



City of Newburgh Council Work Session  
*Sesión de trabajo del Concejal de la  
Ciudad de Newburgh*

January 8, 2015

6:00 p.m.

AGENDA

1. Presentations

Presentaciones:

- a. Reminder: A Certificate of Achievement will be presented to Deborah Dresser for her work with the Newburgh Girl Power Program.

*Recordatorio: Un Certificado de Reconocimiento va a ser presentado a Deborah Dresser por su trabajo en el Programa de Newburgh "Poder de Niñas".*

- b. Reminder: A Certificate of Recognition will be presented to retailers who voluntarily choose not to sell tobacco products.

*Recordatorio: Un Certificado de Reconocimiento va a ser presentado a los dueños de tiendas quienes voluntariamente han escogido no vender productos de tabaco.*

2. Grants/Contracts and Agreements / Becas / Contratos y Convenios

a. Resolution No.

A resolution authorizing the City Manager to accept donations for the City of Newburgh Conservation Advisory Council.

*Una resolución autorizando al Gerente de la Ciudad a aceptar donaciones para el Concejal Consultativo de Conservación de la Ciudad de Newburgh.*

b. Resolution No.

A resolution authorizing the City Manager to accept a donation of sports equipment and apparel from Good Sports, Inc. in the amount of \$4,186.00 for use by the City of Newburgh Recreation Department.

*Una resolución autorizando al Gerente de la Ciudad a aceptar una donación de equipo deportivo y vestimenta de Good Sports, Inc. en la cantidad de \$4,186.00 para el uso por el departamento de Recreación de la Ciudad de Newburgh.*

c. Resolution No.

A resolution of the City Council of the City of Newburgh expressing support for a comprehensive cleanup and removal of PCBs from the Hudson River.

*Una resolución del Concejal de la Ciudad de Newburgh demostrando su apoyo por una limpieza profunda y la eliminación de PCB's del rio Hudson.*

d. Resolution No.

A resolution authorizing the execution of a release of restrictive covenants and right of re-entry from a deed issued to Benjamin P. Reynolds to the premises known as 55 Chambers Street (Section 30, Block 4, Lot 7)

*Una resolución autorizando la ejecución de liberación de unos contratos limitados y derechos de re-ingreso a una escritura hecha por Benjamin P. Reynolds por la propiedad conocida como 55 de la calle Chamber (sección 30, bloque 4, lote 7).*

e. Resolution No.

A resolution authorizing the execution of a release of restrictive covenants and right of re-entry from a deed issued to Beth Conroy to the premises known as 30 E. Parmenter Street (Section 39, Block 3, Lot 27)

*Una resolución autorizando la ejecución de liberación de unos contratos limitados y derechos de re-ingreso a una escritura hecha por Beth Conroy por la propiedad conocida como 30 Este de la calle Parmeter (sección 39, bloque 3, lote 27).*

3. Planning and Economic Development

a. Resolution No.

A resolution authorizing the City Manager to submit a joint application with The City of Newburgh Industrial Development agency to apply for and accept if awarded funds in an amount not to exceed \$310,000.00 from the Orange County Industrial Development Agency under the Shovel Ready Program.

*Una resolución autorizando al Gerente de la Ciudad a someter una aplicación conjunto con la Agencia de Desarrollo Industrial de Newburgh para aplicar para y aceptar fondos en la cantidad a no exceder \$310,000.00 de la Agencia de Desarrollo Industrial del Condado de Orange bajo el Programa Pala Lista.*

4. Engineering / Ingeniería:

a. Ordinance NO.: \_\_\_\_\_ - 2015

An ordinance amending Section 288-71, Schedule XIII, parking prohibited at all times of the Code of Ordinances.

*Un decreto para enmendar Sección 288-71, del Itinerario XIII, estacionamiento prohibido todo el tiempo bajo el Código de Decretos.*

b. Resolution No.

A resolution authorizing the City Manager to accept a funding award from the County of Orange in the amount of \$35,000.00 to provide funding for infrastructure repairs in the City of Newburgh.

*Una resolución autorizando al Gerente de la Ciudad a aceptar una otorgación de fondos del Condado de Orange por la cantidad de \$35,000.00 para proveer Recursos en las reparaciones de la infraestructura de la Ciudad de Newburgh.*

c. Resolution No

A resolution authorizing the City Manager to execute a proposal with Barton & Loguidice, P.C. for professional engineering services in connection with the design of the repair for the footing scour under Pier-5 of the Mill Street Bridge at a cost not to exceed \$12,500.00.

Una resolución autorizando al Gerente de la Ciudad a llevar a cabo una propuesta con Barton & Loguidice, P .C. por servicios de Ingeniería en conexión con el diseño de reparación de la examinación de la base bajo el puerto 5 del puente de la calle Mill al costo a no exceder \$12,500.00

5. Discussion / Discusión:

A. Draft Local Law amending section C3.00 entitled "Municipal Officers enumerated" and adding Section C3.12 entitled "Residency Requirements" of the code of the City of Newburgh.

*Delinear la Ley Local para enmendar sección C300 titulado "Oficiales Municipales enumerados" y añadiendo sección c3.12 titulado "Requisitos de Residencia" del código de la Ciudad de Newburgh.*

B. A Local Law adding Chapter 276 of the Code of Ordinances of the City of Newburgh entitled "Tobacco" and enacting Article I entitled "Tobacco Retail License" and Article II entitled "Sale to Persons Under Age 19".

*Una ley local añadiendo el Capítulo 276 del Código de Decretos de la Ciudad de Newburgh titulado "Tabaco" y promulgar Artículo I titulado " Licencia Comercial de Tabaco" y Artículo II titulado "Venta a personas menores de 19 Años de Edad.*

C. Board Appointments/Nombramientos de Junta Directiva:

- a. Re-appointment of Valerie Larry to the Board of Ethics (term expires January 13, 2015)

*Re-nombramiento Valerie Larry a la Junta Directiva de Etica (el termino caduca en Enero 13 del 2015)*

- b. Appointment of Chairman of the Police Community Relations and Review Board

Nombramiento del Presidente la Junta de Policia Relaciones

- b. Renewal of agreement with Taylor Recycling.

D. Executive Session/ Sesión Ejecutiva:

- a. Matters pertaining to the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
- b. Pending litigation

RESOLUTION NO.: \_\_\_\_\_ - 2015

OF

JANUARY 12, 2015

**A RESOLUTION AUTHORIZING THE CITY MANAGER  
TO ACCEPT DONATIONS FOR THE CITY OF NEWBURGH  
CONSERVATION ADVISORY COUNCIL**

**WHEREAS**, various businesses, firms and individuals have made generous contributions for the Conservation Advisory Council; and

**WHEREAS**, this Council deems it to be in the best interests of the City of Newburgh to accept such donations;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept said donations for the Conservation Advisory Council with the appreciation and thanks of the City of Newburgh on behalf of its children, families and citizens.

RESOLUTION NO.: \_\_\_\_\_ - 2015

OF

JANUARY 12, 2015

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT  
A DONATION OF SPORTS EQUIPMENT AND APPAREL  
FROM GOOD SPORTS, INC. IN THE AMOUNT OF \$4,186.00  
FOR USE BY THE CITY OF NEWBURGH RECREATION DEPARTMENT**

**WHEREAS**, Good Sports, Inc. helps to lay the foundation for healthy, active lifestyles by providing athletic equipment, footwear, and apparel to disadvantaged young people nationwide, and by partnering with sporting goods manufactures Good Sports is able to donate to programs in need; and

**WHEREAS**, the Recreation Department is actively working towards improving Delano-Hitch Park while providing quality programming for City of Newburgh Residents; and

**WHEREAS**, Good Sports, Inc. has offered to donate equipment and apparel items in the amount of \$4,186.00; and

**WHEREAS**, the City will be responsible for the cost of an administration fee in the amount to \$250.00; and

**WHEREAS**, this Council has determined it to be in the mutual best interests of the City of Newburgh, its young people and their families to accept such donation;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a donation of sports equipment and apparel from Good Sports, Inc., in the amount of \$4,186.00 for use by the City of Newburgh Recreation Department; and that the City Manager is authorized to execute all such documentation and take such further actions as may be appropriate and necessary to accept such donation.

RESOLUTION NO.: \_\_\_\_\_ - 2015

OF

JANUARY 12, 2015

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF NEWBURGH EXPRESSING SUPPORT FOR A COMPREHENSIVE  
CLEANUP AND REMOVAL OF PCBs FROM THE HUDSON RIVER**

**WHEREAS**, the Hudson River is an American Heritage River, and the Valley a National Heritage Area, and the health and beauty of the Hudson River is critical to the economic vitality of the communities surrounding it, as well as the state and the country at large; and

**WHEREAS**, nearly 200 miles of the Hudson River – from Hudson Falls to New York City – are a federal Superfund site because the General Electric Corporation (GE) discharged large quantities of polychlorinated biphenyls (PCBs) from two of its manufacturing plants for thirty years, between 1947 and 1977; and

**WHEREAS**, PCBs are manmade, bioaccumulative, persistent organic pollutants that have been linked to a wide variety of adverse health effects, including, among others: cancer, liver, and kidney disorders; reduced birth weight, conception rates, and live birth rates; persistent and significant deficits in neurological development, including visual recognition, short-term memory and learning; and developmental problems due to interference with thyroid hormone levels; and

**WHEREAS**, PCBs discharged by GE are present throughout the Hudson River ecosystem: in soils and sediments within the river and the surrounding floodplains; in the living tissues of wildlife, from low-level organisms to larger animals such as birds and fish; and, periodically, suspended in the river itself or in the air; and

**WHEREAS**, human beings may be exposed to PCBs by a variety of means, including eating PCB-contaminated fish or other contaminated foods, breathing in airborne PCBs, drinking PCB-contaminated water, or skin contact with PCB-laden soils; and

**WHEREAS**, in addition to posing ongoing health concerns, the continued presence of PCBs in the Hudson River has terminated or significantly damaged a number of formerly robust economic industries, including: the multi-million-dollar-a-year commercial fishing industry, closed below Hudson Falls since 1976; deep draft commercial shipping through the Champlain Canal, effectively closed for the past thirty years by the accumulation of PCB-contaminated sediments in the canal; and tourism, long-impaired by public perception that PCB contamination prevents the Hudson from being a safe or desirable place to visit or recreate; and

**WHEREAS**, the continued presence of PCBs in the Hudson River has also diminished the use and enjoyment of those who currently use the river, as exemplified by the longstanding NY State Department of Health (DOH) fish advisories against the consumption of recreationally caught fish and the numerous government-posted signs along the river warning of the presence of PCB-contaminated soils and sediments; and

**WHEREAS**, EPA determined in 2000 as part of its Reassessment Remedial Investigation/Feasibility Study (RI/FS) for the Hudson River Superfund Site that PCBs in the upper Hudson were a “dominant source” of “the PCB load to the water column of the Upper Hudson River,” and that microbial breakdown (natural attenuation) will not rid the River of PCBs; and

**WHEREAS**, the EPA’s 2002 Record of Decision for the Hudson River Site selected environmental dredging and off-site disposal of PCB-contaminated sediment from the Upper Hudson River as the best river sediment remedy to reestablish the ecological and economic health of the Hudson River; and

**WHEREAS**, since July of 2002, GE has agreed to a series of administrative orders of consent and has entered into a consent decree with EPA, all in which it has agreed to perform activities needed for implementation of the selected remedial action for river sediments; and

**WHEREAS**, this remedy segmented the Upper Hudson River into three sections by latitude, with a more stringent cleanup standard applied to River Section 1 than to River Sections 2 or 3; and

**WHEREAS**, GE commenced the first phase of remedial dredging in 2009, and the second and final phase in 2011; and

**WHEREAS**, in 2011, the U.S. National Oceanic and Atmospheric Administration and the U.S. Fish and Wildlife Service—the two federal agencies, along with the State of New York, entrusted with assessing the cost of GE’s “natural resource damage” liability for public losses incurred as a result of GE’s pollution of the Hudson River (the “Trustees”)—published reports identifying a number of problems with the 2002 river sediment remedy as implemented; and

**WHEREAS**, these problems included, among others: that failure to apply the more stringent criteria in River Sections 2 and 3, in practice, would leave behind the “equivalent to a series of Superfund-caliber sites” in those sections with average surface concentrations at “five times higher after remediation than predicted by the 2002 remedy;” that “the majority of the elevated post-construction sediment concentrations are adjacent to planned dredge areas” resulting in “the high likelihood of remediated areas becoming recontaminated;” that the rate of decline of PCBs in fish “was significantly overestimated” by earlier EPA models; and that unremediated sediments “will eliminate significant opportunities for restoration of natural resources in precisely those locations where it would be most valuable;” and

**WHEREAS**, despite these significant concerns, no modification to the scope or implementation of the 2002 river sediment remedy has been made either by EPA or GE; and

**WHEREAS**, significant amounts of PCBs also remain in the Hudson River floodplains, and portions of the Old Champlain Canal in Schuylerville; and

**WHEREAS**, GE anticipates it will complete its limited dredging operations in 2015, and presumably will begin dismantling its multi-million dollar infrastructure constructed for the dredging and dewatering of contaminated sediments shortly thereafter; and

**WHEREAS**, in September of 2014, GE agreed to an administrative order on consent regarding study of the Upper Hudson River floodplains to assist in the creation of an RI/FS for remediating those floodplains; and

**WHEREAS**, remaining PCB contamination within the river and the floodplains inhibits private and public growth, development, and recreational and business opportunities along the shores of the Hudson River and presents the risk of recontaminating the previously-cleaned areas planned for business or recreational use; and

**WHEREAS**, the current scope of planned dredging will not restore the Hudson River to its former ecological health, and the continued presence of highly contaminated sediments in the Upper Hudson River will prevent the revival of long-dormant economic opportunities for both the Upper and Lower Hudson communities; and

**WHEREAS**, these significant economic opportunities can only be unlocked by a robust cleanup of the Hudson that addresses contaminated sediments overlooked by the 2002 Record of Decision as well as other contaminated areas within and around the Hudson River;

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of Newburgh, New York hereby urges a more thorough removal of PCBs from the Hudson River and calls upon GE to: (1) dredge all areas of PCB-contaminated sediments in River Sections 2 and 3 that would require cleanup under the applicable-standards in River Section 1, including, at minimum, the 136 acres identified by the federal Trustees; (2) conduct any additional necessary removal of soils and sediments in PCB-contaminated “hot spots” in and around the Upper Hudson River, including cleanup of the Champlain Canal to ensure full use of the canal by deep draft shipping vessels; and (3) complete a thorough analysis and robust cleanup of the Hudson River, including the floodplains and the Old Champlain Canal, in order to restore the River to its full health and value as a natural and economic resource; and

**BE IT FURTHER RESOLVED**, that the City Clerk be and is hereby directed to send a copy of this resolution to:

- Jeffrey Immelt, Chairman and CEO, General Electric Corporation
- New York State Governor Andrew Cuomo
- NYS Office of the Attorney General
- NYS Department of Environmental Conservation
- NYS Canal Corporation
- National Oceanic and Atmospheric Agency (NOAA)

- US Department of Interior Fish and Wildlife Service
- US Environmental Protection Agency - Region 2 and Hudson River Field Office
- Hudson River Congressional Delegation

Motion made at a regular meeting of the \_\_\_\_\_, on

\_\_\_\_\_

by \_\_\_\_\_ and seconded

by \_\_\_\_\_

VOTING MEMBERS:

RESOLUTION NO.: \_\_\_\_\_-2015

OF

JANUARY 12, 2015

**A RESOLUTION AUTHORIZING THE EXECUTION  
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY  
FROM A DEED ISSUED TO BENJAMIN P. REYNOLDS  
TO THE PREMISES KNOWN AS 55 CHAMBERS STREET  
(SECTION 30, BLOCK 4, LOT 7)**

**WHEREAS**, on December 14, 1999, the City of Newburgh conveyed 55 Chambers Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 30, Block 4, Lot 7, to Benjamin P. Reynolds by deed containing restrictive covenants; and

**WHEREAS**, by deed dated April 2, 2013, the City of Newburgh conveyed the premises to the Newburgh Community Land Bank, Inc. ("Land Bank"); and

**WHEREAS**, the Land Bank now desires to convey the premises to Habitat for Humanity of Greater Newburgh, Inc. ("Habitat"); and

**WHEREAS**, Habitat, by their attorney, has requested a release of the restrictive covenants contained in the deed to Benjamin P. Reynolds; and

**WHEREAS**, this Council believes it is in the best interest of the City of Newburgh and its further development to grant such request;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3 and 4 of the aforementioned deed.



RESOLUTION NO.: \_\_\_\_\_-2015

OF

JANUARY 12, 2015

**A RESOLUTION AUTHORIZING THE EXECUTION  
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY  
FROM A DEED ISSUED TO BETH CONROY  
TO THE PREMISES KNOWN AS 30 E. PARMENTER STREET  
(SECTION 39, BLOCK 3, LOT 27)**

**WHEREAS**, on July 1, 1996, the City of Newburgh conveyed property located at 30 E. Parmenter Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 39, Block 3, Lot 27, to Beth Conroy; and

**WHEREAS**, the premises was subsequently conveyed to Habitat for Humanity of Greater Newburgh, Inc. ("Habitat"); and

**WHEREAS**, Habitat, by their attorney, has requested a release of the restrictive covenants contained in the deed to Beth Conroy; and

**WHEREAS**, this Council believes it is in the best interest of the City of Newburgh and its further development to grant such request;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3 and 4 of the aforementioned deed.



RESOLUTION NO.: \_\_\_\_\_ - 2015

OF

JANUARY 12, 2015

**A RESOLUTION AUTHORIZING THE CITY MANAGER  
TO SUBMIT A JOINT APPLICATION WITH  
THE CITY OF NEWBURGH INDUSTRIAL DEVELOPEMNT AGENCY  
TO APPLY FOR AND ACCEPT IF AWARDED  
FUNDS IN AN AMOUNT NOT TO EXCEED \$310,000.00  
FROM THE ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
UNDER THE SHOVEL READY PROGRAM**

**WHEREAS**, the Orange County Industrial Development Agency (“OCIDA”) has developed a Shovel Ready Assistance Program (the “Program”) in order to stay ahead of market conditions and provide potential businesses with the best opportunity to quickly begin operating in Orange County; and

**WHEREAS**, OCIDA has determined that certain risks and costs of the early stages of development have prevented municipalities from developing properties in the County to a shovel ready stage conducive to attracting businesses that would be highly beneficial to the County’s continued economic success; and

**WHEREAS**, under the Program OCIDA will make expenditures for infrastructure and related improvements at sites that are ripe for the development of selected sites in Orange County that are favorable to use as large box and multi-user park sites; and

**WHEREAS**, the City of Newburgh and the City of Newburgh Industrial Development Agency (“IDA”) wish to submit a joint application to the OCIDA for the Shovel Ready Program in an amount not to exceed \$310,000.00; and

**WHEREAS**, the funding will be used to support the development of 5 Scobie Drive and remedial work at the adjacent Department of Public Works (“DPW”) site for tree removal, support of the Landfill Exemption Plan for DPW and grading the two (2) plus acres which adjoin both sites; and

**WHEREAS**, this Council has reviewed said grant and finds such to be in the best interests of the City of Newburgh;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to submit a joint application with the City of Newburgh Industrial Development Agency to apply for and accept if awarded funds in an amount not to exceed \$310,000.00 from the Orange County Industrial Development Agency Shovel Ready Program and to execute all necessary documents to receive and comply with the terms of such grant and to carry out the programs funded thereby.

ORDINANCE NO.: \_\_\_\_\_ - 2015

OF

JANUARY 12, 2015

AN ORDINANCE AMENDING SECTION 288-71, SCHEDULE XIII, PARKING PROHIBITED AT ALL TIMES OF THE CODE OF ORDINANCES

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Section 288-71, Schedule XIII, and Section 288-74, Schedule XVI, be and are hereby amended as follows:

**Section 288-71. Schedule XIII: Parking Prohibited at All Times.**

In accordance with the provisions of Section 288-21, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Chamber Street	West	<u>Beginning at a point 353 feet north of the perpendicular projection of the westerly curb line along Broadway and continuing north for a distance of 57 feet.</u>
Chamber Street	East	<u>Beginning at a point 328 feet north of the perpendicular projection of the easterly curb line along Broadway and continue north for a distance of 108 feet.</u>
Lander Street	West	<u>Beginning at a point 279 feet north of the perpendicular projection of the westerly curb line along Broadway and continuing north for a distance of 160 feet.</u>
Lander Street	East	<u>Beginning at a point 361 feet north of the perpendicular projection of the easterly curb line along Broadway and continuing north for a distance of 39 feet.</u>

This Ordinance shall take effect immediately.

Underlining denotes additions  
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RESOLUTION NO.: \_\_\_\_\_ - 2015

OF

JANUARY 12, 2015

**A RESOLUTION AUTHORIZING THE CITY MANAGER  
TO ACCEPT A FUNDING AWARD FROM THE COUNTY OF ORANGE  
IN THE AMOUNT OF \$35,000.00 TO PROVIDE FUNDING  
FOR INFRASTRUCTURE REPAIRS IN THE CITY OF NEWBURGH**

**WHEREAS**, the City of Newburgh has been advised that the County of Orange has awarded funding in the amount of \$35,000.00; and

**WHEREAS**, the funds will be used for infrastructure repairs in the City of Newburgh, including repairs to the Mill Street Bridge, the Public Safety Building, the Department of Public Works building and other repairs of City owed buildings; and

**WHEREAS**, this Council has determined that accepting said funding award would be in the best interests of the City of Newburgh;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a funding award in the amount of \$35,000.00 from the County of Orange to provide for infrastructure repairs in the City of Newburgh; and he is hereby further authorized to execute any documents in connection with such funding award and to take all measures as may be appropriate and necessary to carry out such program.

RESOLUTION NO.: \_\_\_\_\_ - 2015

OF

JANUARY 12, 2015

**A RESOLUTION AUTHORIZING THE CITY MANAGER  
TO EXECUTE A PROPOSAL WITH BARTON & LOGUIDICE, P.C.  
FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION  
WITH THE DESIGN OF THE REPAIR FOR THE FOOTING SCOUR  
UNDER PIER-5 OF THE MILL STREET BRIDGE  
AT A COST NOT TO EXCEED \$12,500.00**

**WHEREAS**, in response to a red flag condition issued by the New York State Department of Transportation, the City's Engineering Department conducted an inspection of the scour condition under the Pier-5 footing on November 10, 2014, which subsequently led to the indefinite closure of the Mill Street Bridge; and

**WHEREAS**, the City of Newburgh wishes to execute a proposal with Barton & Loguidice, P.C. for professional services associated with repair of the footing scour condition under Pier 5 of the Mill Street Bridge; and

**WHEREAS**, the proposal includes investigation, design, bidding and part-time construction observation services required to address both the footing deficiency and the red flag condition issued by the New York State Department of Transportation; and

**WHEREAS**, the cost for these services are not to exceed \$12,500.00 and the funding shall be derived from an Orange County Grant Award; and

**WHEREAS**, the City Council has reviewed the annexed proposal, terms and conditions, and has determined that retaining such engineering services would be in the best interests of the City of Newburgh;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the proposal with Barton & Loguidice, P.C. for professional engineering services in connection with the design of the repair of the footing scour condition under Pier-5 of the Mill Street Bridge at a cost not to exceed \$12,500.00.

LOCAL LAW NO.: \_\_\_\_\_ - 2014

OF

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A LOCAL LAW AMENDING SECTION C3.00 ENTITLED “MUNICIPAL OFFICERS  
ENUMERATED” AND ADDING SECTION C3.12  
ENTITLED “RESIDENCY REQUIREMENTS”  
OF THE CODE OF THE CITY OF NEWBURGH

BE IT ENACTED by the City Council of the City of Newburgh as follows:

**SECTION 1 - TITLE**

This Local Law shall be referred to as “A Local Law Amending Section C3.00 entitled ‘Municipal Officers Enumerated’ and adding Section C3.12 entitled ‘Residency Requirements’ of the Code of the City of Newburgh”.

**SECTION 2 - AMENDMENT**

**§ C 3.00, Paragraph C of the City Charter is hereby amended as follows:**

The officers of the city or municipality shall be as follows:

C. One Corporation Counsel, one City Comptroller, one City Assessor, one City Collector, one City Purchasing Agent, one City Engineer, one Superintendent of Public Works, one Superintendent of Water, one Police Chief, one Fire Chief, one Building Inspector, one Plumbing Inspector, one Registrar of Vital Statistics, one Deputy Registrar of Vital Statistics, one Planning and Development Director and one Parks and Recreation Director.

**Article III of the City Charter of the City of Newburgh, entitled “Municipal Officers” is hereby amended to add new Section C3.12 entitled “Residency Requirements” as follows:**

- A. Purpose. The City Council of the City of Newburgh finds that individuals who are officers and department heads of the City of Newburgh take a greater interest, commitment and involvement in the municipality that employs them by living within that community. The City Council further finds that in order to protect the health safety and welfare of the citizens of the City where emergencies and emergency work arise, it is necessary that the officers and department heads reside in the City. Accordingly, the City Council determines that there is a sufficient public need to require that officers and department heads initially appointed and hired after the effective date of this Section be residents of the City of Newburgh.

~~Strikethrough~~ denote deletions

Underlining denotes additions

B. Application. This section shall apply to the officers of the City of Newburgh enumerated in Subsection C3.00(B) and (C) of this Article and the City Marshal and Acting City Marshal initially appointed after January 1, 2015. This section shall not supersede or override any other residency provision existing in state or federal law or existing in the City Charter and Code of Ordinances of the City of Newburgh found to be contrary to the provisions herein. City Charter Section C3.00(D) is hereby repealed by this local law.

C. Definitions. As used in this section, the following terms shall have the meanings indicated:

OFFICER - includes the City Manager, three Civil Service Commissioners, the City Clerk, the members of the Traffic and Parking Advisory Committee, the Corporation Counsel, the City Comptroller, the City Assessor, the City Collector, the City Purchasing Agent, the City Engineer, the Superintendent of Public Works, the Superintendent of Water, the Police Chief, the Fire Chief, the Building Inspector, the Plumbing Inspector, the Registrar of Vital Statistics, the Deputy Registrar of Vital Statistics, the Parks, one Planning and Development Director and Recreation Director as enumerated in City Charter Section C3.00(B) and (C) initially appointed and hired by the City of Newburgh after January 1, 2015 and the City Marshal and Acting City Marshal initially appointed after January 1, 2015

RESIDENCY - a person's usual and customary place of abode where the individual lives and regularly stays, the place where the family of any person permanently resides and the place where any person having no family generally lodges

D. Residency for new officers. Every person initially appointed as an officer of the City of Newburgh on or after January 1, 2015 shall as a qualification of employment by the City of Newburgh be a resident of the City of Newburgh at the time of initial appointment or become a resident within 90 days of appointment and shall remain a resident of the City of Newburgh as a condition of continued appointment and employment. Except as hereinafter provided, any officer of the City of Newburgh who does not comply with the residency requirements of this Section shall be deemed to have voluntarily resigned.

E. Verification and documentation.

1. The City Council shall be responsible for verifying the compliance with this residency requirement for the City Manager, Civil Service Commissioners, City Clerk and members of the Traffic and Parking Advisory Committee. The City Manager shall be responsible for verifying the compliance with this residency requirement for the remaining officers, except for the City Marshal and Acting City Marshal. The City Court shall be responsible for

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verifying compliance with this residency requirement for the City Marshal and Acting City Marshal.

2. All relevant sources of verification or documentation must be considered in determining an officer's residence. Where the officer's family permanently resides is a significant factor in determining the officer's residence. The following sources of verification or documentation also should be considered:

Voter's registration  
Driver's license  
Motor vehicle registration  
Utility bills and receipts  
Deed  
Tax bills and receipts  
Contract for sale  
Lease or rental agreement  
Landlord's affidavit  
Insurance policies  
Visual verification

F. Waiver. In the event that the provisions of Subsection D of this Section will prevent the City from filling the officer positions, one sixty (60) day extension may be granted as follows:

1. By the City Council for the Civil Service Commissioners, the City Clerk and the Traffic and Parking Advisory Committee members;
2. By the City Manager for the remaining officers, except for the City Marshal and Acting City Marshal; and
3. By the City Court for the City Marshal and Acting City Marshal.

G. Exceptions

1. Notwithstanding any provisions of this Section to the contrary, any person holding an officer position of the City as of December 31, 2014 and who was not a resident of the City as of that date, shall not be required to comply with the requirements of this Section.
2. Nothing herein shall change the residency requirement for any elected City official.
3. Nothing herein shall change the residency requirement of the City Manager as provided in City Charter Section C5.00(C).

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Underlining denotes additions

Draft dated 12/3/14

### SECTION 3 - VALIDITY

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

### SECTION 4 - EFFECTIVE DATE

This Local Law shall take effect on January 1, 2015 after it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

DRAFT

~~Strikethrough~~ denote deletions

Underlining denotes additions

Draft dated 12/3/14

LOCAL LAW NO.: \_\_\_\_\_ - 2014

OF

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**A LOCAL LAW ADDING CHAPTER 276 OF THE CODE OF ORDINANCES  
OF THE CITY OF NEWBURGH ENTITLED “TOBACCO” AND ENACTING ARTICLE I  
ENTITLED “TOBACCO RETAIL LICENSE” AND ARTICLE II ENTITLED “SALE TO  
PERSONS UNDER AGE 19”**

**BE IT ENACTED**, by the Council of the City of Newburgh, New York that Chapter 276 “Tobacco” be and is hereby added as follows:

**SECTION 1 - TITLE**

This Local Law shall be referred to as “A Local Law Adding Chapter 276 entitled ‘Tobacco’ and Enacting Article I entitled ‘Tobacco Retail License’ and Article II entitled ‘Sale to Persons under Age 19’ to the Code of Ordinances of the City of Newburgh”.

**SECTION 2 - PURPOSE AND INTENT**

**WHEREAS**, tobacco use is the foremost preventable cause of premature death in the United States, and according to the 2014 Surgeon General Report, causes over 480,000 deaths in the United States each year; and

**WHEREAS**, tobacco companies sell products that are addictive and inherently dangerous, causing cancer, heart disease, and other serious illnesses; and

**WHEREAS**, the City of Newburgh has a substantial interest in reducing the number of individuals of all ages who use cigarettes and other tobacco products, and a particular interest in protecting adolescents from tobacco dependence and the illnesses and premature death associated with tobacco use; and

**WHEREAS**, an overwhelming majority of Americans who use tobacco products begin using such products while they are adolescents and become addicted to those products before reaching the age of 18 and the 2014 Surgeon General Report states that more than 3,200 young people under the age of 19 smoke their first cigarette each day in the United States; and

**WHEREAS**, the prevention of adolescent tobacco product use is detailed in Article 13-F of the New York State Public Health Law, known as the Adolescent Tobacco Use Prevention Act (ATUPA) which expressly prohibits the sale of tobacco products to minors; and

**WHEREAS**, although it is unlawful to sell tobacco products to minors, New York State Department of Health, The New York Youth Tobacco Survey 2008 finds that 8.4% middle school and 28% of high school students in the Hudson Valley Area who use cigarettes report that they usually purchase their cigarettes from a retail store; and

**WHEREAS**, research has found that higher tobacco retail outlet density is significantly associated with higher rates of youth smoking initiation and experimentation; and

**WHEREAS**, The New York State Tobacco Control Evaluation Program Tobacco Retail Outlet Density by Proximity to Schools and in Low Income Areas Orange County, New York Findings, a report by the Department of Health Behavior, Division of Cancer Prevention and Population Sciences, at Roswell Park Cancer Institute found that in 2012 of the 319 validated tobacco retail outlets located in Orange County, 110 or 34.5% are located in the Newburgh area and in Orange County, 16.3% (n=52 of 319) are located within a distance of 1,000 feet of a school; and

**WHEREAS**, research shows that a high concentration of tobacco outlets near schools provides our most vulnerable populations with ready access to tobacco and increases their exposure to tobacco retail marketing, which may increase their uptake of tobacco usage and creates an environment that promotes the social acceptability of tobacco use; and

**WHEREAS**, City of Newburgh has a substantial and important interest in reducing the illegal sale of tobacco products to minors; and

**WHEREAS**, studies have found a higher prevalence of current smoking at schools with more tobacco outlets within walking distance, and researchers suggest that limiting the proximity of tobacco outlets to schools may be an effective strategy to reduce youth smoking rates; and

**WHEREAS**, licensing laws in other communities have been effective in reducing the number of illegal tobacco sales to minors; and

**WHEREAS**, restricting the number and the location of tobacco retailers and the associated marketing of tobacco products within those retail stores in the City is necessary to protect the public health, safety, and welfare of our youth; and

**WHEREAS**, a local licensing system for tobacco retailers is necessary and appropriate to protect the public health, safety, and welfare of our residents, particularly children, and will help ensure that retailers comply with the ATUPA, other tobacco control laws, and the business standards of the City of Newburgh;

**NOW, THEREFORE, BE IT RESOLVED THAT**, it is the intent of the City of Newburgh to implement effective measures through this Chapter to reduce the number of its tobacco retail outlets, regulate the location of its tobacco retail outlets, stop the sale of tobacco products to its youth, prevent the sale or distribution of contraband tobacco products in Newburgh, and facilitate the enforcement of tax laws and other applicable laws relating to tobacco products.

### SECTION 3 - AMENDMENT

The Code of Ordinances of the City of Newburgh is hereby amended to add new Chapter 276 entitled “Tobacco”, Article I entitled “Tobacco License” and Article II entitled “Sale to Persons under Age 19” to read as follows:

#### ARTICLE I. TOBACCO LICENSE

##### **§ 276-1 Definitions.**

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

ADMINISTRATIVE HEARING means a hearing by the City Manager or his designee.

ADULT-ONLY ESTABLISHMENT means a facility where the operator ensures or has a reasonable basis to believe (such as checking identification of any person appearing to be under the age of 26) that no person under the age of 21 is permitted entrance.

AGE-VERIFIED CUSTOMER means any individual who has presented a driver’s license or other photographic identification card issued by a government entity or educational institution indicating that the individual is of Legal Age. Such identification need not be required of any individual who reasonably appears to be at least twenty-five years of age, provided however that such appearance shall not constitute a defense in any proceeding alleging a violation of this Chapter. It shall be an affirmative defense to a violation of this Chapter that the Tobacco Retailer successfully performed a Transaction Scan of an individual’s identification as defined by New York Public Health Law Section 1399-cc and that a Tobacco Product or Tobacco-Related Product was provided to such individual in reasonable reliance upon such identification and transaction scan.

APPLICANT means an individual, partnership, limited liability company, corporation, or other business entity seeking a Tobacco Retail License.

CITY CLERK means the City Clerk or Deputy City Clerk.

FIRE DEPARTMENT means the City of Newburgh Fire Department including the Bureau of Fire Prevention and the Bureau of Code Compliance

LEGAL AGE means the minimum age at which individuals are permitted to legally purchase tobacco products or tobacco-related products in the City of Newburgh.

NEW TOBACCO RETAIL LICENSE means any Tobacco Retail License that is not a Renewed Tobacco Retail License.

PERSON means any natural person, company, corporation, firm, partnership, business, organization, or other legal entity.

POLICE DEPARTMENT means the City of Newburgh Police Department.

RENEWED TOBACCO RETAIL LICENSE means a Tobacco Retail License issued to an Applicant for the same location at which the Applicant possessed a valid Tobacco Retail License during the previous year.

SCHOOL means a public or private pre-kindergarten, kindergarten, elementary, middle, junior high or high school or alternative school.

TOBACCO PRODUCT or TOBACCO-RELATED PRODUCT means any manufactured product containing tobacco or nicotine, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, snus, shisha, powdered and/or dissolvable tobacco products, liquid nicotine and electronic cigarette cartridges, whether packaged or not; any packaging that indicates it might contain any substance containing tobacco or nicotine; or any object utilized for the purpose of smoking or inhaling tobacco or nicotine products. However, "Tobacco Product" or "Tobacco-Related Product" does not include any product that has been approved by the U.S. Food and Drug Administration, pursuant to its authority over drugs and devices, for sale as a tobacco use cessation product or for other medical purposes and is being marketed and sold solely for that approved purpose.

TOBACCO RETAILER means any Person who sells or offers for sale any Tobacco Product or Tobacco-Related Product or any employee of such a Person.

TOBACCO RETAIL LICENSE means a license issued by the City Clerk to a Person to engage in the retail sale of Tobacco Products or Tobacco-Related Products in the City of Newburgh.

#### **§ 276-2 Tobacco Retail License**

A. Starting March 1, 2015, no Person shall sell, offer for sale, or permit the sale of Tobacco Products or Tobacco-Related Products to consumers in the City of Newburgh, without a valid Tobacco Retail License issued by the City Clerk. A Tobacco Retail License is not required for a wholesale dealer who sells Tobacco Products or Tobacco-Related Products to retail dealers for the purpose of resale only and does not sell any Tobacco Products or Tobacco-Related Products directly to consumers.

B. All Tobacco Retail Licenses issued pursuant to this section are nontransferable and non-assignable and are valid only for the Applicant and the specific address indicated on the Tobacco Retail License. A separate Tobacco Retail License is required for each address at which Tobacco and Tobacco-Related Products are sold or offered for sale. Any change in business ownership or business address requires a new Tobacco Retail License.

C. All Tobacco Retail Licenses issued pursuant to this section are valid for no more than one year and expire on February 28 following the effective date of the Tobacco Retail License. As set forth in Section 276-8, a Tobacco Retail License may be revoked by the Police Department prior to its expiration date for cause.

D. Applications for a New Tobacco Retail License shall be made on a form specified by the City Clerk, at least 30 days prior to March 1, 2015. The City Clerk may require such forms to be signed and verified by the Applicant or an authorized agent thereof.

E. Applications for a Renewed Tobacco Retail License shall be made on a form specified by the City Clerk at least 30 days prior to the expiration of the current license. The City Clerk may require such forms to be signed and verified by the Applicant or an authorized agent thereof.

F. Applications for a new or renewed Tobacco Retail License shall be accompanied by the fee set forth in Section 276-7.

G. The issuance of any Tobacco Retail License pursuant to this Chapter is done in the discretion of the City of Newburgh and shall not confer upon licensee any property rights in the continued possession of such a license.

### **§ 276-3 Issuance of Licenses**

A. Upon the receipt of a completed application for a New or Renewed Tobacco Retail License and the fee required by Section 276-7, the Police Department and the Fire Department upon the showing of proper credentials and in the discharge of his duties, may enter to inspect the location at which tobacco sales are to be permitted. The Police Department also may ask the Applicant to provide additional information that is reasonably related to the determination of whether a license may issue.

B. At the request of the Fire Department, the Corporation Counsel is authorized to make application to the City Court of the City of Newburgh or any other court of competent jurisdiction for the issuance of a search warrant to be executed by a police officer in order to conduct an inspection of any premises believed to be subject to this chapter. The municipal officer may seek a search warrant whenever the owner, managing agent, or occupant fails to allow inspections of any dwelling unit contained in the rental property where there is a reasonable cause to believe that there is a violation of this chapter, the New York Uniformed Fire Prevention Building Code Act, or of any code of the City of Newburgh or any applicable fire code.

C. No Tobacco Retail License shall be issued by the City Clerk to an Applicant if one or more of the following bases for denial exists:

- (1) The information presented in the application is incomplete, inaccurate, false, or misleading;
- (2) The fee for the application has not been paid as required;

- (3) The Applicant does not possess a valid certificate of registration as a tobacco retail dealer from the New York State Department of Taxation and Finance at the location for which an application is requested;
- (4) The Applicant seeks a New Tobacco Retail License at a location for which this Chapter prohibits the issuance of a New Tobacco Retail License;
- (5) The Applicant has previously had a Tobacco Retail License issued under this Chapter revoked;
- (6) A Tobacco Retail License issued under this Chapter for the same address or location previously has been revoked;
- (7) The Applicant has been found by a court of law or administrative body to have violated any federal, state or local laws pertaining to (a) trafficking in contraband Tobacco Products or illegal drugs; (b) the payment or collection of taxes on Tobacco Products; (c) the display of Tobacco Products or of health warnings pertaining to Tobacco Products; or (d) the sale of Tobacco Products;
- (8) The Applicant is not in compliance with all applicable New York State Uniform Building Code, Fire Prevention Code, Property Maintenance Code, Electrical Code and Plumbing Code and the Code of Ordinances of the City of Newburgh; and
- (9) The Applicant has not paid to the City of Newburgh outstanding fees, fines, penalties, or other charges owed to the City of Newburgh.

**§ 276-4      Limitation on Number of Licenses Issued**

A. In the first year subsequent to the effective date of this Chapter, a Tobacco Retail License shall only be issued to an Applicant for the same location at which the Applicant possessed a valid certificate of registration as a tobacco retail dealer from the New York State Department of Taxation and Finance 180 days prior to the effective date of this Chapter.

B. Except for the first year subsequent to the effective date of this Chapter, the total number of New and Renewed Tobacco Retail Licenses issued by the City Clerk in a given year shall not exceed the number of Tobacco Retail Licenses that were issued in the previous year.

C. Starting on March 1, 2016, the City Clerk shall issue only one New Tobacco Retail License for every two Tobacco Retail Licenses that were revoked during the previous year or for which no renewal application was submitted.

D. Whenever the number of valid applications for a New Tobacco Retail License exceeds the number of New Tobacco Retail Licenses that may be issued under this Section, licenses shall be granted using the following priorities:

- (1) New Tobacco Retail Licenses shall be granted, first, to any Applicant who will sell Tobacco Products or Tobacco-Related Products at an Adult-Only Facility.
- (2) New Tobacco Retail Licenses shall be granted, second, to any Applicant that held a valid Tobacco Retail License in the prior year for an establishment within 1,000 feet of the nearest property line of a school and who is not seeking renewal of that license. If there are more valid applications from such Applicants for New Tobacco Retail Licenses than the number of available New Tobacco Retail Licenses, the New Tobacco Retail Licenses shall be granted to those Applicants by lottery.
- (3) Any remaining available New Tobacco Retail Licenses shall be granted to eligible Applicants by lottery.

**§ 276-5            Certain Locations**

- A. No Tobacco Retail License shall be issued to any seller of tobacco products or tobacco-related products that is not in a fixed, permanent location.
- B. With the exception of the first year subsequent to effective date of this Local Law, no New Tobacco Retail License shall be issued to any establishment within 1,000 feet of the nearest point of the property line of a School.

**§ 276-6            Required License Display**

- A. Any Tobacco Retail License issued pursuant to this Local Law shall be displayed prominently at the location where the Tobacco Products or Tobacco-Related Products are sold so that it is readily visible to customers.
- B. Selling, offering for sale, or permitting the sale of any Tobacco Product or Tobacco-Related Product without a valid Tobacco Retail License displayed in accordance with Section 276-6(A) constitutes a violation of this Local Law.

**§ 276-7            Required Fee**

- A. Each application for a New or Renewed Tobacco Retail License shall be accompanied by a fee as set forth in Chapter 163 “Fees” of the Code of Ordinances of the City of Newburgh.
- B. Starting two years after the effective date of this Chapter, the City Council may, on an annual basis, modify the fee required pursuant to Section 276-7(A). The fee shall be calculated so as to recover the cost of administration and enforcement of this Chapter, including, for example, issuing a license, administering the license program, retailer education, retailer inspection and compliance checks, documentation of violations, and prosecution of violators, but shall not exceed the cost of the regulatory program authorized by this Chapter. All fees and interest upon proceeds of fees shall be used exclusively to fund the program. Fees are nonrefundable except as may be required by law.

**§ 276-8 Revocation or Suspension of Licenses**

Any Person who is found to be in violation of the terms and conditions of this Local Law or for violation of any federal, state, or local law or regulation pertaining to (a) the display of Tobacco Products or Tobacco-Related Products or of health warnings pertaining to Tobacco Products or Tobacco-Related Products, or (b) the sale of Tobacco Products or Tobacco-Related Products shall have their City of Newburgh License suspended for up to 3 months for a first offense, 6 months for a second offense, or revoked for a third offense, after notice and an opportunity to be heard at an administrative hearing before the City Manager or his designee.

**§ 276-9 Violations and Enforcement**

A. The Police Department shall enforce the provisions of this Chapter. The Police Department and the Fire Department may conduct periodic inspections in order to ensure compliance with this Chapter. Nothing in this Chapter shall preclude the Fire Department and its Bureau of Fire Prevention and Bureau of Code Compliance from enforcing the New York State Uniform Fire Prevention and Building Code in accordance with all other New York State and local laws, rules and regulations.

B. In addition to the penalties provided for in Section 276-8, any Person found to be in violation of this Chapter shall be guilty, upon conviction, of an offense punishable by a fine of not less than \$500.00 for the first violation; not more than \$1,000 for a second violation; and not more than \$2,000.00 for the third and each subsequent violation within a two-year period or by imprisonment for a period not exceeding 1 year, or by both such fine and imprisonment. Each day on which a violation occurs shall be considered a separate and distinct violation.

**ARTICLE II. SALE TO PERSONS UNDER AGE 19**

**§ 276-10 Prohibitions and proof of age**

A. Any person operating a place of business wherein tobacco or tobacco-related products are sold or offered for sale is prohibited from selling such tobacco or tobacco-related products to individuals under nineteen (19) years of age.

B. Sale of such tobacco or tobacco-related products in such places shall be made only to an individual who demonstrates, through a driver's license or other photographic identification card issued by a government entity or educational institution that the individual is at least nineteen (19) years of age. Such identification need not be required of any individual who reasonably appears to be at least twenty (26) years of age, provided, however, that such appearance shall not constitute a defense in any proceeding alleging the sale of tobacco or tobacco-related products to an individual under nineteen (19) years of age.

**§ 276-11 Posting of sign**

Any person operating a place of business wherein tobacco or tobacco products are sold or offered for sale shall post in a conspicuous place, a sign upon which there shall be imprinted the following statement:

SALE OF CIGARETTES, CIGARS, PIPE TOBACCO, SNUFF, CHEWING TOBACCO, DIPPING TOBACCO, BIDIS, SNUS, SHISHA, POWDERED AND/OR DISSOLVABLE TOBACCO PRODUCTS, LIQUID NICOTINE AND ELECTRONIC CIGARETTE CARTRIDGES TO PERSONS UNDER 19 YEARS OF AGE IS PROHIBITED UNDER PENALTY OF LAW.

Such sign shall be printed on a white card in red capital letters at least  $\frac{3}{4}$  inch in height.

**§ 276-12 Enforcement; penalties for offenses**

A. Any person who shall violate any of the provisions of this Article or fail to comply therewith or who shall violate or fail to comply with any order made thereunder shall be punished as provided in § 276-9 for violation of this Chapter of the Code of Ordinances of the City of Newburgh.

B. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects. Each day that prohibited conditions exist shall constitute a separate offense.

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

**§ 276-13 Severability**

The provisions of this Local Law are declared to be severable, and if any section or subsection of this Chapter is held to be invalid, such invalidity shall not affect the other provisions of this Chapter that can be given effect without the invalidated provision.

**SECTION 4 - VALIDITY**

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

**SECTION 5 - EFFECTIVE DATE**

This Local Law and shall be effective on March 1, 2015 and upon the filing in the Office of the New York State Secretary of State in accordance with the provisions of New York State Municipal Home Rule Law.

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