

**City of Plattsburgh Code Adoption
Schedule A**

Specifically Repealed:

The following chapters and/or articles of the 1989 Code are hereby repealed:

- Chapter 24, Community Development Office
- Chapter 39, Economic Opportunity Council
- Chapter 63, Grievance Procedure
- Chapter 72, Local Laws
- Chapter 91, Police and Fire Review Committee
- Chapter 102, Residency Requirements
- Chapter 116, Urban Renewal Agency: School District Taxes
- Chapter 135, Amusement Devices, Coin-Operated
- Chapter 142, Bicycles
- Chapter 192, Unsafe Building and Dangerous Structures
- Chapter 200, Mooring Law
- Chapter 226, Smoke and Soot
- Chapter 233, Article II, Motor Vehicles on Sidewalks
- Chapter 263, White Canes

**Chapter 24
CITY PROPERTY**

**ARTICLE II
Lease of City Property**

§ 24-5. Leases not requiring public bidding.

Property which the Common Council finds has a fair market rental value of not more than \$5,000 per year and is not offered for lease for a term in excess of three years may be leased in accordance with the following procedures: . . .

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**Chapter 29
CONTINUITY OF GOVERNMENT**

§ 29-1. Intent.

The New York State Defense Emergency Act, in § 29-a thereof, authorizes political subdivisions of the state to provide for the continuity of their governments in the event of an actual or imminent attack upon the United States by an enemy or foreign nation. Executive Law § 27 authorizes political subdivisions to provide for the continuity of their governments in the event of other public disasters, catastrophes or emergencies. Based on the authority contained in such laws, this chapter is adopted so that on such occasions the government of the City of Plattsburgh, New York, may continue to function properly and efficiently under emergency circumstances.

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**Chapter 36
DEFENSE AND INDEMNIFICATION**

§ 36-8. Provisions of notice; non-limit/impair of insurance.

This chapter shall not in any way affect the obligation of any claimant to give notice to the City of Plattsburgh under the Court of Claims Act, § 10; General Municipal Law § 50-e or any other provision of law.

**Chapter 52
EMERGENCY SERVICES**

**Part 1
Fire Department**

**ARTICLE III
Fire Chief; Assistant Chief**

§ 52-6. Duties and responsibilities of Fire Chief.

- A. The Fire Chief shall be the ranking officer in charge of the Fire Department and shall be responsible for the overall operation and efficiency of the Department and for the extinguishing of fires and protection of life and property.
- B. The Fire Chief shall be responsible for the discipline and efficiency and training of all members assigned to the Fire Department or divisions within such Department.
- C. The Fire Chief shall be responsible for the conditions of all installations, quarters, apparatus and equipment; also the effective operation and efficiency of all units in the Fire Department.
- D. The Fire Chief shall be responsible for the supervision, direction and control of operations necessary to carry out all functions relating to fire operations and fire prevention field inspection activities.
- E. The Fire Chief shall conduct such inspections and surveys of all units within the Fire Department necessary for effective supervision, management and administration of such Department.
- F. The Fire Chief shall submit to the Mayor and Common Council reports and necessary recommendations on all matters of major importance relative to functions of the Fire Department.
- G. The Fire Chief shall recommend to the Mayor the location and erection of new quarters for housing of fire-fighting equipment and personnel and also the purchase of new apparatus and fire-fighting equipment.
- H. The Fire Chief shall carefully and thoroughly investigate all meritorious acts occurring within the Department and make reports thereon to the Mayor.
- I. The Fire Chief may suspend from duty any member of the Fire Department for infraction of rules and regulations or department orders and instructions, or for conduct prejudicial to good order, efficiency or discipline of the Fire Department. Upon such suspension, the Fire Chief shall immediately prefer charges as prescribed by the Civil Service Law of the State of New York.
- J. The Fire Chief shall see that the Fire Prevention Code, as adopted by the City of Plattsburgh, is strictly enforced.

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§ 52-7. Duties and responsibilities of Assistant Chief.

ARTICLE IV
Company Officers; Firefighters

Deleted: L. . Officers will see that fuel tanks are checked each Monday; measurements and date will be entered in the fuel record book.

§ 52-8. Captains.

H. All officers shall see that they are familiar with the SOPs and policies.

Deleted: SOP's to dispatchers regarding extra alarms.

ARTICLE V
Fire and Emergency Operations

§ 52-21. Use of apparatus by unauthorized persons.

Persons not connected with the Fire Department shall not ride on apparatus going to or from alarms, etc., unless approved by the Fire Chief.

Deleted: Reporting to dispatcher and officer in command. ¶ Officers shall, when reporting for duty and finding company out of quarters, contact the dispatcher on duty for instructions from officer in charge of fire. If ordered to respond, they shall call roll and after notifying dispatcher, proceed with members to location of apparatus. They shall report to the officer in command. ¶

§ 52-22. Radio procedure.

C. All radio communications shall be of a professional manner.

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ARTICLE VI
Maintenance and Use of Quarters

§ 52-28. Use of quarters.

Company officers will be responsible to see that nothing detrimental to the Department or City occurs while on their tour of duty, namely, but not limited to, there will be no drinking of alcoholic beverages while on duty; there will be no gambling while on duty, and there will be no spouses or families hanging around the stations, ramps, yards, etc. Spouses and families may bring clothes or meals and visit for a short time.

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ARTICLE VII
Flag of the United States

§ 52-30. Display schedule.

B. On Memorial Day, the national flag shall be displayed at half-staff from 8:00 a.m. to 12:00 noon, and at peak staff from 12:00 noon to sunset.

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ARTICLE VIII
Meritorious Acts

§ 52-31. Reports of commendations encouraged; personnel file.

Company officers are instructed to report (in writing) to the Fire Chief any commendable work or meritorious acts of subordinates. This will be followed up with a letter of commendation to the individuals and a copy in the officer's personnel file.

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ARTICLE XI
Extra Departmental Employment

§ 52-55. Off-duty employment; procedures.

C. Notification of off-duty employment shall be given to the Fire Chief in writing.

ARTICLE XII
Discipline; Charges

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§ 52-57. Investigation of charges.

The Assistant Chief shall investigate all charges against members under the Assistant Chief's command. The results of investigations, including supporting statements of witnesses in writing, shall be immediately forwarded after investigation, together with a report containing the conclusions and recommendations of the investigating officer as to the alleged charges to the Fire Chief, who shall either forward a copy of the report to the Mayor with recommendation for formal preparation of charges or, in the Chief's discretion, take other appropriate administrative action.

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§ 52-58. Suspension from duty.

B. Members suspended from duty shall not appear in uniform. They shall promptly return official badges, insignias and department property to the office of the Fire Chief. Such property shall be retained by the Fire Chief until suspension is revoked by the Chief or other lawful authority. Suspended members shall not report during the period of suspension, until and unless called by the Fire Chief, in which cases they shall not be considered to have worked and shall not be entitled to pay.

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ARTICLE XIV
Vehicles

ARTICLE XV
Reports

§ 52-68. Reports; information releases.

- C. Company officers will see that an accident report is properly filled out by or for any member who is injured during the member's tour of duty or at an emergency. The report will be completed before the tour of duty ends and attached to the witness and incident report.
- D. Company officers will fill out the time sheet for their tour of duty. They will fill it out properly, using the proper columns and explaining, when necessary, in the remarks area or on the back of the sheet.

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Company commanders will see that vehicles are polished as per schedule posted. ¶
Periodic cleaning. ¶
Company commanders will see that equipment in and the compartments of trucks are cleaned periodically. ¶

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Part 2
Emergency Ambulance Services

ARTICLE XVI
Rules and Regulations

§ 52-69. Fire Department authorized to furnish service.

The Plattsburgh City Fire Department is authorized to furnish emergency ambulance service in accordance with the following rules and regulations:

- A. Emergency ambulance service shall be furnished within the City of Plattsburgh, New York, and where contracted or requested by Mutual Aid.
- B. Ambulance service shall be furnished, provided that ambulance service is available.
- C. Ambulance service shall be applied for by or on behalf of any person who is within the City of Plattsburgh and the area defined in Subsection A.
- D. Calls for ambulance service shall be made to Clinton County 911.

Deleted: within an area within 10 air miles measured from the Firehouse No. 1, located on Cornelia Street in the City of Plattsburgh, New York.

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Deleted: E. . No transfer calls shall be provided. Whether a call is a transfer call and not an emergency call shall be determined by the officer in charge of Firehouse No. 1 of the city at the time the call is received. The service shall be available to any person, who, by reason of illness or injury, requires emergency ambulance transportation to the Champlain Valley Physicians Hospital Medical Center or Plattsburgh Air Force Base Hospital. ¶

When effective; applicability. ¶

This chapter shall take effect January 1, 1981, but shall not be applicable to ambulance calls from fire districts which have entered into contracts with the City of Plattsburgh for ambulance service until after the effective date of the termination of such contracts.

Part 3
Police Department

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**ARTICLE XVII
Definitions**

§ 52-71. Terms defined.

COMMON COUNCIL — The Mayor and Councilors of the City shall constitute the Common Council thereof (§ C3-1 of the City Charter).

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LAWS AND ORDINANCES — Those federal and state laws and local laws and ordinances which by their nature are within the jurisdiction of the Police Department.

**ARTICLE XVIII
Organization**

§ 52-73. Chief of Police.

The Chief of Police shall be appointed according to the Civil Service Law and City Charter and is the chief executive officer of the Police Department§.

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B. The Chief of Police
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§ 52-74. Absence or disability of Chief of Police.

During the temporary absence or disability of the Chief of Police, when no special designation is made by competent authority, the command automatically devolves upon the senior ranking member of the command. Said senior ranking member shall possess all the powers and perform all the duties of the Chief of Police, except the power of making changes in the rules and regulations, appointments, promotions, changes of assignment or detail, and shall carry out the orders previously given, and such orders shall not, except in cases of extreme emergency, be countermanded nor set aside; however, when such action is taken, a report shall be made to the Chief of Police in writing stating the reasons therefor in such instances.

§ 52-75. Order of rank.

The order of rank in the police force shall be:

- E. Detective/Corporal.

**ARTICLE XIX
Duties of Chief of Police**

§ 52-78. Adoption and enforcement of regulations.

The Chief of Police shall make, adopt and enforce such reasonable rules, orders and regulations, not inconsistent with the Constitution and the laws of the State of New York, and these rules and regulations as may be necessary to effect the prompt and efficient exercise of all powers conferred by law and the performance of all duties imposed upon any person in the Police Department.

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§ 52-79. Emergencies.

The Chief of Police may order any and all members of the Police Force to active duty as the Chief may deem proper when an emergency arises, which in the Chief's judgment requires the service of extra police officers, as per § 971 of the Unconsolidated Laws of the State of New York. The Chief will report, in writing, the Chief's actions as relates to said emergency calls.

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§ 52-83. Police service shifts.

The Chief of Police shall properly divide the Police Force and arrange for day, night and special police service shifts. The commanding officer in charge shall, subject to the approval of the Chief of Police, designate the beats, posts and the patrol duties of each member under the officer's command.

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§ 52-84. Appointees to receive operating policies and regulations.

The Chief of Police shall, upon the appointment of a new member to the Police Department, provide the new member with a copy of the rules and regulations and operating policies of the Police Department.

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§ 52-93. Death or injury of members investigated.

A. The Chief of Police shall carefully investigate any reported death or injury of any member of the Department that occurs while a member is acting in the discharge of the member's duties, and the Chief of Police shall forward a full written report to the Mayor of the City of Plattsburgh.

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B. The Chief of Police shall make, or cause to be made, an investigation of the circumstances of any injury of a member of the Department. This shall include an interview and statement of any and all witnesses. The Chief shall make a report of the results of the investigation showing whether or not, in the Chief's opinion, such injury was sustained in the performance of the police duty or whether negligence on the part of the injured officer or member of the Department contributed to the injury.

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§ 52-94. Suspension.

The Chief of Police, may, at the Chief's discretion, suspend from duty and file charges, under § 75 of the Civil Service Law of the State of New York, against any member of the Department when, after thorough investigation, it is established that said member violated the rules and/or regulations of the Police Department. A copy is to be forwarded immediately to the Mayor of the City of Plattsburgh.

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§ 52-97. Probationary members.

A probationary police officer is one appointed from an active Civil Service eligibility list and must serve an eight-week to 78-week probationary period pursuant to Civil Service Law and other applicable state laws.

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§ 52-103. Recognition of deed or act of merit.

The Chief of Police may, with the approval of the Mayor of the City of Plattsburgh, excuse from one tour of duty a member of the Department who has performed any exceptional act or deed of particular merit which, in the Chief's opinion, deserves recognition. A brief but comprehensive report shall be forwarded to the Mayor, and a copy will be placed in the employee's personnel file.

ARTICLE XX

Duties of Captain of Police

§ 52-105. Reporting to Chief of Police.

The Captain will report directly to the Chief of Police, and the Captain's duty hours, vacation and days off shall be scheduled by the Chief of Police.

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§ 52-109. Inspections.

The Captain shall, at the Captain's discretion, make inspections of the City of Plattsburgh. During this inspection the Captain shall be in contact with police headquarters and report to the Chief of Police any dangerous conditions involving the safety of residents of the City of Plattsburgh and make recommendations regarding the change of the patrol or departmental procedures as relates to these matters.

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§ 52-115. Investigation of inability of members to perform duties.

The Captain shall, when a member of the Police Department reports sick and unable to perform the member's duties, investigate the inability of the member to perform duties. When necessary, the Captain will report to the Chief of Police, in writing, any violation of rules and regulations as relates to the misuse of sick leave or the unauthorized absence of an employee.

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§ 52-116. Assistance to subordinates.

The Captain shall give necessary assistance to subordinates in the preparation of their cases and shall cause the notification of their appearances in court.

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§ 52-117. Performance of duty governed by rules and regulations.

The Captain, in the performance of the Captain's duty, will be strictly governed by all rules and regulations of the Department and of all general and special orders of the Chief of Police.

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§ 52-118. Reporting of official actions to Chief of Police.

The Captain shall promptly and thoroughly inform the Chief of Police of all official actions taken by the Captain and the occasion therefor.

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§ 52-119. Orders of Chief of Police to be carried out.

The Captain shall carry out the orders of the Chief of Police as previously given and such orders shall not, except in cases of extreme emergency, be countermanded or set aside. When this occurs, the Captain will report, in writing, to the Chief of Police, the Captain's action and also state the reason and justification for the action.

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§ 52-121. Instructing members of force.

The Captain shall, from time to time, instruct the force under the Captain's command of the duties imposed on them by law and rules and regulations of the Department, and the Captain shall carefully read and explain to all members of the Department any general or special orders and decisions of the Chief of Police which affect their duties and assignments.

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§ 52-123. Instructions to Shift Supervisor.

The Captain shall instruct the shift supervisor to advise the Captain of any failure of any member of the Department to report for duty as required. Upon receipt of such information, the Captain shall investigate to determine the reason for absence and make a written report to the Chief of Police as relates to the absenteeism.

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§ 52-125. Performance of other duties as ordered.

The Captain shall perform such other duties as the Captain may be ordered to perform by the Chief of Police.

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§ 52-129. Reports: evaluation and analysis.

The Captain shall analyze the reports of the Department and the efficiency of the Department. The Captain shall report to the Chief of Police, in writing, as to the Captain's evaluation of said analysis and efficiency of the Department.

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§ 52-131. Complaints against members of Police Department.

The Captain, on orders of the Chief of Police, shall investigate all complaints regarding members of the Department and shall submit a written report of the Captain's investigations to the Chief of Police for the Chief's review.

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ARTICLE XXI
Duties of Detective Lieutenant

§ 52-135. Establishment of hours.

The Lieutenant of the Detective Division shall establish the hours when the members under the Lieutenant's command shall work.

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§ 52-136. Investigation of crimes; prosecutions; recovery of stolen property.

The Lieutenant of the Detective Division shall be responsible for the investigation of all crimes, successful prosecution of criminal cases and recovery of stolen property.

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§ 52-137. Report analysis.

The Lieutenant of the Detective Division shall analyze the reports of the Detectives assigned to the Lieutenant.

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§ 52-138. Responsibility for efficiency.

The Lieutenant of the Detective Division shall be responsible for the efficiency of the Detectives under the Lieutenant's command.

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§ 52-139. Reports.

The Lieutenant of the Detective Division shall be responsible for the complete, accurate and prompt preparation of reports by Detectives.

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§ 52-140. Instruction.

The Lieutenant of the Detective Division shall instruct the detectives under the Lieutenant's command in the collection, identification and preservation of evidence so that a chain of evidence is maintained.

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§ 52-141. Spot checks.

The Lieutenant of the Detective Division shall from time to time make spot checks on the activities and efficiency of the officers under the Lieutenant's command.

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§ 52-142. Supervision of activities.

The Lieutenant of the Detective Division shall supervise all activities and personnel of the Division.

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§ 52-143. Work assignments for subordinates.

The Lieutenant of the Detective Division shall instruct subordinates as to work assignments and procedures.

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§ 52-144. Interpretation of laws and ordinances.

The Lieutenant of the Detective Division shall interpret new laws, ordinances, rules and regulations for subordinate officers.

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§ 52-145. Inspections of personal appearance and equipment.

The Lieutenant of the Detective Division shall inspect the Detectives for personal appearance and equipment.

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§ 52-146. Coordination of activities of other agencies.

The Lieutenant of the Detective Division shall coordinate activities with other local, state and federal law enforcement agencies.

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§ 52-147. Investigation of personnel complaints.

The Lieutenant of the Detective Division shall make any investigations ordered by the Chief of Police regarding personnel complaints.

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§ 52-148. Assistance with in-service training programs.

The Lieutenant of the Detective Division shall assist in the in-service training program for the Department and monitor those assigned to the Lieutenant for on-the-job training.

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ARTICLE XXII
Duties of Lieutenants

§ 52-156. Special duties.

When in command, a Lieutenant shall designate any special duties or posts and such information as the Lieutenant may have read concerning conditions.

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§ 52-157. Assistance to subordinates.

A Lieutenant shall give necessary assistance to subordinates in the preparation of their cases and shall cause the notification of their appearance in court.

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§ 52-158. Observance of regulations in cases involving juveniles.

A Lieutenant shall, in cases involving juveniles, be governed by the regulations as required by law concerning juveniles and shall insist that all members of the Lieutenant's command observe these rules and also report same to the Juvenile Division.

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§ 52-160. Performance of other duties.

A Lieutenant shall perform such other duties as may be ordered by the Chief of Police.

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§ 52-161. Leadership and guidance.

A Lieutenant shall provide leadership and guidance in developing loyalty and dedication to the police profession.

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§ 52-162. Notification involving fatalities, robberies and other crimes.

The Lieutenant shall notify the appropriate member of the Department as the Lieutenant deems necessary in all fatalities, holdups, robberies or other serious crimes.

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ARTICLE XXIII
Duties of Administrative Officer

§ 52-164. Administration of traffic engineering.

The Administrative Officer shall be responsible for the administration of traffic engineering.

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§ 52-165. Coordination between agencies responsible for traffic functions.

The Administrative Officer shall be responsible for the coordination between major agencies in the City responsible for traffic functions.

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§ 52-166. Traffic data analysis; reports.

The Administrative Officer shall be responsible for the collection and analysis of traffic data and preliminary traffic designs or improvements and report thereon to the Chief of Police.

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§ 52-167. Coordination of traffic activities; school crossing guards.

The Administrative Officer shall coordinate the transportation activities within the city, advise on school transportation, safety procedures and supervision of school crossing guards.

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§ 52-168. Traffic signals.

The Administrative Officer shall be responsible for all traffic signals.

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§ 52-169. Forms for the Department.

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The Administrative Officer shall be in charge of drafting, stenciling and making of the various forms for the Department and monitoring the dissemination.

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§ 52-170. Parking tickets.

The Administrative Officer shall be in charge of the parking tickets issued to the members and the return of the stubs.

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§ 52-171. Uniform traffic tickets.

The Administrative Officer shall be in charge of the ordering, receiving, issuing and documentation of all uniform traffic tickets issued to members of the Plattsburgh Police Department.

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§ 52-172. Budget, appropriations and expenditures.

The Administrative Officer shall be responsible to the Chief of Police for all aspects of the budget, appropriations and expenditures thereof.

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§ 52-173. Administration of nonsworn employees.

The Administrative Officer shall be responsible to the Chief of Police for the administration of nonsworn employees of the Department.

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§ 52-174. Complaints and reports.

The Administrative Officer shall be responsible to the Chief of Police for Department complaints and reports including those reports required by other agencies.

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§ 52-175. Repair and maintenance of equipment.

The Administrative Officer shall be responsible for the repair and maintenance of all equipment within the Plattsburgh Police Department.

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§ 52-176. Quartermastering responsibilities.

The Administrative Officer shall be responsible for the quartermastering as relates to police clothing and equipment in the areas of ordering, bid preparation and issuing to members of the Department.

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§ 52-177. Accident reports.

The Administrative Officer shall be responsible for the review and filing of all accident reports within the Department and the filing with the New York State Motor Vehicle Department as required by law.

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§ 52-178. Professional operation of records system.

The Administrative Officer shall be responsible for the professional operation of the records system within the Plattsburgh Police Department.

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§ 52-179. Hiring and supervising of school crossing guards.

The Administrative Officer shall be responsible for the hiring and the supervising of school crossing guards within the City of Plattsburgh.

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§ 52-180. Handicapped parking permits.

The Administrative Officer shall be responsible for issuing handicapped parking permits.

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§ 52-181. Payrolls of civilian employees.

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The Administrative Officer shall monitor the payrolls of the civilian employees of the Department and school crossing guards on a weekly basis.

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§ 52-182. Inventory of departmental equipment.

The Administrative Officer shall be responsible for the inventory of all departmental equipment and the lending of same to other departments.

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§ 52-183. Major construction sites coordination.

The Administrative Officer shall be responsible for the coordination of all major construction sites as they relate to the Police Department responsibilities.

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§ 52-184. Towing service.

The Administrative Officer shall be responsible for the enforcements as required relating to the towing service policy of the Plattsburgh Police Department.

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**ARTICLE XXIV
Duties of Sergeant**

§ 52-185. Supervision.

A Sergeant shall be in charge and supervise all members assigned to the Sergeant during the tour of duty within the Plattsburgh Police Department. In the absence of a Sergeant, a Corporal will assume all such duties regularly assigned to a Sergeant.

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§ 52-188. General and special orders and discipline.

A Sergeant shall be responsible for the general and special orders and discipline of the men under the Sergeant's command and shall make them acquainted with all rules, regulations and laws as relates to their duties as police officers in the City of Plattsburgh.

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§ 52-189. Misconduct or neglect; remedial discipline.

A Sergeant must carefully study and thoroughly understand the rules and regulations and note cases of misconduct or neglect of duty by members of the Sergeant's command. The Sergeant shall take any remedial action feasible, in those cases deemed necessary, and will report to the immediate supervisor.

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§ 52-190. Professional and efficient operation of Department.

A Sergeant shall be responsible for the professional and efficient operation of the Police Department during the Sergeant's tour of duty. The Sergeant shall frequently test the knowledge of subordinate personnel under the Sergeant's command as to the condition upon their beats and posts.

§ 52-191. Knowledge of city's condition; supervisors to be informed.

A Sergeant shall be in a position at all times to be able to inform the Sergeant's supervisors in command as to the condition throughout the entire City of Plattsburgh.

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§ 52-193. Inspections.

A Sergeant shall make careful inspection of the patrolmen under the Sergeant's command to ascertain that they are properly uniformed and equipped for duty. If any are found improperly uniformed or equipped or in any way unfit for duty, such facts will be reported in writing to the immediate supervisor.

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§ 52-194. Supervision of personnel.

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A Sergeant shall supervise all personnel under the Sergeant's command on the tour of duty as relates to their assignment in patrol, footbeat and dispatch.

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§ 52-197. Coordinating efforts of members of command.

A Sergeant shall coordinate all efforts of the members of the Sergeant's command as relates to the proper police function as established for the City of Plattsburgh.

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§ 52-201. Military courtesies.

A Sergeant, when in uniform, shall maintain a military bearing and render military courtesy to the Sergeant's superior officers and demand military courtesy from all subordinates.

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ARTICLE XXV
Duties of Detective

§ 52-207. Felonies, misdemeanors, larcenies and fatalities.

They shall investigate all felonies and certain assigned misdemeanors, larcenies over \$1,000 and all fatalities.

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§ 52-212. Interviewing complaining witnesses.

When a case has been assigned to a Detective, the Detective shall interview the complaining witness without delay and properly identify himself/herself.

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ARTICLE XXVI
Duties and Responsibilities of Police Officer

§ 52-222. Preparation for service.

Each member of the Police Department shall at all times be prepared to act immediately on notice that the member's services are required. Police officers will be required when off duty to comply with the laws of the State of New York as set forth in the officer's duties as a police officer. In addition to the duties herein set forth, police officers shall perform any duties and fulfill any assignments as directed by the Chief of Police or superior officer.

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§ 52-223. Punctuality; obedience.

Each member of the Department shall be punctual in attendance and prompt in obedience to orders.

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§ 52-224. Proper uniforms required; physical and mental preparedness.

Each member of the Department will appear for duty in proper uniform, prepared both physically and mentally to perform police duties as set forth in the rules and regulations of the Department and other laws of the State of New York.

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§ 52-228. Reporting information to superiors.

Any officer coming into possession of information relating to the Department and/or its function will be held responsible to report same at the earliest opportunity to the officer's commanding officer so that the ends of justice will be quickly obtained.

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§ 52-230. Official business to be confidential.

A member of the Department shall treat as confidential the official business of the Police Department. Police officers shall not talk for publication nor be interviewed nor make speeches nor shall be impart information relating to the official business of the Department to anyone except under the due process of law and as directed and with permission of the Chief of Police.

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§ 52-231. Enforcement of all laws.

Each officer shall enforce all laws in a fair and impartial manner. When an arrest is made by a police officer, the officer shall supply all services as required by the laws of the State of New York as it relates to the security of the prisoner, medical treatment to the prisoner, facilities for a phone call for notification of relatives and an attorney.

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ARTICLE XXVII

Duties of Dispatcher or Desk Officer

§ 52-234. Desk officer to remain at desk.

The desk officer shall not leave the desk during the officer's tour of duty except for personal necessity, official duties within the Department or upon urgent police business. When required to leave the post for any reason, the desk officer shall notify the commanding officer in charge of the shift of the reason.

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§ 52-236. Entries and reports.

The desk officer shall make the proper entries whenever a member of the Department reports to the officer for duty or from duty.

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§ 52-237. Matters of importance reported.

The desk officer shall bring to the attention of the commanding officer all matters of importance, e.g., unusual occurrences, important messages or conditions requiring the officer's attention.

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§ 52-239. Prescribed uniforms.

The desk officer will wear the prescribed uniform at all times during the officer's tour of duty.

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§ 52-241. Complaints transmitted; completion of reports.

B. The desk officer shall be responsible for the handling of all transmittal of business in an efficient manner on the officer's tour of duty as relates to the Police Department and will complete all forms and reports as required within the Department.

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§ 52-243. Care and safety of prisoners.

The desk officer is strictly responsible for the care and safety of all male prisoners confined in the cells within the Department, and the officer will cause the observation of female prisoners confined within the Department by the on-call policewoman. The desk officer shall check the prisoners in the cells at least every half-hour or less when the situation calls for it. The times of these checks shall be listed in the prisoner's log. The desk officer shall bring to the attention of the commanding officer any prisoner requiring medical care or constant observation.

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ARTICLE XXVIII

Rules of Conduct

§ 52-260. Conflicting or illegal orders.

B. Officers shall not obey any order which they know, or should know, would require them to commit any illegal act. If in doubt as to the legality of an order, officers shall request the issuing officer to clarify the order, or to confer with higher authority, and after such request has been made, should the officer be ordered to obey, said officer will be deemed to have been acting within the scope of the officer's employment when the officer performs the action so ordered.

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§ 52-270. Personal appearance.

**City of Plattsburgh Code Adoption
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B. Except when acting under proper and specific orders from a superior officer, officers on duty shall maintain a neat, well-groomed appearance and shall style their hair according to the [guidelines established by departmental procedure](#).

Deleted: following guidelines:

**ARTICLE XXIX
Law Enforcement Officer's Bill of Rights**

§ 52-285. Purpose; adoption of rules.

A. Members of law enforcement hold unique status as public officers in that the nature of their office and employment involves the exercise of a portion of the police powers of the municipality. The security of the community depends, to a great extent, on the manner in which a police officer performs [the officer's](#) duty. Their employment is thus in the nature of a public trust. The wide-ranging powers and duties given to a police department and its members involves them in all manner of contacts and relationships with the public. Out of these contacts come questions concerning the actions of members of the force. These questions often require the immediate investigation by superior officers designated by the Chief of Police or the Mayor of the community. In an effort to ensure that these investigations are conducted in a manner which is conducive to good order and discipline, the following rules are hereby adopted.

Deleted: (1) . Male officers: ¶
(a) . Hair must be clean, neat and combed. Hair shall not be worn longer than the top of the shirt collar at the back of the neck when standing with the head in a normal posture. The bulk or length of the hair shall not interfere with the normal wearing of all standard head gear. ¶
(b) . Wigs or hairpieces are permitted if they conform to the above standards for natural hair. ¶
(c) . Sideburns shall be neatly trimmed and rectangular in shape. ¶
(d) . Officers shall be clean-shaven, except that they may have mustaches which do not reach below the upper lip line. ¶
(2) . Female officers: ¶
(a) . Hair must be clean, neat and combed. Hair shall not be worn longer than the top of the shirt collar at the back of the neck when standing with the head in a normal posture. The bulk or length of the hair shall not interfere with the normal wearing of all standard head gear. ¶
(b) . Wigs or hairpieces are permitted if they conform to the above standards for natural hair. ¶

B. Rights of the law enforcement officer while under investigation. Whenever a law enforcement officer is under investigation or subject to interrogation by a member of [the officer's](#) or any other investigative agency for any reason which could lead to disciplinary action, demotion, dismissal or criminal charges, such investigation and interrogation shall be conducted under the following conditions:

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(9) If the law enforcement officer under interrogation is under arrest or is likely to be placed under arrest as a result of the investigation, [the officer](#) shall be completely informed of [the officer's](#) rights prior to the commencement of the interrogation.

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(10) At the request of any law enforcement officer under investigation, [the officer](#) shall have the right to be represented by counsel, who shall be present at all times during such interrogation whenever the interrogation relates to the officer's continued fitness for law enforcement service.

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(11) Notice of disciplinary action. No dismissal, demotion, transfer, reassignment or other personnel action which might result in a loss of pay or benefits, or which might otherwise be considered as punitive measures, shall be taken against a law enforcement officer unless such law enforcement officer is notified of the action and the reason(s) therefor prior to the effective date of these actions. [The officer](#) shall receive a written notification of the reason(s) for these actions.

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(12) No law enforcement officer shall be discharged, disciplined, demoted or denied promotion, transfer, reassignment or be otherwise discriminated against in regard to [the officer's](#) employment or be threatened with any treatment by reason of [the officer](#) exercising the rights granted to the law enforcement officer by this law enforcement officer's bill of rights.

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**Chapter 57
ETHICS**

**ARTICLE II
Board of Ethics**

§ 57-7. Establishment.

There is hereby [authorization to establish](#) a Board of Ethics consisting of three members, to be appointed by the City Council and Mayor, all of whom reside in the City of Plattsburgh and who shall serve without compensation

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**City of Plattsburgh Code Adoption
Schedule A**

and at the pleasure of the City Council and Mayor of the City of Plattsburgh. A majority of such members shall be persons other than City employees, but the Board shall include at least one member who is an elected or appointed City employee of the City of Plattsburgh.

**Chapter 95
OFFICERS AND EMPLOYEES**

**ARTICLE I
Payroll Procedures**

§ 95-1. Payroll period for City officials and employees.

- B. Except as hereinafter provided, all City officials, department heads and employees shall be paid biweekly.
- C. In the case of labor-class, temporary, part-time or other hourly rate employees, payrolls for whom are audited by the Common Council at its regular weekly meeting, the payday shall be on the second Friday following the completion of the workweek.

§ 95-2. Procedures.

- A. Payrolls, for which the City Chamberlain shall prescribe regulations, forms and practices not inconsistent with law, shall be filed electronically. Retirement reporting will be completed as required by New York State.
- § B. Payroll elapsed time shall be approved by department heads and/or the Mayor.
- C. The Mayor and three Councilors approve the payroll dollars to be paid weekly. Civil Service certifies payroll once annually, in February of each year.

§ 95-3. Computations.

- A. Amounts of compensation for those personnel whose annual salaries shall have been fixed by the Common Council shall be 1/26 of the annual rate for which an employee shall be eligible. Payments for the first and last pay periods of each calendar year shall be adjusted, on the basis of the number of days respectively therein, but the total salary paid to each person during the year shall not exceed the annual amount fixed by the Common Council. Changes of annual salary rates established during a given year shall be valued, for that year, according to the number of working days elapsed and remaining. Calendar surplus days may cause overpayment every 14 years for salaried employees.
- C. Computed daily rates for annual salaried personnel paid weekly shall be determined by dividing 1/26 of the annual salary rate applicable by the number of days and fractions of days customarily worked during each weekly pay period by regular personnel in similar positions. For purposes of this computation, six days shall be presumed to be the work week of personnel of the Fire Department under present schedules and also for those personnel whose positions are generally regarded as part-time. Fire Department employees work twenty-four-hour days twice weekly and once during the last week of their month.
- D. Amounts of monthly compensation for monthly paid employees or Councilors shall be, 1/12 of the prescribed annual rate for which the employee or Councilor shall be eligible.

§ 95-4. Disbursements.

- A. All payrolls shall first be audited and approved by resolution of the Common Council before payments shall be made.

Deleted: weekly, on Friday, for the weekly period ended on the immediately preceding Wednesday. In the

Deleted: event of a legal holiday, the

Deleted: Common Council may, by resolution, establish another payday for any given week.

Deleted: , except for personnel of the Municipal Lighting Department, whose payday shall be as set forth in Subsection B.

Deleted: prepared in triplicate, with the original to be retained by the Finance Department, a copy to be transmitted by said Department to the New York State Employees Retirement System and a copy to be filed with the City Clerk's office

Deleted: B. . The validity and accuracy of such payrolls and of the amounts due the persons listed thereon shall be certified by signature of the respective department heads before any payments shall be made. Department heads of the Police Department, Fire Department, Public Works Department, Recreation Department, Park and Beach Commission, Public Library, Water and Sewage Department, Municipal Airport and Municipal Lighting Department shall indicate by signature the approval for payment of the payrolls of their respective departments. Payrolls for administrative and other departments shall require the approval of the Mayor by his signature. C. . Such completed and signed payrolls shall be certified by signature of a member of the Municipal Civil Service Commission and for approval of payment by the Mayor. Hourly-rate payrolls mentioned in Subsection C of

Deleted: 80-1 also shall be signed by a majority of the members of the Common Council, except those of the Public Library and the Municipal Lighting Department. ¶

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Deleted: Computed daily rates for salaried personnel paid on other than a weekly basis shall be 1/312 of the prescribed annual rate. For fractions of months, the amount of compensation payable shall be computed as set forth in Subsection B of this section, using the computed daily rate explained in this subsection.

Deleted: A. . Payrolls for personnel whose annual salaries shall have been fixed by the Common Council shall be payable without further audit by such Council. All other

Deleted: , except for payrolls of the Public Library.

**City of Plattsburgh Code Adoption
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- C. For payrolls of each pay period, warrant checks or electronic transfers against the several funds and appropriation accounts properly chargeable therefor shall be drawn to the order of "City Chamberlain — City payroll account" for the total or gross amounts of such payrolls and shall require the signatures provided by the City Charter for disbursement of City moneys.
- D. Such warrant checks or electronic transfers shall be deposited by the City Chamberlain to the credit of the City payroll account in the designated depository for City moneys, which new account he is hereby authorized to establish.
- E. The City Chamberlain is hereby authorized to make deductions on such payrolls for withholding taxes and retirement and social security purposes as are required by law and for such other purposes as group insurance premiums, etc., as may be authorized. Checks or electronic transfers drawn against the City payroll account for the total amounts of such deductions shall be deposited in the City Chamberlain's trust and agency funds account for subsequent payment by him to the proper respective recipients.
- F. Payments of the net amounts due the several persons on such payrolls, after subtraction of all authorized payroll deductions, shall be by individual payroll check or electronic direct deposit for each person listed thereon, drawn against the City payroll account, which payroll check shall require the signature of the City Chamberlain.

§

**Chapter 111
ADVERTISING MATERIALS**

§ 111-2. Unlawful advertising on houses or buildings.

It shall also be unlawful for any person to attach, place, paint, write, stamp or paste, or cause to be attached, placed, painted, written, stamped or pasted, any sign, advertisement or other matter upon any house or part thereof, wall, fence, gate, post or tree box, without first having obtained written permission of the owner, agents or occupants of the premises so to do. Any posted sign or advertisement must also conform to the sign requirements of Chapter 360, Zoning, § 360-27.

§ 111-4. Unlawful deposits in doors and business places.

No person shall distribute handbills or other advertising matter at houses, stores or other places of business, other than by putting the same inside the screen doors, under doors, in the jambs of doors, and when so distributed, no bell connected with such houses, stores or places of business shall be rung, and no alarm of any kind shall be sounded.

**Chapter 116
ALARM SYSTEMS**

§

**Chapter 120
ALCOHOLIC BEVERAGES**

§ 120-1. Purpose.

B. The Common Council finds further that preservation of the public welfare and prevention of conditions which lead to conduct disturbing the peace attributable to consumption of alcoholic beverages, can be

Deleted: Transition authorization. ¶
A. . To accomplish the purposes of this chapter with regard to annual salaried personnel, the final payday for the fiscal year 1957 shall be on Monday, December 30, 1957, and shall comprise the balance of all compensation payable through December 31, 1957, and the first payday of the year 1958 shall be on Friday, January 10, 1958, and shall include payment for one day (January 1) together with payment for the payroll week ending January 8. ¶
B. . To accomplish the purposes of this chapter with regard to hourly-rate personnel, the payroll period under previous statute beginning December 27, 1957, shall be ended on Wednesday, January 1, 1958, and payrolls for this period shall be prepared accordingly. Subsequent payrolls shall be on the basis provided in

Deleted: 80-1 of this chapter. ¶

Deleted: or in letter boxes connected with such houses, stores or places of business,

Deleted: Approval required prior to installation. ¶
No emergency alarm, as defined in

Deleted: 116-2 of this chapter, shall be installed or maintained in the City of Plattsburgh without prior submission of an application and the approval of the Chief of Police of the City of Plattsburgh to have said emergency alarm installed. ¶
Annual fee. ¶
A. . An annual fee of \$36 will be charged by the City of Plattsburgh for each and every alarm system which terminates directly at the module within the Police Department. ¶
B. . There will be no annual fee for at-scene audible alarms which have no other termination. Under these conditions, a time switch will be installed with the at-scene audible alarm to enable the alarm system to be deactivated. ¶

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**City of Plattsburgh Code Adoption
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accomplished by the prohibition of alcoholic beverages in public places and by prohibiting the possession of an open or unsealed container of alcoholic beverage in any public place.

§ 120-2. Definitions.

INTENT TO CONSUME — Includes any of the following: drinking from the container; possession with movement of the container to the mouth; and any circumstances evidencing an intent to ultimately consume in any public place.

OPEN BOTTLE, CAN OR OTHER CONTAINER — Any bottle, can, glass or other receptacle suitable for or used to hold any liquid, which has been uncapped, uncorked, the tab removed or the top sliced, cut or broken, or its original condition altered in such a way that the liquid can flow out of it.

§ 120-3. Unlawful use.

It shall be a violation of this chapter for any person to:

- B. Have in his possession with intent to consume an open or unsealed container of an alcoholic beverage while in any public place.

§ 120-5. Penalty for offenses.

- A. A person found guilty of violating § 120-3C or D shall be sentenced to pay a fine of up to \$500.
- B. A person found guilty of violating § 120-3A or 120-3B shall be guilty of an offense punishable by a fine of not less than \$150 nor more than \$250 for the first offense; and up to \$250 for each successive offense within one year of the first offense.

**Chapter 124
AMUSEMENTS**

**ARTICLE II
Sunday Operation**

§ 124-6. Motion pictures.

The exhibition of motion pictures in the City of Plattsburgh is hereby permitted on the first day of each week after 1:05 p.m.

Deleted: 2:00

§ 124-7. Sports games and bowling.

It shall be lawful to play basketball games, baseball games, football games, soccer, hockey and to bowl on the first day of each week after 1:05 p.m. and to witness the same, for which an admission may or may not be charged.

Deleted: 2:00

§ 124-8. Concerts and recitals.

Concerts and recital dances are also permitted after 1:05 p.m. on the first day of each week; provided, however, that the same concert or recital dance shall not have been given or held more than three times during the six days preceding said Sunday.

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**ARTICLE III
Circus, Carnival and Motion-Picture Show Licenses**

§ 124-12. Fee receipts.

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Upon approval of the application, the prescribed fee shall be paid to the City Clerk§.

Deleted: , who shall issue a receipt therefor and account for the fee in the manner prescribed in

Deleted: C3-7 of the Charter of the City of Plattsburgh, New York

**Chapter 128
ANIMALS**

**ARTICLE II
Dog Control**

§ 128-6. Barking.

Any person who owns, possesses or controls a dog shall not keep a dog that makes frequent or long-continued noise such as barking, howling or whining in violation of Chapter 222, Noise, of the City Code. [that is disturbing to a person of normal sensibilities.]

§ 128-9. Impoundment and destruction of dogs: fines and fees.

- C. If the impounded dog is not claimed within 72 hours of its delivery to the animal shelter, the animal shelter or veterinarian may make the dog available for adoption or humanely euthanize the dog.
- E. In addition to any fees or charges owed to the animal shelter or veterinarian, and any fine imposed for a violation of this chapter, the owner of the dog shall pay the City of Plattsburgh a fee for seizing and transporting the dog to the animal shelter in an amount set from time to time by the Common Council by resolution.

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§ 128-22. License fees.

The fees and charges for a dog license may be set or amended from time to time by resolution of the Common Council. If a license tag is lost or damaged, it may be replaced upon payment of the replacement tag fee.

Deleted: are set forth in Table I.¶
Editor's Note: Table I is included as an attachment to this chapter.¶
Such fees and charges may be amended

**Chapter 139
BINGO AND GAMES OF CHANCE**

**ARTICLE I
Bingo**

§ 139-2. Definitions.

Includes any bona fide religious or charitable organization or bona fide educational, fraternal, civic or service organization or bona fide organization of veterans, volunteer firefighters, or volunteer ambulance workers, which by its charter, certificate of incorporation, constitution, or act of the Legislature, shall have among its dominant purposes one or more of the lawful purposes as defined in this article, provided that each shall operate without profit to its members, and provided that each such organization has engaged in serving one or more of the lawful purposes as defined in this article for a period of one year immediately prior to applying for a license under this article.

Deleted: AUTHORIZED ORGANIZATION — Includes only bona fide religious, charitable or nonprofit organizations of veterans, volunteer firemen and similar nonprofit organizations.

CONTROL COMMISSION — The New York State Gaming Commission created pursuant to § 102 of the Racing, Pari-Mutuel Wagering and Breeding Law.

Deleted: State Lottery Control Commission.

§ 139-5. Restrictions.

No game of bingo shall be conducted other than in compliance with the laws of the State of New York, this article, the license issued and the following restrictions:

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E. No prize shall exceed the sum or value of ~~\$5,000~~ in any single game of bingo.

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F. No series of prizes on any one bingo occasion shall aggregate more than ~~\$15,000~~.

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~~J. No person licensed to sell bingo supplies or equipment, or their agents, shall conduct, participate in, or assist in the conduct of bingo. Nothing herein shall prohibit a licensed distributor from selling, offering for sale, or explaining a product to an authorized organization, or installing, or servicing bingo equipment, upon the premises of a bingo game licensee.~~

Deleted: I. The authorized conduct of a bingo game and any willful violation of any provision of this article shall constitute and be punishable as a misdemeanor. ¶

~~J. Limited-period bingo shall be conducted in accordance with the provisions of this article and the rules and regulations of the Commission.~~

§ 139-6. Sunday games.

~~It shall be lawful for any organization, upon obtaining a license therefor as provided in this article, to conduct the game of bingo within the territorial limits of the City of Plattsburgh on the first day of the week, commonly known and designated as "Sunday," after 8:00 p.m., Eastern standard time, or Eastern daylight time, whichever may be in force in said City.~~

**ARTICLE II
Games of Chance**

§ 139-9. License required.

It shall be lawful for authorized organizations, upon obtaining a license therefor to conduct games of chance within the limits of the City of Plattsburgh, New York, under the provisions of this article, the provisions of the Games of Chance Licensing Law (Chapter 960 of the Laws of 1976, as amended), and the rules and regulations of the New York State Gaming Commission.

Deleted: Racing and Wagering Board

§ 139-10. Licensing authority.

The provisions of the Games of Chance Licensing Law and the rules and regulations of the New York State Gaming Commission control the licensing of authorized organizations and the conduct of games of chance in the City of Plattsburgh, New York, and this article incorporates the provisions of those statutes and regulations by reference as if set forth in full herein. Any inconsistency between this article and the said statutes and rules and regulations shall be resolved in favor of those rules and regulations.

Deleted: Racing and Wagering Board

§ 139-11. Sunday games.

Games of chance may be conducted on Sunday; however, no games of chance shall be conducted on Easter Sunday ~~or~~ Christmas Day.

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§ 139-12. City Clerk authorized to issue licenses.

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The City Clerk is authorized to issue licenses to authorized organizations and lessors upon filing of applications in accordance with the provisions of the Games of Chance Licensing Law and the rules and regulations of the New York State Gaming Commission and the payment of the prescribed fees.

Deleted: Racing and Wagering Board

**Chapter 144
BUILDING CODE ADMINISTRATION AND ENFORCEMENT**

§ 144-16. Fees.

The fees set forth in, or determined in accordance with ~~the~~ fee schedule or amended fee schedule established by the Common Council from time to time by resolution shall be charged and collected for the submission of

Deleted: A fee schedule adopted in resolution by the Common Council of the City of Plattsburgh on June 23, 1998 titled "Resolution Adopting revised Building Permit Fee Schedule". Such fee schedule may thereafter be amended from time to time by like resolution.

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applications, the issuance of building permits, amended building permits, renewed building permits, certificates of occupancy, letters of compliance, temporary certificates, operating permits, school inspections, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this chapter.

Deleted: Building Permits

**Chapter 163
ELECTRICAL SERVICE**

§ 163-1. Procedures to obtain electrical service.

In order to obtain electrical service from the Plattsburgh Municipal Lighting Department, the following procedures are hereby established:

C. An inspection by an electrical inspection person or agency approved by the City must be requested and approval obtained prior to the Plattsburgh Municipal Lighting Department completing the electrical connection for a service location.

Deleted: New York Board of Fire Underwriters

(1) If more than 50% of the structure is being renovated, then the structure shall be brought up to the current electric code.

(2) The customer's electric account with the Plattsburgh Municipal Lighting Department shall be paid up to date with no outstanding balances.

Chapter 167

ENVIRONMENTAL QUALITY REVIEW

§ 167-2. Compliance with requirements.

No decision to carry out or approve an action other than an action listed in Section 617.5 of Title 6 of the New York Codes, Rules and Regulations as a Type II action, shall be made by the Common Council or by any department, board, commission, officer or employee of the city, until there has been full compliance with all requirements of this chapter and Part 617 of Title 6 of the New York Codes, Rules and Regulations; provided, however, that nothing herein shall be construed as prohibiting:

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§ 167-6. Circulation of determination.

If the City Planning Board determines that the proposed action is not an exempt action, not an action listed in Section 617.5 of Title 6 of the New York Codes, Rules and Regulations as a Type II action and that it will not have a significant effect on the environment, the City Planning Board shall prepare, file and circulate such determination as provided in Section 617.8(b) of Title 6 of the New York Codes, Rules and Regulations, and thereafter the proposed action may be processed without further regard to this chapter. If the City Planning Board determines that the proposed action may have a significant effect on the environment, the City Planning Board shall prepare, file and circulate such determination as provided in Section 617.8(b) of Title 6 of the New York Codes, Rules and Regulations, and thereafter the proposed action shall be reviewed and processed in accordance with this chapter and Part 617 of Title 6 of the New York Codes, Rules and Regulations.

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§ 167-8. Procedures involving more than one agency.

Where more than one agency is involved in an action, the procedures of Sections 617.14 and 617.9 of Part 617 of Title 6 of the New York Codes, Rules and Regulations shall be followed.

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Chapter 194
JUNK DEALERS

§ 194-2. Definitions.

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

JUNK ~~DEALER~~ — Every person, association, partnership, firm or corporation as principal, agent or employee who or which shall carry on the business of buying, selling or storing any of the articles enumerated in § 194-1, at an established place of business.

Deleted: MERCHANT

§ 194-3. Application for license.

A. Any person, persons, association, partnership, firm or corporation desiring to procure a license as a junk peddler or junk ~~dealer~~, as herein provided, shall file with the Common Council a written application upon a blank form prepared and furnished by the city, which form may be obtained upon application made therefor to the City Clerk. Such application shall contain the name and residence of the applicant, if an individual, partnership or firm, or the names of the principal officers and their residences, if the applicant is an association or corporation. The application form shall also describe, in detail, the character of the business in which the said applicant desires to engage, and the kind of materials that the said applicant desires to collect, buy, sell or otherwise deal in. It shall also state the following:

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- (4) Whether the applicant or applicants or manager had, either alone or with someone else, previously been a junk ~~dealer~~ or peddler as defined in § 194-2.

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§ 194-5. License fees.

Every junk ~~dealer~~, as defined in § 194-2, for each established place of business; ~~and a junk dealer who has an established place of business and/or a residence in the City of Plattsburgh on the date of the passage of this chapter, and every~~ junk peddler, as defined by § 194-2, shall pay an annual license fee ~~in an amount set from time to time by the Common Council by resolution~~. All licenses shall be issued as of July 1 and shall continue in full force until June 30 of the year next succeeding the date of the issuance thereof, unless sooner revoked by the Mayor. No junk ~~dealer~~ shall engage in business as a junk peddler without paying a separate license fee therefor. No junk peddler's license shall give authority for more than one person to buy, offer to buy or to collect thereunder. Every junk ~~dealer~~ or peddler while exercising his license shall carry his license and exhibit same whenever requested to do so by a licensed or police officer of the City. No license shall be used by any person, other than the original licensee and any holder of such license who permits it to be used by any other person, and any person who uses such license granted to any other person shall be guilty of a violation of this chapter. Whenever a license shall be lost or destroyed, without fault on the part of the holder or his agent or employee, a duplicate license in lieu thereof under the original application may be issued by the City Clerk, provided that a sworn statement of facts concerning lost or destroyed license is furnished and approved for acceptance by the Mayor.

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§ 194-6. Designation of place of business.

Every license which shall be granted in pursuance of § 194-1 shall designate the house or place of business in or from which the junk ~~dealer~~ or peddler receiving such license shall be authorized to carry on such business. In case any licensee shall remove his or its place of business from place designated in the license, he or it shall immediately make application to the Common Council before such removal, for permission to change from the location set forth in the original license, and the Common Council in its discretion may either refuse or grant such permission.

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§ 194-7. Restrictions.

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- A. No junk dealer or peddler shall carry on the business at or from any place other than the one designated in the license thereof, nor shall be or it continue to carry on business after such license has been revoked or has expired.
- B. No junk dealer or peddler shall purchase any articles enumerated in § 194-1 from any minor, apprentice or servant, knowing or having reason to believe the seller to be such, nor from any person between the setting of the sun and 7:00 a.m. in the morning.
- D. No license to operate as a junk dealer or peddler shall be granted to any person, persons, association, partnership or corporation who or which shall have been convicted, within two years of the date of the application, of a violation of this chapter, or association or corporation of which a member or members shall have been so convicted or also any person who has been convicted of a felony or knowingly received stolen goods.

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§ 194-9. Record of purchases.

Every junk dealer shall keep, in such form as the Chief of Police may prescribe and written in ink or indelible pencil, a daily record of all articles purchased, showing the name, residence, age and occupation of the person from whom each purchase was made, the name of the employer, if any, of such person and also the day and hour of such purchase and the price paid therefor. The records shall, at any reasonable time, be open to the inspection of the Mayor, Chief of Police or any person duly authorized in writing by the Chief of Police or magistrate to make such an inspection, and in each case where this written authorization is given, the same shall, prior to the inspection to be made, be exhibited to the junk dealer, his agent or employee. No entry made in such daily record shall be changed, erased, obliterated or defaced.

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§ 194-10. Reports to Police Department.

- A. Every junk dealer, upon being served with a written notice so to do, by a member of the Police Department, shall report to the Chief of Police, on blank forms approved by the Chief of Police for this purpose, an accurate description of all goods, articles or things purchased or received by him in the course of business as a junk dealer at such time and during such period of time specified in the notice, stating the amount paid for such articles and the name, residence and general description of the person from whom such goods, articles or things were received and such additional information as the Chief of Police may require.
- B. The Chief of Police is hereby authorized to order that all goods, articles and things be segregated and kept separate from the previous articles reported on, for a period not to exceed five days from the date of the purchase thereof.

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§ 194-11. Lost or stolen goods.

If any goods, articles or things whatsoever shall be advertised in any newspaper printed in the city as having been lost or stolen and the same, or any answering the description advertised or any part or portion thereof, shall be or come into the possession of any junk dealer or peddler, he or it shall give information thereof, in writing, to the Chief of Police and state from whom the same was received. Any junk dealer or peddler who shall have or receive any goods, articles or things lost or stolen, or alleged or supposed to have been lost or stolen, shall exhibit the same on demand to any police officer or to the Mayor, Chief of Police or any magistrate or to any person duly authorized in writing by the Chief of Police or magistrate, who shall exhibit such authorization to such dealer or peddler.

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§ 194-12. Fences.

- A. No junk dealer, dealer or peddler shall carry on the business of a junk dealer from a junkyard in the City of Plattsburgh, nor shall there be maintained any junkyard in the City of Plattsburgh, unless said junkyard shall be enclosed in a manner consistent with Chapter 360, Zoning, of the City Code.

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Deleted: by a tightly constructed, painted board fence of not less than six feet in height or an equivalent fence or barrier to be approved by the Common Council.

**City of Plattsburgh Code Adoption
Schedule A**

B. No posting or advertising matter of any kind shall be allowed or permitted on said fence. The specifications for the building of said fence shall be submitted to the Zoning Board, and said fence shall be erected under the supervision of the Building Inspector of the City of Plattsburgh. No junk or other materials shall be piled within the bounds of any junkyard at a height in excess of one foot from the top of said fence.

Deleted: Building Committee of the Common Council for its approval

Deleted: Superintendent of Public Works

§ 194-13. Penalties for offenses.

Any person, persons, firm, association, partnership or corporation, who himself or itself or by his or their or its Clerk, agent or employee shall conduct the business of a junk dealer or peddler as herein defined, without a license required by this chapter, or shall violate any of the provisions of this chapter, or who, having had his, its or their license revoked, shall continue as a junk dealer or peddler, shall, upon conviction thereof, be subject to a fine or penalty of not less than \$50 nor more than \$250, and each day on which such violation continues shall constitute a separate offense. In addition to the penalties imposed, the license of the person, persons, firm, association, partnership or corporation violating the same shall be cancelled or revoked.

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**Chapter 201
LICENSES AND PERMITS**

**ARTICLE I
Insurance Requirements**

§ 201-1. Insurance requirements.

Applicants for licenses and permits to carry on the following occupations or perform the following services or to use buildings or property of the City of Plattsburgh, New York, are required to provide insurance for bodily injury and property damage in amounts specified by resolution of the Common Council and to maintain the same during the period of each license or permit:

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Deleted: license. Public liability insurance for bodily injury and property damage shall be in an amount to be specified by resolution of the Common Council.

Deleted: Public liability insurance for bodily injury and property damage shall be according to the state minimum requirement per vehicle.

Deleted: Vendor's license

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A. Carnival licenses.

B. Circus licenses.

C. Refuse collectors licenses.

D. Taxicab licenses.

E. Theater licenses.

F. Tree and stump removal.

G. Vendor's license. Vendors shall also maintain public liability insurance for service of food and drink in an amount to be specified by resolution of the Common Council.

§ 201-4. Amendments by resolution.

The Common Council may, by resolution, duly adopt or amend the amounts and types of insurance required for applicants for licenses and permits and provide by resolution for the types and amounts of insurance required for other occupations or services or for the use of property of the City of Plattsburgh, New York.

Deleted: Public liability insurance for bodily injury and property damage shall be in an amount to be specified by resolution of the Common Council. ¶

F. Theater license. Public liability insurance for bodily injury and property damage shall be in an amount to be specified by resolution of the Common Council. ¶

G. Tree and stump removal. Public liability insurance for bodily injury and property damage shall be in an amount to be specified by resolution of the Common Council.

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The provisions requiring insurance in all ordinances and resolutions are hereby amended to require insurance in the amount specified in this chapter. ¶

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**Chapter 222
NOISE**

§ 222-6. Exemptions.

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This chapter shall not apply to noise or sounds caused by:

- D. The use of domestic power tools for property repair or improvements, lawn mowers and other lawn maintenance tools between 7:00 a.m. and 8:00 p.m.

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**Chapter 230
OPEN BURNING**

§ 230-3. Permits.

A permit for an open fire permitted in accordance with § 230-2A and/or state law regulations in 6 NYCRR Part 215 must first be obtained from the New York State Department of Environmental Conservation. Upon obtaining such permit, an application for an open fire permit shall be made to the Chief of the Fire Department. The application shall include information about the date, time, place and reason for the fire, and such other information as the Chief may deem relevant to assessing the risk to property or persons posed by the open fire, the applicant's fire and liability insurance coverage, the safety plan and measures to be taken while the fire is burning.

**Chapter 236
PARKING DISTRICTS**

**ARTICLE I
US Oval Parking District**

§ 236-4. Parking district costs.

The following costs are found necessary and incidental to the ownership and maintenance of the public parking facilities and shall be paid by levying a special assessment against lots within the U.S. Oval Parking District: snow removal, cleaning, refuse removal, striping, signing, resurfacing, installation of curbs, drainage, crosswalks, lighting, and other costs associated with the improvement and maintenance of the parking facilities. The Common Council may by resolution establish capital accounts and reserve accounts for capital improvements to the parking facilities and include in the parking district levy the cost of funding such reserve accounts and paying bonded indebtedness incurred for such capital improvements. All such costs are referred to herein as "district costs." The City Planner and Superintendent of Public Works shall prepare an estimate of the annual district costs and submit such estimate to the Mayor on or before October 1 of each year.

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**Chapter 239
PARKS AND RECREATION AREAS**

**ARTICLE II
Permits for Use of Municipal Beach**

§ 239-3. Issuance of permits.

The Community Development Department, in concert with recreation staff, is authorized to issue permits for admission to the City beach to residents of the City of Plattsburgh and the Town of Plattsburgh.

Deleted: City Clerk

- A. Before issuing any such permit, there shall be exhibited to recreation staff at the beach entrance, a certificate of registration, currently in effect, of the applicant's automobile, family van not exceeding a ten-passenger capacity, pickup truck not exceeding a one-ton capacity, motorcycle or motorbike and indicating

Deleted: the City Clerk

**City of Plattsburgh Code Adoption
Schedule A**

that they are a resident of Clinton County. No permits will be issued for buses, trucks or other commercial vehicles.

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D. All permits shall be nontransferable, and recreation staff shall keep a record of all permits issued.

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E. The Common Council, by resolution, may adopt an entrance fee schedule for other users of the City beach.

Deleted: Municipal Beach.

**Chapter 244
PAWNBROKERS**

§ 244-2. License fee; bond.

The City Clerk may grant to any person who shall produce evidence of good character a license to carry on the business of pawnbroker within the City, upon payment of a sum as set from time to time by the Common Council by resolution and the execution of a bond to the City in the penal sum of \$10,000 with two sureties or corporate surety to be approved by the City Clerk conditioned for the faithful observance of the ordinances of the City then in force or thereafter enacted relating to pawnbrokers and the payment of all damages incurred as such pawnbroker.

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§ 244-8. Records.

A. Required; contents. Every pawnbroker within the City shall keep a book in which shall be legibly written, in ink, at the time any loan is made, an account and description of the articles pawned or purchased, the amount of money loaned thereon, the time of pawning or purchasing the same, the rate of interest to be paid on such loan and the name, residence and a general description of the person pawning or selling said personal property, and a notation of whether the pledgor claims to be the owner, consignee or agent of the owner.

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§ 244-10. Business and employment associations restricted.

No pawnbroker or person in the employ of a pawnbroker within the City shall in any manner receive any personal property in pledge from any minor, actually or apparently under the age of 18 years, intoxicated person, habitual drunkard or notorious thief, known by him to be such, nor shall such pawnbroker employ any person as an assistant in such business who is under 16 years of age.

§ 244-14. Penalties for offenses.

Any person violating the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not less than \$25 nor more than \$100 for each day or part thereof that such violation occurs.

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**Chapter 254
PEDDLING AND SOLICITING**

**ARTICLE I
Sidewalk and Street Vendors**

§ 254-1. Permit required; fee; application procedure.

A. Permit; fee. It shall be unlawful for any person, partnership or corporation to sell or attempt to sell any commodity by means of vending such commodity upon any street or sidewalk in the City of Plattsburgh without first securing a permit and paying a fee as set from time to time by the Common Council by resolution.

Deleted: the fee therefor. The permit fee shall be \$100 for a year or any portion thereof

**City of Plattsburgh Code Adoption
Schedule A**

B. Application. To secure a permit as set forth in Subsection A above, application shall first be made to the Common Council of the City of Plattsburgh, which application shall set forth the name and address of the vendor and commodity ~~the vendor~~ desires to sell and the hours of sale and shall be accompanied by satisfactory proof of obtaining and ~~maintaining~~ public liability insurance in the amount of \$1,000,000 per occurrence (\$2,000,000 aggregate) for personal injury or death and damage to property and, if the commodity to be sold is food or drink, by a policy in the amount of \$1,000,000 per occurrence (\$2,000,000 aggregate) for food products, and such policy or policies of insurance shall include the City of Plattsburgh, New York, as a named insured.

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**ARTICLE II
Licensing Requirements**

§ 254-5. Exemptions.

A. Nothing in this article shall be held to apply to any sales conducted pursuant to statute or by order of any court; to any person selling personal property at wholesale to dealers in such articles; to merchants having an established place of business within the City or their employees for soliciting orders from customers and delivering the same; to farmers and truck gardeners, who themselves or through their employees vend, sell or dispose of products of their own farms and gardens; to any honorably discharged veteran of the Armed Forces of the United States who is a resident of this state and a veteran of any war or who shall have served in the Armed Forces of the United States overseas or the spouse of such veteran if a resident of this state as provided by § 32 of the General Business Law of the State of New York; to berry pickers who sell berries of their own picking; to persons engaged in fishing in the waters adjacent to the City of Plattsburgh, when such fish is sold by the person catching the same; to the owner or lessee of any property within the City of Plattsburgh who conducts, on his or her property, flea markets, porch sales, garage sales or similar sales ~~conducted in accordance with Chapter 360, Zoning, § 360-22C, of the City Code.~~

Deleted: for not more than two consecutive days in any calendar year.

§ 254-9. Fees; assistance for peddlers using vehicles.

A. The license fee ~~for~~ a license to hawk, peddle or solicit on foot, or with a vehicle, ~~shall be set from time to time by the Common Council by resolution.~~

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**Chapter 265
PRECIOUS METALS DEALERS**

§ 265-3. Conditions for granting of license.

B. Any person receiving such license shall pay ~~a fee as set from time to time by the Common Council by resolution,~~ and each such license shall expire one year from the date thereof, and may be renewed on application to the City Clerk each and every year on payment of the same sum and upon performance of the other conditions herein contained.

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**Chapter 278
SEWERS AND SEWAGE DISPOSAL**

**ARTICLE III
Private Sewage Disposal**

§ 278-7. Written permit required; fee.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the

**City of Plattsburgh Code Adoption
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City, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee in an amount set from time to time by the Common Council by resolution shall be paid to the City at the time the application is filed.

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§ 278-9. Compliance with state requirements.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health of the State of New York. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

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**ARTICLE IV
Building Sewers and Connections**

§ 278-15. Classes of building permits.

B. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee for a residential or commercial building sewer permit or for an industrial building sewer permit, in an amount set from time to time by the Common Council by resolution, shall be paid to the City at the time the application is filed.

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**ARTICLE VI
Special Permits for Significant Industrial User**

§ 278-38. Application for special permit.

A. Users required to obtain a special SIU wastewater discharge permit shall complete and file with the City an application in the form prescribed by the City and accompanied by a fee set from time to time by the Common Council by resolution. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

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**Chapter 295
STREETS AND SIDEWALKS**

**ARTICLE II
Awnings Over Sidewalks**

§ 295-23. Penalties for offenses.

Any person, firm or corporation violating the provisions of this article shall be subject to a fine not to exceed \$250 per day for each day the violation continues from and after the date such person is served with a notice of violation.

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**CHAPTER 300
SUBDIVISION**

1. Section 300-6A(2) is amended to delete the fee amount and to read as follows: *All applications for plat approval for minor subdivision shall be accompanied by a fee set from time to time by the Common Council by resolution.*
2. Section 300-6E and F are amended to read as follows:

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Schedule A**

- E. Public hearing. A public hearing shall be held by the Planning Board in accordance with General City Law § 32.*
- F. Action on subdivision plat. The Planning Board shall, within 62 days from the time of submission of the plat for approval, approve, modify and approve or disapprove the subdivision plat.*
3. Section 300-7A(2) is amended to read as follows: *The application for conditional approval of the preliminary plat shall be accompanied by a nonrefundable fee set from time to time by the Common Council by resolution. Large-scale planned residential, commercial or industrial districts shall be assessed a fee set from time to time by the Common Council by resolution. For the determination of fee, the type of development shall be determined by the Planning Board.*
4. Section 300-7F(1) is amended to read as follows: *Within 62 days after the time of submission of a preliminary plat, the Planning Board shall take action to conditionally approve, with or without modifications, or disapprove such preliminary plat; and the grounds of any modifications required or the grounds for disapproval shall be stated upon the records of the Planning Board. Failure of the Planning Board to act within such 62-day period shall constitute a conditional approval of the preliminary plat.*
5. Section 300-8B is amended to read as follows: *Number of copies. A subdivider intending to submit a proposed subdivision plat for the approval of the Planning Board shall provide the Secretary of the Board with a copy of the application and five copies of the plat, the original and two copies of all offers of cession, covenants and agreements and five prints of all construction drawings at least 10 days in advance of the regular monthly Planning Board meeting at which it is to be officially submitted.*
6. Section 300-8E and F are amended to read as follows:
- E. Public hearing. A public hearing shall be held by the Planning Board in accordance with General City Law § 32.*
- F. Action on proposed subdivision plat.*
- (1) The Planning Board shall, within 62 days from the time of submission of the plat for approval, approve, modify and approve or disapprove the subdivision plat. However, the subdivision plat shall not be signed by the authorized officers of the Planning Board for recording until the subdivider has complied with the provisions of § 300-9.*
- (2) Failure of the Planning Board to approve, modify and approve or disapprove the final plat, within 62 days from the time of submission of the plat for approval, shall result in the automatic approval of such final plat. The certificate of the City Clerk as to the official date of public hearing and the failure of the Planning Board to take action thereon within such 62-day period shall be issued to the subdivider upon demand and shall be sufficient in lieu of any written notation or endorsement or other evidence of final approval herein required.*
7. Section 300-10A is amended to read as follows: *Final approval and filing. Upon completion of the requirements in §§ 300-6, 300-8 and 300-9 and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Planning Board (Chairman or Acting Chairman) and may be filed by the applicant in the office of the County Clerk. Any subdivision plat not so filed or recorded within 90 days of the date upon which such plat is approved, or considered approved by reasons of the failure of the Planning Board to act, shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant one or more extensions, each of which shall not exceed a period of 90 days.*
8. Section 300-14C is amended to change “City Engineer” to “City Planner.”
9. Section 300-16B(4) and (5) are amended to read as follows:
- (4) Fire hydrants. Installation of the hydrants shall be in conformity with all requirements and standards of the State of New York.*

**City of Plattsburgh Code Adoption
Schedule A**

(5) *Streetlighting and communications facilities. Lighting facilities shall be in conformance with the lighting system of the City. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized City Electrical Inspector. Wherever possible, all electric and communications cables shall be buried.*

10. Section 300-20C is amended to read as follows:

C. *Information to be submitted. In the event that an area to be used for a park or playground is required to be so shown, the subdivider shall submit, prior to final approval, to the Board, three prints showing, no larger than 60 scale, such area and the following features thereof:*

- (1) *The boundaries of the said area, giving lengths and bearings of all straight lines and radii, lengths, central angles and tangent distances of all curves.*
- (2) *Existing features such as brooks, ponds, clusters of trees, rock outcrops and structures.*
- (3) *Existing and, if applicable, proposed changes in grade and contours of the said area and of areas immediately adjacent.*

11. Section 300-22F is amended to read as follows: *The plat to be filed with the County Clerk shall be printed upon paper. The size of the sheet shall be 18 inches by 24 inches or 24 inches by 36 inches.*

12. The lead-in paragraph to § 300-24A is amended to read as follows: *The plat to be filed with the County Clerk shall be printed on paper. The size of the sheets shall be 18 inches by 24 inches or 24 inches by 36 inches, including a margin for binding of two inches, outside of the border, along the left side and a margin of one inch outside of the border along the remaining sides. The plat shall be drawn at a scale of no more than 100 feet to the inch and oriented with the North point at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible. The plat shall show: . . .*

**Chapter 306
TAXATION**

**ARTICLE I
Utility Tax**

§ 306-1. Tax imposed; amount.

Pursuant to the authority granted by § 20-b of the General City Law of the State of New York, a tax equal to 1% of gross income is hereby imposed on every utility doing business in the City of Plattsburgh, which is subject to the supervision of the Public Service Commission, except as hereinafter set forth in § 306-2 of this article, and a tax equal to 1% of its gross operating income is hereby imposed for the same period upon every other utility doing business in the City of Plattsburgh, which taxes shall have application only within the territorial limits of the City of Plattsburgh and shall be in addition to any and all other taxes imposed for the same period. Such taxes shall not be imposed on any transaction originating or consummated outside of the territorial limits of the City of Plattsburgh, notwithstanding that some act may be necessarily performed with respect to some transaction within such limits.

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§ 306-2. Definitions.

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

GROSS INCOME — Includes receipts received in or by reason of any sale, conditional or otherwise (except sales hereinafter referred to with respect to which it is provided that profits from the sale shall be included in gross income), made or service rendered for ultimate consumption or use by the purchaser in the City, including cash,

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**City of Plattsburgh Code Adoption
Schedule A**

credits and property of any kind or nature (whether or not such sale is made or such service is rendered for profit), without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or services or other costs, interest or discount paid, or any other ~~expense~~ whatsoever.

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- A. ~~Provided, however, that all receipts from sales of the transportation, transmission or distribution of gas or electricity by means of conduits, mains, pipes, wires, lines or the like, rendered or performed in the City, shall be included in gross income except receipts from (i) sales of the transportation, transmission or distribution of gas or electricity to (A) a utility (excluding a public authority) which is supervised by this state or another jurisdiction (where an element of such supervision includes rate regulation and, for a utility supervised by another jurisdiction, such supervision includes rate regulation and such gas or electricity is delivered for ultimate consumption or use outside this state), (B) a municipality which owns and operates facilities which are used to generate or distribute electricity or distribute gas and which distributes and sells such electricity or gas solely at retail, solely within its respective jurisdiction, or (C) a public authority of this state where such public authority is primarily engaged in the generation and transmission or distribution of electricity or the distribution of electricity or gas and at least 95% of the assets of which are so devoted, provided that if the service area or district of the authority is less than the entire City, the excluded receipt shall be limited to receipts derived from the sale of transportation, transmission or distribution of gas or electricity, which electricity or gas will be sold by such authority at retail within its service area or district, where, as the case may be, such utility or authority purchasing such transportation, transmission or distribution sells the gas or electricity being so transported, transmitted or distributed, (ii) sales of the transportation, transmission or distribution of electricity to a municipality where the electricity being transported has been purchased by such municipality and has been generated solely by and purchased solely from the state or a public authority of the state (except where the electricity being transported constitutes temporary substitution power being supplied during outages or periods of reduced output) and where such municipality purchasing such transportation, transmission or distribution sells solely at retail, solely within its respective jurisdiction, the electricity being so transported, transmitted or distributed, (iii) sales of the transportation, transmission or distribution of gas or electricity to corporations and associations which are organized and operated exclusively for religious, charitable or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and which are described in Tax Law § 1116, Paragraph 4 of Subdivision (a), where such organization resells such transportation, transmission or distribution as part of a bundled gas or electric service as landlord to its tenants in buildings owned by such organization, or (iv) sales of the transportation, transmission or distribution of gas or electricity, not otherwise excluded, to nonresidential customers, but only in accordance with the following schedule: 100% of such sales shall be excluded. For the purposes of this subsection, the term "nonresidential customers" means those customers whose use of gas or electricity or gas or electric service does not qualify for the reduced rate of sales and compensating use tax on gas, electricity, or gas or electric service under Tax Law § 1185-a.~~
- B. ~~Provided, further, receipts received from the sale of the transportation, transmission or distribution of gas or electricity shall mean the receipts received from customers representing the noncommodity charges for gas or electric service.~~
- C. ~~Provided, further, gross income with respect to a provider of telecommunication services shall not include receipts from the sale of telecommunication services as such services are defined herein.~~
- D. ~~Provided, further, sales of gas, electricity, steam, water or refrigeration or gas, electric, steam, water or refrigerator service to a landlord that is a person as defined herein for resale by such landlord to a tenant, for consumption by such tenant as an incident to such landlord's activity of renting premises to such tenant, shall be subject to the tax imposed under this article even though such sales are not for ultimate consumption by such landlord; provided, further, receipts derived by a landlord from the resale for such gas, electricity, steam, water or refrigeration or furnishing gas, electric, steam, water or refrigerator service to such tenant shall be conclusively presumed to be equal to such landlord's cost of the same, and, if the tax~~

**City of Plattsburgh Code Adoption
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under this article was imposed on the sale to such landlord, no additional tax under this article shall be owing on the sale by such landlord to such tenant. If, however, the tax under this article was not imposed on such sale to the landlord, then such landlord on the sale to its tenant shall file a return hereunder based on such landlord's cost (including any associated transportation cost) of such gas, electricity, steam, water or refrigeration or gas, electric, steam, water or refrigerator service.

E. "Gross income" also includes profits from the sale of securities; as well as profits from the sale of real property growing out of the ownership or use of or interest in such property; as well as profit from the sale of personal property (other than property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the period for which a return is made); as well as receipts from interest, dividends, and royalties, derived from sources within this state other than such as are received from a corporation, a majority of whose voting stock is owned by the taxpaying utility, without any deduction therefrom for any expenses whatsoever incurred in connection with the receipt thereof; as well as profits from any transaction (except sales for resale and rentals) within this state whatsoever.

GROSS OPERATING INCOME — Includes receipts received in or by reason of any sale, conditional or otherwise, made for ultimate consumption or use by the purchaser of gas, electricity, steam, water or refrigeration, or in or by reason of the furnishing for such consumption or use of gas, electric, steam, water or refrigerator service in this City, including cash, credits and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or services or other costs, interest or discount paid, or any other expenses whatsoever; provided, however, there shall be excluded from gross operating income receipts representing the amount received from the resale of the transportation, transmission or distribution of gas or electricity in this City where such transportation, transmission or distribution being resold is provided by a utility subject to tax under Tax Law § 186-a, Subdivision 1(b); the receipts representing the amount received from resale of such transportation, transmission or distribution shall be the amount received for such transportation, transmission or distribution by such utility which initially provided such transportation, transmission or distributions; provided, further, sales of gas, electricity, steam, water or refrigeration or gas, electric, steam, water or refrigerator service to a landlord that is a person as defined in this section for resale by such landlord to a tenant, for consumption by such tenant as an incident to such landlord's activity of renting premises to such tenant, shall be subject to the tax imposed under this article even though such sales are not for ultimate consumption by such landlord; provided, further, receipts derived by a landlord from the resale of such gas, electricity, steam, water or refrigeration or furnishing gas, electric, steam, water or refrigerator service to such tenant shall be conclusively presumed to be equal to such landlord's cost of the same, and, if the tax under this article was imposed on the sale to such landlord, no additional tax under this article shall be owing on the sale by such landlord to such tenant. If the tax under this article was not imposed on such sale to the landlord, then such landlord, on the sale to its tenant, shall file a return hereunder based on such landlord's cost (including any associated transportation cost) of such gas, electricity, steam, water or refrigeration or gas, electric, steam, water or refrigerator service.

PERSON — Persons, corporations, companies, associations, joint-stock companies or associations, partnerships and limited-liability companies, estates, assignee of rents, any person acting in a fiduciary capacity, or any other entity, and persons, their assignees, lessees, trustees or receivers, appointed by any court whatsoever, or by any other means, except the state, municipalities, political and civil subdivisions of the state or municipality and public districts, (provided, however, that with respect to gas, electricity and gas or electric service, including the sale of the transportation, transmission or distribution of gas or electricity, such municipalities, political and civil subdivisions and public districts shall be excluded from the definition of "person" if they own and operate facilities which are used to generate or distribute electricity or distribute gas and they distribute and sell such gas or electricity solely at retail, solely within their respective jurisdiction; or provided, further, with respect to the sale of electricity or the transportation, transmission or distribution of electricity, a municipality shall be excluded from the definition of "person" if it sells electricity at retail where all such electricity (excluding temporary substitution power during outages or periods of reduced output) has been generated solely by and purchased solely from the state or a public authority of the state); corporations and associations which are organized and

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**City of Plattsburgh Code Adoption
Schedule A**

operated exclusively for religious, charitable or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and which are described in Tax Law § 1116(a)(4) where such organization resells such gas or electricity or gas or electric service as landlord to its tenants in buildings owned by such organization; and excepting a corporation organized and operated exclusively for the purpose of leasing from a city in this state a waterworks system designed to supply water at cost to users thereof for discharge, either before or after industrial use, into a river within such city in order to improve the flow and condition of such river and thereby to provide a means to relieve such river from pollution.

PREMISES — Includes any real property or part thereof, and any structure thereon or space therein.

TELECOMMUNICATIONS SERVICES — Shall have the same meaning as such term is defined in Tax Law § 186-e.

TENANT — Includes a person paying, or required to pay, rent for premises as a lessee, sublessee, licensee or concessionaire.

UTILITY — Includes every person (including every provider of telecommunication services) subject to the supervision of the Public Service Commission, except persons engaged in the business of operating on the public highways of this state one or more omnibuses, having a seating capacity of more than seven persons, and persons engaged in the business of operating or leasing sleeping and parlor railroad cars or of operating railroads other than street surface, rapid transit, subway and elevated railroads, and also includes every person (whether or not such person is subject to such supervision) who sells gas, electricity, steam, water or refrigeration, delivered through mains, pipes or wires, or furnishes gas, electric, steam, water or refrigerator service, by means of mains, pipes, or wires, regardless of whether such activities are the main business of such person or are only incidental thereto, or of whether use is made of the public streets.

§ 306-10. Tax imposed charged against and paid by utility.

The tax imposed by this article shall be charged against and paid by the utility and may be added as a separate item to bills rendered by the utility to customers or others but shall constitute a part of the operating costs of such utility.

ARTICLE II

Exemption for Improvements for Physically Disabled Residents

§ 306-16. Qualifications.

To qualify as "physically disabled" for the purpose of this article, an individual shall submit to the Assessor a certified statement from a physician licensed to practice in this state, on a form provided by the Commissioner of Taxation and Finance, which states that the individual has a permanent physical impairment which substantially limits one or more of such individual's major life activities, except that an individual who has obtained a certificate from the State Commission for the Blind stating that such individual is legally blind may submit such certificate in lieu of a physician's certified statement.

§ 306-17. Application for exemption.

Such exemption shall be granted only upon application by the owner or all of the owners of the real property on a form prescribed and made available by the Commissioner of Taxation and Finance. The applicant shall furnish such information as the Commissioner shall require. The application shall be filed together with the appropriate certified statement of physical disability or certificate of blindness with the Assessor of the City of Plattsburgh, New York, on or before the taxable status date of the City of Plattsburgh, New York.

ARTICLE III

Payment of Real Property Taxes

§ 306-21. Payment of delinquent real property taxes in installments.

- Deleted: either division of the State Department of
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- Deleted: motor carriers and brokers subject to such supervision of Article 3-B of the Public Service Law, and
- Deleted: ,
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- Deleted: wires,
- Deleted: of furnishing
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- Deleted: , telephone or telegraph
- Deleted: mains
- Deleted: shall not
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- Deleted: and Visually Handicapped

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**City of Plattsburgh Code Adoption
Schedule A**

K. Waiver of interest and penalties for certain eligible deployed military members. The City may waive the interest, penalties and fees that may otherwise be imposed pursuant to this section, provided that:

- (1) The financial hardship was caused in substantial part by the owner's having been ordered to active military duty in the United States Armed Forces, including the Reserve components of such Armed Forces;
- (2) The deployment lasted for at least six contiguous months, or the owner was killed in action during such activation; and
- (3) The owner provides satisfactory written evidence as required by the City.

**ARTICLE IV
Veterans Exemption**

§ §

**ARTICLE V
Senior Citizens Exemption**

§ 306-24. Maximum income level.

Pursuant to Real Property Tax Law § 467, the maximum income eligibility level for real property owned by one or more persons aged 65 years and over shall be \$29,000.

§ 306-25. Income limits; amount of exemption.

The sliding scale limits for the RPTL § 467 tax exemption program are as follows:

Annual Income	% Assessed Value Exempt
<u>Less than \$29,000</u>	<u>50%</u>
<u>\$29,000 or more but less than \$30,000</u>	<u>45%</u>
<u>\$30,000 or more but less than \$31,000</u>	<u>40%</u>
<u>\$31,000 or more but less than \$32,000</u>	<u>35%</u>
<u>\$32,000 or more but less than \$32,900</u>	<u>30%</u>
<u>\$32,900 or more but less than 25\$33,800</u>	<u>25%</u>
<u>\$33,800 or more but less than \$34,700</u>	<u>20%</u>
<u>\$34,700 or more but less than \$35,600</u>	<u>15%</u>
<u>\$35,600 or more but less than \$36,500</u>	<u>10%</u>
<u>\$36,500 or more but less than \$37,400</u>	<u>5%</u>
<u>Over \$37,400</u>	<u>0</u>

ARTICLE VI

Exemption for Persons with Disabilities and Limited Income

§ 306-31. Maximum income level.

Pursuant to Real Property Tax Law § 459-c, the maximum income eligibility level for real property owned by one or more persons with disabilities, or real property owned by a husband, wife, or both, or by siblings, at least one of whom has a disability, shall be \$29,000.

§ 306-32. Income limits.

The sliding scale limits for the RPTL § 459-c tax exemption program are set forth as follows:

- Deleted:** No exemptions granted. ¶ Pursuant to the provisions of Subdivision 4 of
- Deleted:** 458-a of the Real Property Tax Law of the State of New York, no exemption from real property taxes shall be granted pursuant to
- Deleted:** 458-a of the Real Property Tax Law for purposes of real property taxes levied for the City of Plattsburgh, New York.
- Deleted:** Chapter 202 of the Session Laws of 2002
- Deleted:** \$21,500

- Deleted:** More
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- Deleted:** 27,200
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- Deleted:** 28,100
- Deleted:** More than 28,101
- Deleted:** 29,000
- Deleted:** More than 29,001
- Deleted:** 29,900
- Deleted:** Chapter 202 of the Session Laws of 2002
- Deleted:** \$24,000
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Annual Income	% Assessed Value Exempt
Less than \$29,000	50%
\$29,000 or more but less than \$30,000	45%
\$30,000 or more but less than \$31,000	40%
\$31,000 or more but less than \$32,000	35%
\$32,000 or more but less than \$32,900	30%
\$32,900 or more but less than \$33,800	25%
\$33,800 or more but less than \$34,700	20%
\$34,700 or more but less than \$35,600	15%
\$35,600 or more but less than \$36,500	10%
\$36,500 or more but less than \$37,400	5%
Over \$37,400	0

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**Chapter 314
TAXICABS**

§ 314-4. Operator licensing requirements.

Applicants for a taxi operator's license shall meet the following requirements at the time of license application and while they hold a taxi operator's license issued by the City of Plattsburgh. An applicant shall be: . . .

§ 314-5. Operator license applications and conditions.

A. The license application for a taxi operator's license shall be made on a form approved by the Corporation Counsel.

§ 314-8. Smoking in taxicabs.

There shall be no lighted tobacco or use of an electronic cigarette (i.e., "vaping") in a licensed vehicle when the vehicle is occupied by a passenger.

§ 314-10. Regulation of fares.

- A. No taxicab operator shall charge a passenger a fare that is more than the rates approved by the Common Council of the City of Plattsburgh.
- B. The Common Council may amend the zones, rates and charges set forth in this chapter by resolution.

§ 314-11. Fees.

Fees for taxicab operator licenses, taxi vehicle licenses, and replacement licenses for operators or vehicles authorized to be issued by this chapter shall be set from time to time by the Common Council by resolution.

Deleted: pursuant to this chapter and set forth in Appendix A.

- Deleted: A. The following fees are established
- Deleted: the licenses authorized to be issued by this chapter: ¶
- (1) . Taxicab
- Deleted: : \$35 per year. ¶
- (2) . Taxi
- Deleted: : \$60 per year. ¶
- (3) . Replacement
- Deleted: : \$10. ¶
- B. . Such fees may
- Deleted: amended
- Deleted: resolution of
- Deleted: .

**Chapter 321
TOBACCO PRODUCTS**

**ARTICLE I
Possession or Use on Public Property**

§ 321-1. Definitions.

ELECTRONIC CIGARETTE or E-CIGARETTE — An electronic device that delivers vapor which is inhaled by an individual user, and shall include any refill, cartridge and any other component of such a device.

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§ 321-2. Use or possession by minors prohibited.

It shall be a violation for any person under the age of 18 years to use or possess a tobacco product or electronic cigarette on public property.

**Chapter 326
TREES**

§ 326-6. Penalties for offenses.

B. The failure or refusal of a business intending to continue in the business of removing trees or stumps or of trimming trees on private property to obtain such license within one week of the date of conviction and imposition of sentence shall constitute a further violation of this chapter, and the person, firm or corporation so failing or refusing shall be fined as provided in Subsection A above.

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**Chapter 335
VEHICLES, ABANDONED**

§ 335-1. General provisions.

The term "abandoned vehicle" and the procedure for identifying and giving notice to persons who own or have a lien or other interest in an abandoned vehicle shall be as set forth in New York Vehicle and Traffic Law § 1224 and the regulations promulgated thereunder.

**Chapter 340
VEHICLES AND TRAFFIC**

§ 340-8. Parking restrictions for trailers and motor homes.

C. Motor homes. A person may not park a self-contained motor home or other motor vehicle containing a permanently installed sleeping facility or human sanitary treatment or disposal facility on a public street or alley for longer than 72 continuous hours.

§ 340-15. Parking violations bureau; pleas and hearings.

A. Pursuant to the authority granted by General Municipal Law § 370, Subdivision 1, the City Court of the City of Plattsburgh has established a Traffic Violations Bureau, which shall be called a "Parking Violations Bureau," to assist the court in the disposition of infractions in relation to violations of this chapter. (See Chapter 14, Article II, of the City Code.) Violations charged under the New York Vehicle and Traffic Law are not subject to the provisions of this chapter.

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**Chapter 343
VEHICLES, PLAY**

§ 343-4. Compliance with state law.

Play vehicles and operation of play vehicles shall in all cases comply with state law requirements, including Vehicle and Traffic Law Article 34, Operation of Bicycles and Play Devices, § 1230 et seq.

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Chapter 348
WATER

§ 348-12. Inspection; records; costs.

B. The cost of inspections, including any separate fee or charge for maintaining inspection records, shall be established by resolution of the Common Council of the City of Plattsburgh.

§ 348-18. Water and sewer permits; fees.

The fee for water and sewage permits shall be set from time to time by the Common Council by resolution.

§ 348-19. Fees.

The rates for filling pools and for furnishing, installation and maintenance of water meters, additional charges, call-out charges, charges to thaw out frozen water lines in the case of a second freeze-up, and to remove or reinstall seasonal meters shall be set from time to time by the Common Council by resolution.

A. If customer a requires a ROM meter or a different size meter, the customer is to pay furnishing, installation and maintenance charges. If the same customer requires a change of meter again, that customer does not receive a refund, but must pay for furnishing, installation and a maintenance charge.

B. If a customer requires a larger service or relocation of service from the City main to curb stop, the customer must obtain a water permit and pay all fees accordingly.

C. If the Water and Sewer Department determines that the section between the water main and curb stop is old and is in need of replacement, the Water and Sewer Department will replace it at no cost to the customer, provided it is in the same location.

D. The Department will not charge for thawing frozen water lines for the first call out if it is during normal working hours. If the customer's first call is not within normal working hours or if the customer requires a second call out for frozen water lines, the customer will pay for the service at the rates hereinafter provided for a second freeze-up. If the Department instructs a customer to let water run, the Department will give credit for the period involved.

E. Water and sewage usage charged on pools, lawns, gardening, etc.

§ 348-21. Emergency use.

C. Penalties for offenses. Violation of any of the provisions of such proclamation shall be punishable in City Court by a fine not to exceed \$250 or by confinement in Clinton County Jail for a period not to exceed 25 days.

§ 348-24. Schedule of rates; regulations (water services).

Rates and regulations for water services and the method of collection are as set from time to time by the Common Council.

A. Service Classification No. 1.

(1) Terms of payment. Except as set forth in the following subsection entitled "Special Provision" meters shall be read and bills shall be rendered monthly, in arrears. The water consumed times the water rate shall be the net amount of the water charges and shall be due and payable when the bill is rendered. The gross amount of the water bill shall be the net amount plus 10% of the net amount. The gross

~~Deleted:~~ There shall be imposed a charge of \$50 for each inspection of a backflow prevention device, and an administrative charge of \$10 per year for each premises where one or more device is installed.

~~Deleted:~~ a follows: ¶
Type of tap . Fee . ¶
3/4 inch . \$400 . ¶
1 inch . \$600 . ¶
Larger than 1 inch . Actual estimate . ¶
Sanitary sewer tap . \$100 . ¶
Storm sewer tap . \$100 . ¶

~~Deleted:~~ following are established as the

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A. Rates for filling pools. ¶
(1) . Monday thru Friday 8:00 a.m. to 4:00 p.m., first four hours [two men] \$150 and cost of water. ¶
(2) . Daytime. ¶
(a) . After first four hours: \$39 per hour. ¶
(b) . After 4:00 p.m., additional hours: \$58 per hour. ¶
(3) . Saturday. ¶
(a) . First four hours [two men]: \$228 and cost of water. ¶
(b) . Additional hours: \$58 per hour. ¶
(4) . Sundays and holidays: ¶
(a) . First four hours [two men]: \$293 and cost of water. ¶
(b) . Additional hours: \$78 per hour. ¶

~~Deleted:~~ B. . Water, call-out charges, charges to thaw out frozen water lines in the case of a second freeze-up, and to remove or reinstall seasonal meters: ¶

~~Deleted:~~ Water Meter Size . Fee to Furnish, Install and Maintain* . ¶
5/8" . 1st . \$340 . 2nd . \$390 . ¶
3/4" . 1st . \$390 . 2nd . \$440 . ¶
1" . 1st . \$490 . 2nd . \$540 . ¶
1 1/2" . 1st . \$650 . 2nd . \$700 . ¶

~~Deleted:~~ . The cost of furnishing an Encoded Receiver Transmitter (ERT) or other remote reading device for each meter ... [2]

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C. . Additional charges: ¶
(1)

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~~Deleted:~~ (2) . Thirty dollar charge for all water turned on. ¶
(3) . Thirty dollar charge for all water turned off. ¶

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~~Deleted:~~ (6)

~~Deleted:~~ (7) . Testing meter, rate: actual cost of labor. ¶
(8)

~~Deleted:~~ (9) . An additional charge of \$30 will be added for the collection of delinquent water bills. ¶
(10)

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(11) . Flat rate for skating rinks, etc. estimate volume, will be cost incurred. ¶

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~~Deleted:~~ follows:

~~Deleted:~~ (1) . Applicable to the use of service for all customers taking service within the corporate limits of the City of Plattsburgh after May 1, 2013. ¶

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amount shall be due and payable if the net amount is not paid within 20 days of the date of the billing. If the gross amount of a water bill is not paid, the gross amount shall accrue interest at the rate of 1.5% per month until date of payment.

(2) Term. From the date of commencement of service, pursuant to application, until 10 days' written notice is given prior to the date set for discontinuance or upon discontinuance by the Water Department in accordance with the provisions of this schedule of water service.

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(3) Special provisions.

(a) Meters may be read and/or bills rendered monthly at the option of the Water Department. The terms of payment for monthly billings are net 20 days after the date of the bill. Gross amount plus interest shall be due thereafter.

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(b) All those customers who do not have water meters installed in the water service line serving their premises on the effective date of this service classification shall be billed at the rate set by the Common Council until such time that a water meter has been set in the water service line to their premises. Thereafter, the rates for water service shall apply.

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(c) Elderly persons who qualify for the real property tax exemption shall also be exempt from the minimum charge for water service and be charged for only the actual gallons of water consumed.

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B. Service Classification No. 3.

(1) Terms of payment. Net cash on presentation of bill. Bills may be rendered quarterly or monthly.

(2) Terms. From the date of commencement of service, pursuant to application, until 30 days' written notice is given prior to the date set for discontinuance by the Water Department in accordance with provisions of this schedule of water service.

(3) Special provisions. The rates for private fire protection service are based on unmetered service. Water for fire extinguishment purposes and limited testing requirements is provided at no extra charge. However, if, in the opinion of the Water Department, the installation of a fire line meter is required, the customer shall make said installation at its own expense. The entire meter installation shall be constructed and installed according to the specifications of the Water Department. There shall be no branch connections to said fire service line other than those for fire protection service.

(4) Refunds. No refund of any part of the annual flat-rate charges for water service outside the corporate limits of the City shall be allowed for temporary, seasonal or other disconnections of service. In the event of a permanent disconnection of service or conversion to a metered service by the Water Department, a refund of a pro-rata portion of the flat-rate charge which has been paid for the current year, equivalent to the remaining period of the year from the date of disconnection or conversion, may be allowed.

Deleted: (1) . Applicable to use of service for: Private fire protection service within the corporate limits of the City of Plattsburgh. ¶
 (2) . Character of service: Continuous. ¶
 (3) . Rate: ¶
 (a) . Private fire lines. ¶
 Size of Service (inches) . Annual Charge . Quarterly . Monthly . ¶
 2 . \$164.69 . \$41.18 . \$13.73 . ¶
 3 . \$357.27 . \$89.31 . \$29.78 . ¶
 4 . \$424.09 . \$106.02 . \$35.34 . ¶
 6 . \$764.67 . \$191.18 . \$63.73 . ¶
 8 . \$1,559.12 . \$399.80 . \$133.26 . ¶
 10 . \$2,293.59 . \$573.41 . \$191.15 . ¶
 ¶
 (b) . Private Fire Hydrant (per hydrant): ¶
 Annual Charge . Quarterly . Monthly . ¶
 \$741.52 . \$185.39 . \$61.80 . ¶
 ¶
 (c) . Infrastructure Investment Charge (per hydrant): ¶
 Annual Charge . Quarterly . Monthly . ¶
 \$696 . \$174 . \$58 . ¶
 ¶
 (4) . Minimum charge: None. ¶
 (5)

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**Chapter 360
ZONING**

§ 360-5. Terms defined.

ADULT BOOKSTORE OR ADULT VIDEO STORE — A bookstore or video store which, as one of its principal business purposes, offers for sale or rental any printed matter or video material that depicts specified anatomical areas or specified sexual activities. For the purpose of this definition, a "principal business purpose" shall mean

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that part of the business that constitutes 10% or more of the printed material or video material retail value for sale or rent in the establishment.

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ADULT CABARET — A nightclub, bar, tavern, juice bar or similar establishment, whether or not such establishment is licensed to sell alcoholic beverages, where persons appear in a state of nudity, or where there are live performances, films, video material or slides characterized by the exposure of specified anatomical areas or by specified sexual activities.

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BUILDING OR STRUCTURE, NONCONFORMING — An established building or structure lawfully existing prior to and at the time of the adoption, revision or amendment of this chapter, which, because of its inherent nature or construction, does not conform to and with the provisions of this chapter for the district in which it is located.

CONTRACTOR'S YARD — A yard of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work, but not including any other yard or establishment otherwise defined or classified herein.

CONVERSION — A change in either occupancy or use of a building or land, by alteration, addition, or other reorganization.

HISTORIC SITE — Land or a structure identified as an historic building or place on the National Register of Historic Places, or an inventory of historic or architecturally significant structures prepared or approved by the New York State Office of Parks, Recreation and Historic Preservation, a copy of which shall be kept on file in the office of the Building Inspector.

Deleted: Historic Building

Deleted: Place

Deleted: Historic

Deleted: Architecturally

RESIDENTIAL DISTRICT — Areas designated as R-1, R-2 or RH under the Zoning Ordinance of the City of Plattsburgh.

§ 360-20. Landscaping and fencing requirements.

- A. Enclosed uses. Any enclosed use as may be required by this chapter to be landscaped in accordance with this subsection shall provide a fence, screen or landscaping sufficient to obscure such uses from view from abutting properties lying in R-1, R-2, or RH Districts or from public rights-of-way.
- B. Unenclosed uses. Any use which is not conducted within a completely enclosed building, including, but not limited to, junkyards, storage yards and lumberyards and building materials yards, and which use is in, abuts or is adjacent to an R-1, R-2, or RH District or fronts on a public right-of-way shall be obscured from view from such R-1, R-2, or RH Districts and public rights-of-way in an effective manner. This subsection shall not apply to nurseries and the display for sales purposes of new or used cars, trucks, trailers, boats, bicycles, motorcycles or farm equipment, except that such uses shall be obscured from R-1, R-2, or RH Districts not separated from such use by a public right-of-way.

§ 360-21. Planned unit developments.

- C. Grant of authority and general conditions.
 - (8) In reviewing and approving all plans, the Planning Board, in addition to the standards set forth herein, may utilize the standards of the subdivision and site plan review requirements, as well as the opinions of the City Planner, other department heads and City consultants.

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In the table within Subsection C(9), the minimum land area for Zone District C is amended by changing "5" to "3."

§ 360-23. Amusement uses.

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A. Definition of "planned unit development" is amended to read as follows:

"A subdivision plat or plats, approved pursuant to City Code Chapter 300, Subdivision of Land, in which the minimum lot size requirements, minimum yard requirements, and minimum open space requirements as specified in Schedule II of this chapter of the City Code, and in which the maximum number of structures and dwelling units on a lot as specified in § 360-18 of this chapter of the City Code, and any amendments thereto, may be varied to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks and landscaping in order to preserve the natural and scenic qualities of open lands."

C. Private swimming pools. Such uses shall include permanent and portable swimming pools and hot tubs, as defined herein, and such swimming pools shall be accessory to a principal use and shall be regulated as follows:

(3) Such use shall be fully enclosed by a secure fence not less than four feet in height, and in accordance with the requirements of the New York State Uniform Fire Prevention and Building Code.

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D. Adult use or entertainment establishments.

(2) The adult use shall be conducted entirely within an enclosed building. No "specified anatomical area" or "specified sexual activity" (as defined in § 360-5 of this chapter) shall be visible at any time from outside the building. This requirement shall also apply to any sign or display.

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§ 360-24. Community facilities.

D. Nursery schools and day-care facilities. Such use shall be subject to the following minimum requirements:

(4) Off-street parking requirements shall be in conformance with the standards established in § 360-26 of this chapter.

Deleted: (5) . Definitions. The following terms, as used in this section, have the following meanings: ¶
SPECIFIED ANATOMICAL AREAS ¶
(a) . Less than completely and opaquely covered: human genitals, pubic region, buttocks, female breast below a point immediately above the areola, or ¶
(b) . Human male genitals is a discernable turgid state, even if completely and opaquely covered. ¶
SPECIFIED SEXUAL ACTIVITIES ¶
(a) . Human genitals in a state of sexual stimulation or arousal, or ¶
(b) . Acts of human masturbation, sexual intercourse or sodomy, or ¶
(c) . Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

§ 360-25. Retail and manufacturing regulations.

D. Industrial districts.

(2) Contractors' yard. A contractor's yard shall be located at least 100 feet from a district boundary and shall be completely screened and enclosed by a six-foot fence.

Deleted: (4) . One parking space shall be provided for each 100 square feet of gross floor area.

F. Cryptocurrency mining operations.

(1) Definitions.

COMMERCIAL CRYPTOCURRENCY MINING -- The commercial process by which cryptocurrency transactions are verified and added to the public ledger, known as the block chain, and also the means through which new units of cryptocurrencies are released, through the use of server farms employing data processing equipment. For purposes of this section, any equipment which requires a high-density load service, or any server farm, will constitute a commercial cryptocurrency mining operation.

CRYPTOCURRENCY -- A digital currency in which encryption techniques are used to regulate the generation of units of currency and verify the transfer of funds, operating independently of a central bank.

Deleted: A "contractor's yard" is a yard of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.

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HIGH-DENSITY LOAD SERVICE -- The provision of electrical service where the requested load density has, for any monthly billing period, either an average power demand in excess of 300 kilowatts, or an average power density in excess of 250 kilowatt- hours per year per square foot, equivalent to 35,064 square feet per kilowatt, at 100% load factor. "Square footage" is defined as leased or owned boundaries of floor space devoted to the operating data processing equipment, and excludes space for offices, storage, shipping and receiving, or any other space that is not electronic processing.

SERVER FARM -- Three or more interconnected computers housed together in a single facility whose primary function is to perform cryptocurrency mining or associated data processing.

(2) Firesafety.

(a) Fire suppression. An active clean agent fire protection system must be provided and maintained in good working order within any structure which contains a commercial cryptocurrency mining operation. High-sensitivity smoke detectors shall be installed and operational in order to activate this clean agent fire suppression system.

(b) There shall be an emergency electricity termination switch installed outside of any containment structure which contains a commercial cryptocurrency mining operation.

(c) Containment space. The equipment used in any commercial cryptocurrency mining operation shall be housed in an individually metered, electrically grounded and metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes. The containment space shall contain baffles that will automatically close in the event of fire independent of a possible electric system failure.

(d) All building requirements required by this section, including, but not limited to, heat transfer apparatuses, fire detection/suppression systems, or containment structures shall be designed by a New York State licensed engineer and in accordance with all applicable codes and standards.

(3) Heat.

(a) The ambient temperature inside of a containment space which houses a commercial cryptocurrency mining operation shall not exceed 120° F. at any time. No person shall be permitted to regularly inspect and work within the containment area which houses a commercial cryptocurrency mining operation if the ambient temperature within the containment area exceeds 90° F.

(b) Any commercial cryptocurrency mining operation shall ensure that no more than 20% of the heat dissipated by the mining activity shall be released directly to the outside when the average daily temperature is less than 40° F.

(4) Nuisance abatement.

(a) No commercial cryptocurrency mining operation may cause adverse or detrimental effects to adjoining lessees, owners, or residents that diminish the quality of life or increase the costs of serving their business or maintaining their homes.

(b) No commercial cryptocurrency mining operation shall produce a noise level exceeding 90 dB from a distance of 25 feet from the exterior of the containment structure.

(5) Special use permit. A special use permit, pursuant to this chapter of the City Code, is required for any new commercial cryptocurrency mining operation, and any expansion of any pre-existing commercial cryptocurrency mining operation, in order to ensure conformance with this section.

(6) Effective date; applicability.

**City of Plattsburgh Code Adoption
Schedule A**

(a) This subsection shall take effect immediately upon filing in the office of the New York State Secretary of State.

(b) This subsection shall apply to all building permit or zoning applications pending at the time it becomes effective, unless the reviewing Council or Board shall determine that its application would be impracticable or unjust in the particular circumstances.

§ 360-26. Off-street parking and loading regulations.

A. Off-street parking requirements.

- (1) Required off-street automobile parking spaces. The minimum cumulative number of spaces shall be determined by the amount of dwelling units, guest rooms, floor area, members, equipment, employees and/or seats contained in such new or moved buildings or structures or added by such alteration of buildings or structures, and such minimum number of spaces shall be maintained thereafter. The occupancy rating of a structure shall be determined by the Building Inspector in accordance with the requirements of the New York State Uniform Fire Prevention and Building Code.
- (2) The number of off street parking spaces required for uses is set forth in the following table. When a proposed use is not listed, the Building Inspector shall base his determination of the parking requirement on the most analogous use.

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Use	Parking Spaces	Measurement Unit
<u>Nursery schools and day-care facilities</u>	<u>1</u>	<u>Per 100 square feet of gross floor area</u>

§ 360-27. Signs.

G. Exempt signs. The following types of signs are exempt from the requirement for a sign permit, but are subject to the provisions of subsection B and the conditions of this subsection.

- (14) Election signs. For each lot, one election sign for each candidate and each issue may be displayed along each street frontage. An election sign may be displayed as an attached sign or a freestanding sign. An election sign shall not exceed 32 square feet in area, except that election signs on cardboard shall not exceed six square feet in area. All such signs shall be removed within 10 days following the election to which they pertain.

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H. Additional regulations for types of sign. In addition to restrictions contained in the definition of a type of sign, the following regulations apply:

- (2) Wall signs.

Deleted: (3) . Sign area. Each side of a sign that has a message is a "face." The area of a sign is the sum of all sign faces.

§ 360-29. Miscellaneous uses.

B. Home occupations. In the zoning districts, a home occupation may be operated in any dwelling unit only if it complies with all of the following conditions:

- (2) The home occupation shall not display or create outside the building any evidence of such home occupation, except that one sign complying with § 360-27J(2) shall be permitted on the lot on which the building is situated.

Deleted: unanimated, non-illuminated flat or window sign having an area of not more than 60 square inches

§ 360-37. Required information for site plans.

**City of Plattsburgh Code Adoption
Schedule A**

C. Site plan details. The information listed below shall be included on the site plan, which shall be prepared by a professional engineer, land surveyor or architect. Maps, as required, shall be drawn to a scale of not less than one inch equals 50 feet and shall include a North arrow and legend. The following details shall be included on the site plan:

- (1) Existing features.
 - (g) Existing contours at one-foot intervals where slopes are 10% or less, and five-foot intervals where slopes are greater than 10%. Where any changes are proposed, finished grades should be shown as solid lines and existing grades as dashed lines.

§ 360-44. General requirements.

D. Existing permits. Nothing in this chapter shall require any change in plans, construction or designated use of a structure or building for which a building permit has been heretofore validly issued if construction has been started and diligently pursued at the time of the adoption, revision or amendment of this chapter.

§ 360-45. Damage by fire, flood or act of God.

- A. Damage to a nonconforming use.
 - (2) Any building or structure containing a nonconforming use which is damaged by fire, flood, wind or other act of God or man to the extent of more than 25% but less than 50% of its assessed value immediately prior to damage shall not be repaired or reconstructed, except in conformity with this chapter, unless such reconstruction is completed within 12 months of the damage.
- B. Damage to a nonconforming building or structure.
 - (1) Any nonconforming building or structure which is damaged by fire, flood or other act of God or man to the extent of 50% or more of its assessed value immediately prior to damage shall not be repaired or reconstructed, except in conformity with the provisions of this chapter.
 - (2) Any nonconforming building or structure which is damaged by fire, flood, wind or other act of God or man to the extent of 25% or more but less than 50% of its assessed value immediately prior to damage shall not be repaired or reconstructed, except in conformity with this chapter, unless such reconstruction is completed within 12 months following the damage.

ARTICLE VIII

(Reserved)

§ § § § § § § §

§ 360-54. Zoning Board of Appeals.

- B. General procedures.
 - (3) Minutes. The Zoning Board of Appeals shall adopt its own rules of procedure and shall keep minutes of its proceedings in accordance with § 360-56 of this chapter.

§ 360-56. Applications; hearings and decisions.

E. Appeals. Appeals from any order, requirement, decision, interpretation, or determination made by the Building Inspector or administrative official charged with the enforcement of any ordinance or local law adopted pursuant to this chapter may be taken by any person aggrieved, or by an officer, department, board or bureau of the City.

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Deleted: Flood Hazard Areas

Deleted: Findings, purpose and methods for reducing losses. ¶

A. Findings of fact. ¶

(1) . The flood hazard areas of the City of Plattsburgh are subject to periodic inundation which results in the loss of life, property, health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditures for flood protection and relief; and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. ¶

(2) . These flood losses are caused by the cumulative effect of obstructions in floodplains, including ice, causing in-creeas in flood heights and velocities and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed or otherwise protected from flood damages. ¶

B. Statement of purpose. It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to: ¶

(1) . Protect human life and health. ¶

(2) . Minimize expenditures of public money for costly flood control projects. ¶

(3) . Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public. ¶

(4) . Minimize prolonged business interruptions. ¶ ... [6]

Deleted: Administration through a scientific and engineering report entitled, "The Flood Insurance Study for the

Deleted: City of Plattsburgh," dated April 17, 1978, with accompanying Flood Insurance Rate Maps and Flood Bounda... [7]

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Deleted: 270-46B. Application for a development permit shall be made to the Building Inspector on forms furnished by him an... [9]

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(b) . Information to be obtained and maintained. He shall: ... [12]

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Deleted: each member upon every question or, upon absence or failure to vote, indicating such fact and shall also keep records

Deleted: of its examination and other official actions. Every rule, regulation, amendment or repeal thereof and every order, ... [14]

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**City of Plattsburgh Code Adoption
Schedule A**

H. At least 10 days before a hearing, the authorized board shall mail notices thereof to the applicant and to the County Planning Board or agency and regional planning council, as required by § 239-m of the General Municipal Law, which notice shall be accompanied by a full statement of such proposed action as defined in Subdivision 3 of § 239-m of the General Municipal Law, and to neighboring municipalities as required by § 239-nn of the General Municipal Law.

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§ 360-60. Amendments.

The Common Council may refer any request for amendment, supplement, change or repeal of the regulations, restrictions and boundaries established by this chapter to the Planning Board for report§. The Common Council may amend, supplement, change or repeal regulations, restrictions and boundaries established by this chapter, as provided by General City Law § 83.

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Schedule I. The Schedule of Permitted Uses Part B is amended to include "Apartments on the first floor of a multistory building within a Planned Unit Development" to the "Uses Requiring Special Permit" section of the "Central Business" Zoning District.

Schedule I. The Schedule of Permitted Uses Part B is amended to include "Commercial cryptocurrency mining" to the "Uses Requiring Special Permit" section of the "Industrial" Zoning District.

Water Meter Size		Fee to Furnish, Install and Maintain*			
5/8"	1st	\$340	2nd	\$390	
3/4"	1st	\$390	2nd	\$440	
1"	1st	\$490	2nd	\$540	
1 1/2"		1st	\$650	2nd	\$700
2"	1st	\$850	2nd	\$900	

* The cost of furnishing an Encoded Receiver Transmitter (ERT) or other remote reading device for each meter is included in the fee, but not the cost of installation which is at the owner's expense.

- (2) Thirty dollar charge for all water turned on.
- (3) Thirty dollar charge for all water turned off.
- (4) One hundred dollar charge for unauthorized turn on or turn off of water services and fire hydrants.
- (5)

- (11) Flat rate for skating rinks, etc. estimate volume, will be cost incurred.
 - (12) Metered hydrant use: \$20 installation charge; \$20 removal cost and cost of water and sewer in addition.
 - (13) Non-payment of bill: \$30 to turn off and \$30 to turn back on.
- D. Call out charges:
- (1) No charge if trouble is on city.
 - (2) Charges for after hours from 4:00 p.m. to 8:00 a.m.

(a) Saturday:	
1 Hour	2 Hours
\$29.90	\$55.90
\$37.70	\$18.20
\$16.90 Admin	\$16.90 Admin
\$84.50	\$91

3 Hours	
\$87.10	—
\$16.90 Admin	\$16.90 Admin
\$104	\$104

NOTE:
For every extra hour: \$104 plus \$21.41 per man per hour.

- (b) Sundays and holidays:

1 Hour	2 Hours	3 Hours
\$37.70	\$75.40	\$113.10
\$36.40	\$18.20	—
\$16.90 Admin	\$16.90 Admin	\$16.90 Admin
\$91	\$110.50	\$130

NOTE:

For every extra hour: \$130 plus \$28.54 per man per hour.

- E. Second freeze-up, charges to thaw out frozen water lines. Cost is for two men and administrative cost:

	During Working Hours	After 4:00 p.m.	Sundays and Holidays
For 1st hour	\$37.70	\$57.20	\$72.15
Administrative	\$16.90	\$16.90	\$16.90
	\$54.60	\$74.10	\$89.05
For 2nd hour	\$37.70	\$57.20	\$72.15
Total 2 hours	\$92.30	\$131.30	\$161.20
For 3rd hour	\$37.70	\$57.20	\$72.15
Total 3 hours	\$130	\$188.50	\$233.35

- F. Miscellaneous flat fees:

- (1) There shall be a fee of \$30 to remove seasonal meters.
- (2) There shall be a fee of \$30 to reinstall seasonal meters.

- (1) Applicable to the use of service for all customers taking service within the corporate limits of the City of Plattsburgh after May 1, 2013.
- (2) Character of service: continuous.
- (3) Usage rate: per month.

Per Thousand Gallons

Gross Net

First 2,000 gallons	\$5.71	\$5.18
Next 14,000 gallons	\$4.51	\$4.11
Next 17,000 gallons	\$4.03	\$3.66
Next 133,000 gallons	\$3.82	\$3.46
Next 167,000 gallons	\$3.70	\$3.36

- (4) Minimum charge:

- (a) Monthly:

Meter Size (inches)	Allowance Gallons	Minimum Charge Monthly	
		Gross	Net
5/8	2,000	\$11.44	\$10.40
3/4	4,000	\$20.49	\$18.62
1	7,000	\$34.10	\$31.01

1 1/4	10,000	\$47.63	\$43.31
1 1/2	13,000	\$61.22	\$55.54
2	21,000	\$94.78	\$86.18
3	40,000	\$169.59	\$154.17
4	66,000	\$269.24	\$244.76
6	130,000	\$514.62	\$467.82
8	210,000	\$815.94	\$741.77
10	300,000	\$1,149.99	\$1,045.44

(b) Infrastructure investment charge. Annual charge, to be billed monthly, based on meter size:

[1] New storage tanks.

	(\$/Annual)	(\$/Month)
5/8	\$15	\$1.25
3/4	\$30	\$2.50
1	\$45	\$3.75
1 1/2	\$65	\$5.42
2	\$185	\$15.42
3	\$1,000	\$83.33
4	\$1,650	\$137.50
6	\$2,700	\$225
8	\$4,800	\$400

[2] Mead Dam.

	(\$/Annual)	(\$/Month)
5/8	\$11.40	\$0.95
3/4	\$22.80	\$1.90
1	\$34.20	\$2.85
1 1/2	\$49.40	\$4.12
2	\$140.60	\$11.72
3	\$760	\$63.33
4	\$1,254	\$104.50
6	\$2,052	\$171
8	\$3,648	\$304

[3] Westbrook Dams.

	(\$/Annual)	(\$/Month)
5/8	\$8.40	\$0.70
3/4	\$16.80	\$1.40
1	\$25.20	\$2.10
1 1/2	\$36.40	\$3.03
2	\$103.60	\$8.63
3	\$560	\$46.67
4	\$924	\$77
6	\$1,512	\$126
8	\$2,688	\$224

Findings, purpose and methods for reducing losses.**A. Findings of fact.**

- (1) The flood hazard areas of the City of Plattsburgh are subject to periodic inundation which results in the loss of life, property, health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditures for flood protection and relief; and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains, including ice, causing increases in flood heights and velocities and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed or otherwise protected from flood damages.

B. Statement of purpose. It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health.
- (2) Minimize expenditures of public money for costly flood control projects.
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- (4) Minimize prolonged business interruptions.
- (5) Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets and bridges, located in floodplains.
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas.
- (7) Ensure that potential home buyers are notified that property is in a flood area.

C. Methods of reducing flood losses. In order to accomplish its purposes, this chapter uses the following methods for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (3) Controlling the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.
- (4) Controlling filling, grading, dredging and other development which may increase flood damage.

- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Definitions.

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

AREA OF ICE-RELATED FLOOD HAZARD — The land subjected to seasonal flood hazards due to the obstruction of the Saranac River by ice.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, located within the area of special flood hazard.

EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION — A parcel or contiguous parcels of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed, including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets, is completed before the effective date of this chapter.

EXPANSION TO AN EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION — The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed, including the installation of utilities, either final site grading or the pouring of concrete pads or the construction of streets.

FLOOD INSURANCE RATE MAP (FIRM) — The Official Map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Hazard Boundary -Floodway Map, and the water surface elevation of the base flood.

FLOOD OR FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODWAY — The channel of a river or other water-course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

HABITABLE FLOOR — Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

MOBILE HOME — A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective date of this chapter.

NEW MOBILE HOME PARK OR MOBILE HOME SUBDIVISION — A parcel or contiguous parcels of land divided into 10 or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed, including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets, is complete on or after the effective date of this chapter.

START OF CONSTRUCTION — The first placement of permanent construction of a structure, other than a mobile home, on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading or filling, nor does it include the installation of streets and/or walkways; nor does it include the excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as gar-ages or sheds, not occupied as dwelling units or not as part of the main structure. For a structure, other than a mobile home, without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within a mobile home park or mobile home subdivision, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed, including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads and installation of utilities, are completed.

STRUCTURE — A walled and roofed building that is principally above ground, as well as a mobile home.

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the assessed value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Basis for establishing flood hazard areas.

A. Special flood hazard areas. The areas of special flood hazard identified by the Federal Insurance

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City of Plattsburgh," dated April 17, 1978, with accompanying Flood Insurance Rate Maps and Flood Boundary - Floodway Maps are hereby adopted by reference and declared to be a part of this chapter.

B. Ice-related flood hazard areas. The areas of ice-related flood hazard have been identified by the City of Plattsburgh based on historic and frequently occurring conditions of flooding. Such areas are delineated as being all land within 250 feet horizontally of the base flood elevations of the Saranac River, as shown on the Flood Insurance Rate Map, excluding any land within 250 feet that has an elevation over 5.0 feet above the base flood elevation. These areas have not been delineated

by the Flood Insurance Study due to the unpredictable occurrence of ice flow and ice-related obstructions.

- C. Compliance. No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this article and other applicable regulations.
- D. Warning and disclaimer of liability. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the areas of special flood hazards or areas of ice-related flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Plattsburgh or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

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360-49. Administration.

- A. Development permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in

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270-46B. Application for a development permit shall be made to the Building Inspector on forms furnished by him and may include, but not be limited to, the following plans, in duplicate, drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill and storage of materials; drain-age facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level of the lowest floor, including basement, of all structures.
- (2) Elevation in relation to mean sea level to which any nonresidential structure has been flood proofed.
- (3) Plans showing how any nonresidential flood proofed structure will meet the flood proofing criteria of

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270-49B(2) of this chapter and, after the structure is built, a certification by a registered professional engineer or architect that the structure, as built, meets the criteria of

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270-49B(2) of this chapter.

- (4) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- B. Designation of Building Inspector; powers and duties.

- (1) The Building Inspector, or in his absence a designee from his office or the City Planner, is hereby appointed to administer and implement this Article by granting or denying development permit applications in accordance with its provisions.
- (2) The Building Inspector shall have the following power and duties:
 - (a) Permit review. He shall:
 - [1] Review all development permits to determine that the permit requirements of this article have been satisfied.
 - [2] Review all development permits to require that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
 - [3] Review all development permits to determine if such proposed development is located within the floodway. If the proposed development is to be located in the floodway, a certification shall be obtained in accordance with

270-49B(4)(a) of this chapter.

- (b) Information to be obtained and maintained. He shall:
 - [1] Verify and record the actual elevation in relation to mean sea level of the lowest habitable floor, including basement, of all new or substantially improved structures.
 - [2] For all new or substantially improved flood-proofed structures:
 - [a] Verify and record the actual elevation in relation to mean sea level.
 - [b] Maintain the flood proofing certifications required in Subsection A(3) of this section.
 - [3] Maintain for public inspection all records pertaining to the provisions of this article.
- (c) Alteration of watercourses. He shall:
 - [1] Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.
 - [2] Require that maintenance is provided within the altered or relocated portion of said water-course so that the flood-carrying capacity is not diminished.
- (d) Interpretation of FIRM boundaries. The Building Inspector shall make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards or boundaries of the areas of ice-related flood hazards, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

Variances in flood zones.

A. Appeal Board.

- (1) The Planning Board, as established by the City of Plattsburgh, shall hear and decide appeals and requests for a variance from the requirements of this article.
- (2) The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Building Inspector in the enforcement or administration of this article.
- (3) Any person aggrieved by the decision of the Planning Board or any taxpayer may appeal such decision to the Supreme Court as provided in Article 78 of the Civil Practice Law and Rules of the State of New York.
- (4) In passing upon such applications, the Planning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and the following:
 - (a) The danger that materials may be swept onto other lands to the injury of others.
 - (b) The danger of life and property due to flooding or erosion damage.
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (d) The importance of the services provided by the proposed facility to the community.
 - (e) The necessity to the facility of a waterfront location, where applicable.
 - (f) The availability of alternative locations not subject to flooding or erosion damage for the proposed use.
 - (g) The compatibility of the proposed use with existing and anticipated development.
 - (h) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area.
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (j) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that items in Subsection A(4)(a) through (k) above have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.
- (6) Upon consideration of the factors listed above and the purposes of this chapter, the Planning Board may attach such conditions to the granting of a variance as it deems necessary to further the purposes of this article.

- (7) The Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

B. Conditions for variances.

- (1) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this subsection.
- (2) Variances shall not be issued within any designated floodway if any significant increase in flood levels during the base flood discharge would result.
- (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) Variances shall only be issued upon the following:
 - (a) A showing of good and sufficient cause.
 - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or, as identified in Subsection A hereof, victimization of the public or conflict with existing local laws or ordinances.
- (5) Any applicant to whom a variance is granted for a structure in the area of special flood hazard (this clause does not apply to a structure in the area of an ice-related flood hazard) shall be given written notice indicating the elevation below the base flood level, in feet, to which the lowest floor of the structure will be built, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Provisions for flood hazard reduction.

A. General standards. In all areas of special flood hazards and all areas of ice-related flood hazard, the following provisions are required:

- (1) Anchoring.
 - (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - (b) All new mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - [1] Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes more than 50 feet long requiring one additional tie per side.
 - [2] Frame ties shall be provided at each corner of the home, with five additional ties per side at intermediate points, with mobile homes more than 50 feet long requiring four additional ties per side.
 - [3] All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

[4] Additions to the mobile home shall be similarly anchored.

- (2) Construction materials and methods.
 - (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (b) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (3) Utilities.
 - (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
 - (c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (4) Subdivision proposals.
 - (a) All subdivision proposals shall be consistent with the need to minimize flood damage.
 - (b) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage.
 - (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
 - (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of 50 lots or five acres.

B. Specific standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in

270-46A, the following provisions include:

- (1) Residential construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
- (2) Nonresidential construction. New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyance A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in I 270-47B(2)(b)[2][b].
- (3) Mobile homes.

- (a) Mobile homes shall be anchored in accordance with I 270-49A(1)(b).
 - (b) For new mobile home parks and subdivisions; for expansions to existing mobile home parks and subdivisions; for existing mobile home parks and subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or subdivisions requirements shall be as follows:
 - [1] Stands or lots shall be elevated on compacted fill or pilings so that the lowest floor of the mobile home will be at or above the base flood level.
 - [2] Adequate surface drainage and access for a hauler shall be provided.
 - [3] In the instance of elevation on pilings, additional requirements shall include that:
 - [a] The lots are large enough to permit steps.
 - [b] The piling foundations are placed in stable soil no more than 10 feet apart.
 - [c] Reinforcement is provided for pilings more than six feet above the ground level.
 - (c) No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.
- (4) Floodways. Located within areas of special flood hazard established in 270-46A of this chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions Apply:
- (a) Encroachments, including fill, new construction, substantial improvements and other developments, shall be prohibited unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - (b) If Subsection B(4)(a) of this section is satisfied, All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.
- (c) The placement of any mobile homes, except in fin existing mobile home park or existing mobile home subdivision shall be prohibited.

of its examination and other official actions. Every rule, regulation, amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Building Inspector and shall be a public record.

