

LOCAL LAW 3 OF 2024 OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AMENDING CHAPTER 178 – BUILDINGS, UNSAFE OF THE CODE OF THE CITY OF KINGSTON

Sponsored By: Laws & Rules Committee: Alderman:
Scott-Childress, Pasti, Mickens, Dennison

WHEREAS, Chapter 178 of the Code of the City of Kingston addresses Unsafe Buildings; and

WHEREAS, request has been made to amend Chapter 178 of the Code of the City of Kingston; and

WHEREAS, the amendment of Chapter 178 of the Code is in the best interests 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 of the City of Kingston authorizes the amendment of Chapter 178 – Buildings, Unsafe to read as attached hereto.

SECTION 2. If any provisions of this local law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the local law shall remain in effect.

SECTION 3. This local law shall take effect upon filing with the Secretary of State.

Submitted to the Mayor this ____ day of _____, 2024

Approved by the Mayor this ____ day of _____, 2024

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2024

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES
COMMITTEE REPORT

DEPARTMENT: _____

DATE: 3/4/24

Description:

A COMMON COUNCIL RESOLUTION AMMENDING COK
ADMINISTRATIVE CODE CHAPTER 178 BUILDINGS, UNSAFE
PEL ATTACHED.

Signature _____

Motion by ~~ABA~~ RSC

Seconded by ~~IBMA~~ SP

Action Required:


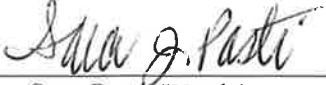

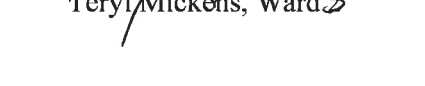

SEQRA Decision:
Type I Action _____
Type II Action _____
Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Michele Hirsch, Chairman, Ward 9 	✓	
Reynolds Scott Childress, Ward 3 	✓	
Sara Pasti, Ward 1 	✓	
Teryl Mickens, Ward 5 	✓	
Robert Dennison, Ward 6 	✓	

Chapter 178

Buildings, Unsafe

[**HISTORY: Adopted by the Common Council of the City of Kingston as indicated in article histories. Amendments noted where applicable.**]

GENERAL REFERENCES

Fire insurance proceeds — See Ch. 226.

Article I

Procedure for Repair or Removal

[**Adopted 3-7-1989 by L.L. No. 1-1989, approved 4-3-1989 (Ch. 26, Art. I, of the 1984 Code); amended in its entirety 9-4-2012 by L.L. No. 10-2012, approved 9-18-2012**]

§ 178-1 Definitions.

As used in this article, the following terms shall have the meanings indicated:

BUILDING SAFETY OFFICER/CODE ENFORCEMENT OFFICER

A duly authorized representative of the City of Kingston,, holding the position of Building Safety Officer and Code Enforcement Officer, appointed by the Mayor of the City of Kingston to direct the Building Department

UNSAFE BUILDINGS

All buildings or structures which are structurally unsafe, unsanitary or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life, health or the safety of the public, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

§ 178-2 **Inspection: notice; authority of City.**

In addition to any other remedies at law available to compel the removal of any building or structure that endangers the health, safety or welfare of the public:

- A. All unsafe buildings are hereby declared to be illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure of this section.
- B. The Building Safety Officer/Code Enforcement Officer shall inspect or cause to be inspected every reported unsafe building.
- C. Whenever the Building Safety Officer/Code Enforcement Officer shall find any building or structure or portion thereof to be an unsafe building, the Building Safety Officer shall serve

or cause to be served upon the owner and any lien holder of the property, a notice as provided herein. Service of said notice can be effected upon the owner or lien holder either personally or by registered mail, addressed to his or her last known address, as shown on the records of the Tax Assessor, and/or in the records in the office of the County Clerk, or in the records of the Kingston Building Department. Service can alternatively be effected upon the agent registered by the owner pursuant to Chapter 332 of this Code, either personally or by registered mail to the address provided in said registration. The notice shall contain a description of the premises, a statement describing the specific unsafe condition and an order of the Building Safety Officer/Code Enforcement Officer requiring that the building or structure be repaired or removed within a stated time. The notice shall also specify the date, time and place of a hearing to be held with respect to the order to repair and/or remove the structure. The notice shall be served no less than 20 days prior to the date of the hearing provided therein. If such notice is made by registered mail, the Building Safety Officer/Code Enforcement Officer shall conspicuously post a copy of such notice on the premises.

- D. The owner and any lien holder shall have 30 days within which to provide the Building Safety Officer/Code Enforcement Officer with acceptable plans to remedy the unsafe building and obtain a permit for said plans; or to submit plans and obtain a permit for the removal of the unsafe building. Upon issuance of the building permit, work must commence within 15 days from the issuance thereof and be completed within six months from issuance of the permit. Failure of the owner or lien holder to comply with these provisions will result in a fine of \$100 per day retroactive to the date of the notice.
- E. The Building Safety Officer/Code Enforcement Officer shall file or cause to be filed a copy of the notice served pursuant to Subsection C above in the office of the County Clerk of Ulster County, which notice shall be filed by such Clerk in the same manner as a notice of pendency as provided by said Clerk, except as otherwise hereinafter provided in this subsection. A notice so filed shall be effective for a period of one year from the date of filing; provided, however, that it may be vacated upon the order of a judge or justice of a court of record or upon the consent of the Corporation Counsel of the City of Kingston. The County Clerk of Ulster County shall mark such notice and record or docket thereof as canceled upon presentation and filing of such consent or of a certified copy of such order.
- F. Such owner shall have the right to a hearing with respect to the notice to repair or remove before the Building Safety Officer/Code Enforcement Officer in charge of the City of Kingston Department of Building Safety & Zoning Enforcement at a time and place specified in the notice to repair and remove.
- G. The decision of the Building Safety Officer/Code Enforcement Officer in charge of the City of Kingston Department of Building Safety & Zoning Enforcement may be appealed to the City of Kingston Office of Corporation Counsel. A request for an appeal shall be served upon the Office of Corporation Counsel of the City of Kingston and upon the Building Safety Officer/Code Enforcement Officer, and the City Clerk within 10 days from the date of the notice of determination made following the hearing. The appeal shall not be a trial de novo, but the parties shall have the right to present such additional written evidence or argument as they desire. The Office of Corporation Counsel shall have the right to request

such additional evidence as it deems necessary to make a decision.

- H. If a determination is made following the hearing and the appeal, if any, that the building or structure is an unsafe building and the owner or lien holder fails or refuses to comply with the order to repair or remove within 30 days from the date of the determination of the Building Safety Officer/Code Enforcement Officer in charge of the City of Kingston Building Department or the Office of Corporation Counsel in the event of an appeal, the City of Kingston may proceed to remove the unsafe condition, structure or building.
- I. All costs and expenses incurred by the City of Kingston in connection with the proceeding to repair or remove the unsafe building, including but not limited to the cost of actually removing the unsafe building and the disposal of the material so removed, shall be assessed against the land on which the unsafe building is located.
- J. If the Building Safety Officer/Code Enforcement Officer finds that there is actual and immediate danger of failure or collapse so as to endanger life, such notice shall also require the building structure or portion thereof to be vacated forthwith and not reoccupied until the specific repairs and improvements are completed, inspected and approved by the Building Safety Officer. The Building Safety Officer/Code Enforcement Officer shall cause to be posted at each entrance to such building a notice: "This building is unsafe and its use or occupancy has been prohibited by the City of Kingston Department of Building Safety & Zoning Enforcement" Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation, or their agents or other servants, to remove such notice without written permission of the Building Safety Officer/Code Enforcement Officer.
- K. In case the owner or lien holder cannot be served within the time provided herein for service of such notice, the Corporation Counsel shall be advised of all facts in the case and shall take such action as he or she determines to be appropriate to effectuate adequate service of the notice as provided by law.
- L. In cases of emergency which, in the opinion of the Building Safety Officer/Code Enforcement Officer, involve imminent danger to human life or health, the Building Safety Officer/Code Enforcement Officer shall promptly cause such building, structure or portion thereof to be made safe or removed. For this purpose, the Building Safety Officer/Code Enforcement Officer may at once enter such structure or land on which it stands, or abutting land or structure, with such assistance and at such cost as may be necessary. The Building Safety Officer/Code Enforcement Officer may vacate adjacent structures and protect the public by appropriate barricades or such other means as may be necessary and, for this purpose, may close a public or private way.

§ 178-3 Interpretation.

The powers conferred upon the City of Kingston by this article shall be in addition to all other powers conferred upon the City in relation to the same subject, and nothing contained in this section shall be construed to amend, repeal, modify or affect any such existing local law, ordinance or provision of the Charter or to restrict or limit any power otherwise conferred on the City by law with respect to the subject matter to which this section relates.

Article II
(Reserved)

§ 178-4 through § 178-7. **(Reserved)**

Article III
Unsafe Conditions Within Buildings

[Adopted 10-6-1992 by L.L. No. 6-1992, approved 10-29-1992 (Ch. 26, Art. III, of the 1984 Code)]

§ 178-8 Service of notice; time limit for correction.

[Amended 12-16-1999 by L.L. No. 2-2000, approved 1-3-2000; 3-5-2019 by L.L. No. 1-2019, approved 3-19-2019]

When the Building Safety Officer or an agent thereof determines that an unsafe condition exists, notice will be served upon the owner of said property by personal service or registered mail to the address listed on tax records, informing the owner of the unsafe condition and requiring them to correct the same within five days from the date of said notice.

§ 178-9 Penalties for offenses.

Failure to correct the condition within the five-day period will result in the levy of a fine of up to \$500 per violation and/or incarceration of up to 15 days. Each day the condition exists shall be a separate violation subject to a fine.