2. That the invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

SECTION-3. This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

A local law amending section C-5(1) of the charter to replace the phrase “building safety division of the fire department headed by the Fire Officer” with the phrase “building department headed by the Building Safety Officer”

And amending Section A-4(c) to provide that “All references in the City Code to the phrase “Building Safety Division of the Fire Department” shall be changed to “Building Department”.

And amending Section A-4(d) to provide that all references in the City Code to the term “Fire Officer” shall be changed to “Building Safety Officer” except:

- a. All references in section 142 to the term “fire officer” shall be changed to “Fire Chief or his designee”;
- b. All references in Section 166 to the term “fire officer” shall be changed to “Fire Chief or his Designee”;
- c. All references in Section 226 to the term “fire officer” should be changed to “Fire Chief or his designee”;
- d. All references in sections 405-16; 405-20; 405-21; 405-26; 405-31 to the term “fire officer” shall be changed to “Fire Chief or his designee”.

Submitted to the Mayor this _____ day of _____, 2019

Approved by the Mayor this _____ day of _____, 2019

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on March 5, 2019

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES COMMITTEE REPORT

DEPARTMENT _____	DATE <u>1/16/2019</u>
Description	
A local law to amend the City Code to amend the City Code to reflect that all current references, to the "Building Safety Division of the Fire Department," excepting sections shall be changed to the "Building Department" and all references to the "Fire Officer," excepting sections, shall be changed to "Building Safety Officer."	
Signature _____	

Motion by P'OR

Seconded by R-S-C

Action Required: _____

SEQRA Decision:

Type I Action _____

Type II Action _____

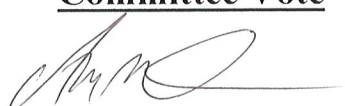
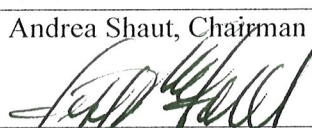
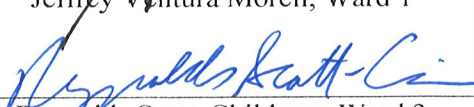
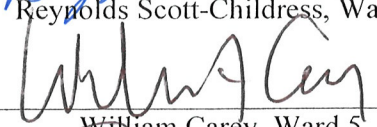
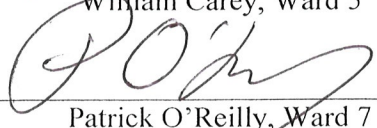
Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

Committee Vote	YES	NO
 Andrea Shaut, Chairman	✓	
 Jeffrey Ventura Morell, Ward 1	✓	
 Reynolds Scott-Childress, Ward 3	✓	
 William Carey, Ward 5	✓	
 Patrick O'Reilly, Ward 7	✓	
		

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Sills, Dee

From: Mary Ellen Smith <mesmith@generalcode.com>
Sent: Monday, December 31, 2018 10:29 AM
To: Sills, Dee
Cc: Mary Beth Sullivan
Subject: Question on Fire Department/Building Department separation GC:00360927

Good morning Diedre-

Mary Beth forwarded your question about the Fire Department being separated from the Building Department to me. If I understand correctly, you are planning to change the Building Department to be no longer connected to the Fire Department. Generally speaking, the way you indicated you would like to make the change works. Here are a couple notes you will want to keep in mind:

The Administrative Code section you referenced provided for references to the "Building Department" to be changed to the "Building Safety Division of the Fire Department." If you want to change those references all back to "Building Department," that is east to do in an ordinance by saying "All references to the "Building Safety Division of the Fire Department" throughout the Code are hereby changed to "Building Department."

The same situation exists where references to the "Building Superintendent" were changed throughout to "Fire Officer." If those are to be changed back as well, you could do a similar statement.

However, in both instances, I would recommend that you do a search in eCode to find all the references and be sure you want each one changed as indicated and that no other revisions to each section are required. This is easy to accomplish with a search.

- For the Building Safety Division of the Fire Department, you will want to search on just "Building Safety Division" (with the term in quotes so you get the whole term and not the separate words), since in some cases the text is "Building Safety Division of the Fire Department," but in others it reads "Fire Department, Building Safety Division" or other similar language. Here is a link to that search if you just want to click on it:
<https://www.ecode360.com/search/KI0280?query=%22Building+Safety+Division%22&sort=natural>
- For the Fire Officer, you can just search for "Fire Officer." Again, here is a link:
<https://www.ecode360.com/search/KI0280?query=%22Fire+Officer%22&sort=natural>
- If there are other terms you need to revise in conjunction with separating out the department, you can do a similar search to find them.

Inevitably, there will be a few that you do not want changed, or that you want changed to something different, and you will need to itemize those changes out separately.

Also, there are instances of those terms in the Charter, so those may require a Charter amendment. And if there are instances in zoning chapters, be aware that your new ordinance needs to follow the same procedures as other zoning amendments.

Hopefully that gives you what you need, but let me know if you have further questions.

Happy holidays!

Mary Ellen

Mary Ellen Smith
Senior Editor