

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one:)

of Plattsburgh

Local Law No. 3 of the year 2017

A local law repealing Chapter 48 and Chapter 82 and amending Chapters 233, 236, 241, 253, 257 and  
(Insert Title)  
270 of the City Code of the City of Plattsburgh.

Be it enacted by the Common Council of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one:)

of Plattsburgh as follows:

Chapter 48 of the City Code of the City of Plattsburgh (hereafter "City Code"), entitled "Engineering and Planning Department" is repealed in its entirety.

Chapter 82 of the City Code entitle "Department of Planning, Engineering and Operations" is repealed in its entirety.

Chapter 233 §233-6 is amended to read as:

**§233-6. Cost.** The cost to be charged for construction or replacement of sidewalk or curb shall be unit prices as determined annually by the City Planner, or an engineer designated by the Mayor, based on prevailing labor, material and equipment costs or based on current city contract prices.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Chapter 233 §233-10 is amended to read as:

**§233-10. Work Specification requirements.**

Hereafter, the construction, extension or removal of all curb openings, aprons and driveways within the city rights-of-way shall be in accordance with the specifications and requirements of the City Planner, or an engineer designated by the Mayor. Before commencing any such work, an abutting owner shall obtain a street opening permit. Application for such permit shall be accompanied by plans or a sketch indicating the proposed work and compliance with the applicable design requirements as issued by the Public Works Department Superintendent.

Chapter 233 §233-28 is amended to read as:

**§233-28. Authority to Issue Permit.**

The Building Inspector shall have the authority to issue Street and Sidewalk Opening Permits for minor openings. The City Planner, or an engineer designated by the Mayor, shall have the authority to issue Street and Sidewalk Opening Permits for major openings. The Building Inspector and City Planner, or an engineer designated by the Mayor, shall have the authority to impose such permit conditions as in their judgement are necessary to promote public safety, including the authority to specify the design, method of construction and materials used in making required improvements, temporary covers and barricades.

Chapter 233 §233-29, §233-29D and §233-29E is amended to read as:

**§233-29 Permit Requirements.**

In addition to such conditions as may be imposed by the Building Inspector and City Planner, or engineer designated by the Mayor, the following requirements shall apply:

D. When an unimproved right of way, or portion of a right of way, is opened under a major opening permit, the City Planner, or an engineer designated by the Mayor, may require that the disturbed portion of the right of way be improved with paving or sidewalks.

E. When the City Planner, or an engineer designated by the Mayor, determines that weather conditions do not permit proper re-surfacing of streets or the installation of curbs or sidewalks he may require the holder of the permit to post a bond, cash deposit or other form of security deemed acceptable by the Corporation Counsel, to secure the holder's obligation to perform the work when weather conditions permit.

Chapter 236, §236-3B is amended so that the definition of City Engineer is deleted and in its entirety and replaced with:

**CITY PLANNER-** The duly designated Planner of the City of Plattsburgh.

Chapter 236, §236-7F (2)(c) is amended to read as:

(c) Amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the subdivision plat. The action of the Planning Board plus any conditions attached thereto shall be noted on three (3) copies of the preliminary plat. One (1) copy shall be returned to the subdivider, one (1) retained by the Planning Board and one (1) retained by the City Planner. Conditional approval of a preliminary plat shall not constitute approval of the subdivision plat, but rather it shall be deemed as an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the subdivision plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations and the conditions of the conditional approval, if any. Prior to approval of the subdivision plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

Chapter 236, §236-9 A(1), §236-9 A(2), §236-9 A(4), §236-9 B, §236-9 C, §236-9 D are amended to read as:

§236-9

A.

- (1) In an amount set by the Planning Board or the City Planner, the subdivider shall either file with the City Clerk a certified check to cover the full costs of the required improvements or the subdivider shall file with the City Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of the General City Law and shall be satisfactory to the Corporation Counsel and City Planner as to form, sufficiency, manner of execution and surety. A period of one (1) year [or such other period as the Planning Board may determine appropriate, not to exceed three (3) years] shall be set forth in the bond within which required improvements must be completed.
- (2) The subdivider shall complete all required improvements to the satisfaction of the City Planner, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Board. For any required improvements not so completed or not approved but he City Planner, the subdivider shall file with the City Clerk a bond or certified check covering the costs of such improvements. Any such bond shall be satisfactory to the Corporation Counsel and City Planner as to form, sufficiency, manner of execution and surety.
- (4) The required improvements shall not be considered to be completed until the installation of the improvements has been approved in writing by the City Planner and a map and as-built construction drawings satisfactory to the City Planner have been submitted, which shall indicate the location of monuments, note all underground utilities as actually installed and further indicate the as-built profile street grades and elevations of all manholes, inverts and catch basins. If the subdivider completes all required improvements according to Subsection

A(2) then said map shall be submitted prior to endorsement of the plat by the appropriate Planning Board officer. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in Subsection A(1), such bond shall not be released until such map is submitted.

B. Modification of design of improvements. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the City Planner that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the City Planner may authorize modifications, provided that these modifications are within the spirit and intent of the Planning Board's approval and do not constitute a waiver or substantial alteration of the function of any improvements required but the Board. The City Planner shall issue any such authorization in writing and shall transmit a copy of such authorization to the Planning Board at their next regular meeting.

C. Inspection of improvements. At least five (5) days prior to commencing construction of required improvements, the subdivider shall pay to the City Clerk any inspection fee required by the various city departments and shall notify the City Planner in writing of the time when he proposed to commence construction of such improvements so that the City Planner may cause inspection to be made to assure that all city specifications and requirements shall be met during the construction of required improvements and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

D. Proper installation of improvements. If the City Planner shall find, upon inspection of the improvement performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plats and specifications filed by the subdivider or do not function satisfactorily, he shall notify the subdivider and, if necessary, the bonding company and take all necessary steps to preserve the city's rights under the bond. No plat, whether or not an extension, section or portion of any previously submitted plat, shall be approved until and unless all conditions necessary for approval of previously submitted plats have been satisfied and final approval shall have been granted in accordance with these regulations. No plat shall be approved by the Planning Board as long as the subdivider is in default on previously approved plat.

Chapter 236, §236-11 A and §236-11 B are amended to read as:

§236-11

A. Upon approval of the final plat and posting of bonds in accordance with §236-9 A(1), (2) and (3) of these regulations, or upon certification of completion or installation of all required improvements to the satisfaction of the City Planner and the posting of a bond in accordance with, §236-9A(3) the subdivider may be issued building permits for the construction of buildings in accordance with the approved subdivision and the Zoning Ordinance.<sup>3</sup>

B. Upon completion of all required public improvements to city standards and upon certification of this by the City Planner, the subdivider may be issued certificates of occupancy for any buildings constructed in the subdivision.

Chapter 236, §236-16A, §236-16B, §236-16B (3) §236-16F, §236-16J (1), and §236-16J (2), are amended to read as:

§236-16

A. Widths of rights-of way. Streets shall have the following widths (when not indicated on the Master Plan or Official Map, as such may exist, the classification of streets shall be determined by the Planning Board):

| Type of Street | Minimum Right-of-Way (feet) | Minimum Pavement (feet) |
|----------------|-----------------------------|-------------------------|
| Major          | 75*                         | 48*                     |
| Collector      | 66                          | 36                      |
| Minor          | 66                          | 32                      |

\*NOTE: Subject to approval of the City Planner, or an engineer designated by the Mayor.

B. Improvements. All improvements as required shall be installed in accordance with standards, specification and procedures acceptable to the appropriate city departments and are subject to approval by the City Planner, or an engineer designated by the Mayor. Streets shall be graded and improved with gravel base, pavements, curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, streetlights and signs, street trees and fire hydrants, except where waivers are requested and the Planning Board waives, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improved as required by the City Planner, or an engineer designated by the Mayor. Such grading and improvements shall be approved as to design and specifications by the City Planner, or an engineer designated by the Mayor.

- (3) Storm drainage sewer system. The subdivider shall install all necessary active or inactive storm drainage sewers and appurtenant facilities at his expense, in accordance with standards of the city and of all authorities having jurisdiction. Where a public storm drainage system is reasonably accessible, the subdivider shall make proper connection thereto, otherwise the subdivider shall provide appropriate temporary means and methods for stormwater runoff satisfactory to the City Planner, or an engineer designated by the Mayor, and all other authorities having jurisdiction. As such time as a public storm drainage system is available for connection, the inactive system installed by the subdivider shall become active and the above temporary means and methods abandoned.

F. Changes in grade. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the City Planner, or an engineer designated by the Mayor, so that clear visibility shall be provided for a safe distance. The desirable minimum sight distances on vertical curves shall be:

| Type of Street  | Minimum Sight Distance (feet) |
|-----------------|-------------------------------|
| Major           | 350                           |
| Collector       | 250                           |
| Local           | 150                           |
| Marginal access | 150                           |

J. Watercourses.

(1) Where a watercourse separates a proposed street from abutting property, provisions shall be made for access to all lots by means of culverts or other structures of design approved by the City Planner, or an engineer designated by the Mayor.

(2) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way as required by the City Planner, or an engineer designated by the Mayor, and in no case less than twenty (20) feet in width.

Chapter 236, §236-18 F is amended to read as:

§236-18

F. Monuments and lot corner markers. Permanent monuments, meeting specifications approved by the City Planner, or an engineer designated by the Mayor, as to size, type and installation, shall be set at such block corners, angle points, points of curves in streets and other points as the City Planner, or an engineer designated by the Mayor, may require and their locations shall be shown on the subdivision plat. The corners of all lots shall be marked with metal markers three-fourths (3/4) inch in diameter and at least twenty-four (24) inches in length, driven into the ground to grade.

Chapter 236, §236-19 B, and §236-19 C are amended to read as:

§236-19

B. Drainage structure to accommodate potential development upstream. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The City Planner, or an engineer designated by the Mayor, shall approve the design and size of facility based on anticipated runoff from a ten-year storm under conditions of total potential development permitted by the Zoning Ordinance<sup>6</sup> in the watershed,

C. Responsibility for drainage downstream. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the City Planner, or an engineer designated by the Mayor. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a five-year storm, the Planning Board shall notify the City Planner, or an engineer designated by the Mayor, of such potential condition. In such case the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.

Chapter 236, §236-22 A(2) is amended to read as:

§236-22

A.

(2) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a license land surveyor. The corners of the tract shall also be located on the ground and marked by monuments as approved by the City Planner and shall be referenced and shown of plat.

Chapter 236, §236-23 A (1)(e), §236-23 A(3)(i), §236-23 B(4), §236-23(D) are amended to read as:

§236-23

A.

(1) Existing topographic data:

(e) Ground elevations on the tract based on a datum plane approved by the City Planner, or an engineer designated by the Mayor. For land that slopes less than approximately two percent (2%), show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions; for land that slopes more than two percent (2%), show contours at intervals of five (5) feet or less as required by the Board.

(3) Proposed site improvement

(i) Approximate location of all proposed waterlines, valves and hydrants and all sanitary and storm sewer lines, indicating grades and sizes, with profiles, indication connections with existing lines and alternate means of water supply or sewage disposal and treatment, as provided in the Public Health Law. All elevations are to be based on a datum plane approved by the City Planner, or an engineer designated by the Mayor.

B.

(4) All elevations are to be based on a datum plane approved by the City Planner, or an engineer designated by the Mayor.

D. Deed description and map of survey of tract boundary made and certified by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the City Planner, or an engineer designated by the Mayor, and shall be referenced and shown on the plat.

Chapter 236, §236-24 A (5), §236-24 A(10)-(12), §236-24 D are amended to read as:

§236-24

A.

(5) Sufficient data acceptable to the City Planner to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the state system of plane coordinates and in any event should be tied to reference points previously established by a public authority.

(10) Permanent reference monuments shall be shown and shall be constructed in accordance with specification of the City Planner. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the State Department of Public Works. They shall be placed as required by the City Planner and their location noted and referenced upon the plat.

(11) All lot corner markers shall be permanently located satisfactorily to the City Planner, at least three-fourths (3/4) inch (metal) in diameter and at least twenty-four (24) inches in length and located in the ground to existing grade.

(12) Monuments of a type approved by the City Planner shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the City Planner.

D. Letter form the City Planner shall be submitted certifying that the subdivider has complied with the required alternative of §236-9, pertaining to improvements and performance bonds.

Chapter 236, §236-27 is amended to read as:

**§236-27. Failure to pass inspection of improvements.**

If the Planning Board or the City Planner shall find upon inspection that any of the required improvements have not been constructed in accordance with the plats and conditions approved and specified by the Planning Board, then the subdivider and the bonding company (if any) shall be severally and jointly liable for the costs of completing said improvements as originally specified by the Planning Board.

Chapter 236, §236-28 is amended to read as:



**§236-28. Release of bonds; conditions.**

Such performance bonds shall be released to the subdivider only upon certification by the City Planner that all required improvements have been satisfactorily completed.

Chapter 236, §236-33 is amended to read as:

**§236-33. Officers authorized to sign.**

The appropriate of officers authorized to sign approved subdivision plats are the Chairman and the Secretary of the Planning Board or, in their absence, the City Planner.

Chapter 241, §241 4(B)(2) and §241 7(3)-(6) are amended to read as:

**§241-4**

B.

2. The City Planner shall advise the Common Council whether such alley is needed for present or foreseeable public improvements or utilities.

**§241-7**

3. Grounds for Abandonment. The City of Plattsburgh's right, title and interest in a street, alley, or right of way may be abandoned if:

.1 The street, alley, or right of way provides access only to a single lot or parcel of land; or

.2 The street, alley, or right of way has not been used by the public for vehicular or pedestrian access to a public street or other public property for six or more consecutive years.

.3 And, the City Planner advises, and the Common Council concurs and finds, that such street, alley, or right of way is not likely to be needed for a public purpose, including access, now or at any time in the foreseeable future.

4. Partial Abandonment. Where a street right of way is wider than the improved surface of the street, the City may abandon the unimproved part of the street right of way, on one or both sides of the street, if;

.1 The City Planner advises, and the Common Council concurs and finds, that full width of such street right of way is not likely to be needed for use as a public street flow or at any time in the foreseeable future; and

.2 The part of the street right of way that is not abandoned is not less than forty nine and one half feet in width.

.3 A street right of way may be partially abandoned under this section notwithstanding the street width requirements for the dedication of new streets under the City's Zoning and Subdivision Laws.

5. Reservation of Easements. The City of Plattsburgh may reserve easements in the abandoned streets, alleys and rights of way for utility and communication lines.

6. Procedure for Abandonment. A street, alley or right of way shall completely or partially abandoned in accordance with the following procedure:

- .1 Written notice shall be given to the property owners who abut that part of the street, alley or right of way that is proposed to be abandoned by certified mail addressed to, or personal service upon, the owner of the property listed on the City's real property tax roll. Such notice shall include a map showing the property proposed to be abandoned. Such notice shall state the date, time and place the Common Council intends to act on the proposed abandonment.
- .2 Notice of the proposed abandonment shall be served upon the abutting property owners, and published one time in the City's official newspaper, not less than 10 days, or more than 20 days, before the date the Common Council proposes to act on the proposed abandonment.
- .3 The Common Council may postpone action on the proposed abandonment during the meeting stated in the notice, provided action may not be postponed for more than 15 days without notifying the abutting owners and publishing a new public notice under this section.
- .4 The street, alley or right of way may be fully or partially abandoned only [with] the affirmative vote of a majority of the entire membership of the Common Council.
- .5 Upon the adoption of a resolution or ordinance abandoning all or part of a street, alley or right of way, the Mayor and City Planner shall sign a Certificate of Abandonment in a form approved by the Corporation Counsel. Said Certificate of Abandonment shall be recorded in the office of the Clinton County Clerk and filed among the public records of the City Clerk.
- .6 After filing the Certificate of Abandonment, the Mayor may execute a quit claim conveying the abandoned street, alley or right of way to the abutting owner(s).

Chapter 253, §253-3 is amended to read as:

§253-3 Zones and Fire Lanes

- 1. DELEGATION OF AUTHORITY TO REGULATE TRAFFIC. Pursuant to the authority granted in Article 35 and 39 of the Vehicle and Traffic Law of the State of New York, the City of Plattsburgh does hereby authorize and delegate to the City Planner or his/her designee the authority to regulate traffic within the City of Plattsburgh. All references herein to the City Planner shall be deemed to include the City Planner's designee, if any. The authority herein granted shall include the powers granted by §1640, Subdivisions (a), (b), and §1640-a, 1643 and 1644, of the Vehicle and Traffic Law of the State of New York.
- 2. Without intending to limit the delegation of the authority under §253.1, the City Planner is specifically authorized to issue Traffic Orders establishing:
  - (A) School and playground speed zone.
  - (B) No parking, no stopping and no standing zone.
  - (C) Time limit parking zone.
  - (D) Handicapped Parking Space or Zone.
  - (E) Hospital Emergency Room Zone.
  - (F) Bus stop zone.
  - (G) Taxi stand zone.
  - (H) Loading and unloading zone.

- (I) Alternate side of the street parking zone.
  - (J) Through traffic streets.
  - (K) One-way streets.
  - (L) Traffic Control Devices.
3. **TRAFFIC ORDERS.** The City Planner shall implement traffic regulations by issuing a Traffic Order. When the Traffic Order establishes a zone it shall describe the boundaries of a zone by linear feet from a fixed marker or street intersection. One way streets shall be identified by street name and street intersections. The proposed Traffic Order shall be transmitted to the Common Council for placement on the agenda of the next Council Meeting under Reports from City Officers. The Common Council may adopt a resolution delaying the effective date of the Traffic Order, or disapproving the Traffic Order in which case it shall not take effect. If no action is taken by the Common Council, the Traffic Order shall be effective one day after the said Common Council meeting, but not sooner than the date appropriate signs giving notice of the traffic regulation are installed.
  4. **EMERGENCY TRAFFIC ORDERS:** If in the judgement of the City Planner there is a traffic condition that requires immediate action to protect the public safety, he may issue a Traffic Order without first submitting it to the Chief of Police or the Common Council, however, as soon as practicable after such order is issued he shall transmit the Traffic Order in accordance with the provisions of §3.3.
  5. **SIGNS.** After a Traffic Order becomes effective the City Planner shall issue a work order to the Superintendent of Public Works for the erection of appropriate signs which shall comply with the requirements, if any, of the NYS Manual of Uniform Traffic Control Devices.
  6. **FILING TRAFFIC ORDERS.** The City Planner shall maintain a file of duplicate, original signed Traffic Orders. An original copy of the signed Traffic Order shall be filed with the City Clerk. The City Clerk shall transmit a copy to the Chief of Police.
  7. **EXISTING TRAFFIC ORDERS.** All Traffic Orders or Traffic Zone Designations issued prior to the effective date of this local law shall remain valid and enforceable until amended, repealed or superseded by a subsequent Traffic Order.
  8. **FIRE LANES.** The City Planner may issue a Traffic Order establishing a Fire Lane only with the concurrence of the Fire Chief as evidenced by his signature on the Traffic Order. If the order requires improvements to be made to the property where the Fire Lane is established, the order shall specify a date by which the fire lane improvements shall be made. The order shall be mailed by first class mail to the person identified as the owner of the property in the city's real property tax records. The owner of the property shall make any required fire lane improvements by the date set forth in the order. The owner shall maintain the required fire lane signage and pavement markings and shall keep the fire lane free of obstructions, including snow or ice.

Chapter 253, §253-6 (7)(3) is amended to read as:

§256-6

7.

(3) The City Planner shall have the power to issue time restrictions for specific handicapped parking areas so as to regulate the amount of time a vehicle may remain parked under this section.

Chapter 257, §257-0.5 (D) and (E) are amended to read as:

§257-0.5

(D) The City Planner, or an engineer designated by the Mayor, shall have the authority to approve the type of materials and method of installation in the construction of public water and sewer improvements, the construction of private lines or laterals in public streets, and the connection of water and sewer laterals to public water and sewer mains. Before approving the use of any new material he shall consult with the Superintendent of Water and Sewer regarding his recommendations for material specifications or method of installation. Any plans or specifications required to be submitted and approved as a condition of permitting a private property owner to connect a water or sewer lateral to a public water or sewer main may be approved by the City Planner, or an engineer designate by the Mayor, or the Superintendent of Water and Sewer.

(E) The Building Inspector shall have the authority to approve the type of materials and method of installation in the construction of water and sewer lines on private property. Before approving the use of any new material, he shall consult with the City Planner, or an engineer designated by the Mayor, and Superintendent of Water and Sewer regarding their recommendations for material specifications or method of installation.

Chapter 270, §270-20(G)(3); §270-20(H)(1)-(3); §270-21(D); §270-37(A); §270-47(B); §270-50(A) are amended to read as:

§270-20

G.

(3) Exceptions to these limitations shall be made after review and written approval by the City Planner.

H.

(1) All utility improvements, including storm drainage systems, sanitary sewage collection and disposal and water supply systems, shall be in accordance with the standards and procedures as established by other local, county and state regulations. Said improvements shall be subject to review and approval of the City Planner and city boards, as well as appropriate county and state agencies.

(2) Utility service. Utility service shall be provided by the developer in concert with the appropriate public utilities providing such service. Said service shall be provided as a part of an

underground system. If such facilities cannot be reasonably provided due to topography or geologic condition of the land or due to technological circumstances and if the landowner shall adequately demonstrate the lack of feasibility of such an undertaking to the satisfaction of the Planning Board, a waiver of this requirement may be granted by the Planning Board.

(3) Street improvements. Monuments, street names and other traffic control devices, shade trees, streetlights, sidewalks, curbs, fire hydrants and all aspects of street construction, as well as other improvements, shall be subject to local regulations and City Planner approval.

#### §270-21.

D. Except as permitted as part of an approved subdivision or planned unit development, no driveway or private street shall be constructed on any lot that connects two streets, or that provides access to a lot not owned by the owner of the lot where the driveway or private street enters a City street. Except as permitted by ordinance of the Common Council, no driveway or private street shall be approved as part of a subdivision, planned unit development or otherwise if the City Planner finds that the maximum allowed development of all lots likely to be served by the proposed driveway or private street may result in more than twenty five percent increase in traffic flow on any City street located in a R-1 or R-2 or RH district. The provisions of this subsection may not be varied by the zoning Board of Appeals, but may be varied, waived or modified by ordinance by the Common Council.  
[added by Ordinance 9-30-93.]

#### §270-37

A. The amount of the security shall be established based on the City Planner's estimate of the cost of completion.

#### §270-47

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 floor 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 watercourse 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.

## §270-50

### A. Enforcing officer.

- (1) The provisions of this chapter shall be administered and enforced by the Building Inspector or, in his absence, a person in the office of the Building Inspector designated by him to act in his absence, or the City Planner, or Assistant City Planner [referred to in this section as Building Inspector], who shall have the power to make inspections of buildings or premises necessary to carry out their duties in the enforcement chapter.
- (2) The building inspector, housing code inspector, municipal code inspector, police officer or parking enforcement officer may enforce the provisions of section 270-25 (E) of this chapter. [Added by Ordinance 9-30-93; amended by Ordinance 11-8-95]

This Local Law shall take effect upon approval by the Mayor and filing with the New York Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 20 17 of the ~~(County)(City)(Town)(Village)~~ of Plattsburgh was duly passed by the Common Council on August 17 20 17, and was (approved)(~~not approved~~) (repassed after disapproval) by the Mayor and was deemed duly adopted on August 17 20 17, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

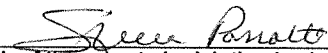
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2 above.

  
\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 8/18/17

(Seal)