

LOCAL LAW NO. "O" FOR 2022

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ADOPTING THE CODE OF ALBANY COUNTY

Introduced: 10/11/22

By: A. Joyce, Feeney, Beston, Chapman, Cleary, Commisso, Domalewicz, Efekoro, R. Joyce, Kuhn, Lekakis, Mayo, McLaughlin, McLean Lane, Miller, Plotsky, Reinhardt, Reidy, Ward and Willingham:

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF ALBANY AS FOLLOWS:

ARTICLE I

Adoption of Code

§ 1-1. Code adopted; continuation of existing provisions.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws certain resolutions of Albany County, as codified and consisting of the Charter and Chapters 1 through 488, are hereby approved, adopted and enacted as the Code of Albany County, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of local laws and resolutions in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws and resolutions and not as new enactments.

§ 1-2. Code on file; additions and amendments.

- A. A copy of the Code has been filed in the office of the County Clerk and shall remain there for use and examination by the public until final action is taken on this local law. Following adoption of this local law, such copy shall be certified to by the Clerk of the County of Albany by impressing thereon the Seal of the County, as provided by law, and such certified copy shall remain on file in the office of the County Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.
- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the County Legislature to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of Albany County" shall be understood and intended to include such additions and amendments. Nothing contained in this local law shall affect the status of any local law or resolution contained in the Code, and such local laws or resolutions may be amended, deleted or changed from time to time as the County Legislature deems desirable.

§ 1-3. Notice; publication.

In the event that notice of enactment of this local law is required due to amendments adopted by way of this local law to zoning or land use provisions, or is otherwise required by law, the Clerk of Albany County shall cause notice of the enactment of this local law to be given in the manner required by law. The notice of the enactment of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-4. Severability.

Each section of this local law and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-5. Repealer.

Repeal of inconsistent enactments. All local laws of a general and permanent nature, or parts of such local laws, inconsistent with the provisions contained in the Code adopted by this local law are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of Albany County which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

§ 1-6. Enactments saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in § 1-5 of this local law shall not affect the following classes of local laws, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of Albany County prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of Albany County or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of Albany County.

- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by Albany County.
- E. Any local law of Albany County providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within Albany County or any portion thereof.
- F. Any local law of Albany County appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of Albany County or other instruments or evidence of the County's indebtedness.
- G. Local laws authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any local law relating to salaries and compensation.
- K. Any local law relating to or establishing a pension plan or pension fund for County employees.
- L. Any local law or portion of a local law establishing a specific fee amount for any license, permit or service obtained from the County.
- M. Any local law adopted subsequent to June 13, 2022.

§ 1-7. Changes in previously adopted legislation.

- A. In compiling and preparing the local laws and resolutions for publication as the Code of Albany County, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the County Legislature that all such changes be adopted as part of the Code as if the local laws and resolutions had been previously formally amended to read as such.
- B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws and resolutions as they have been renumbered and appear in the Code.)

§ 1-8. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9. Penalties for tampering with Code.

Any person who alters or tampers with the Code of Albany County in any manner whatsoever which will cause the legislation of Albany County to be misrepresented thereby, or who violates any other provision of this local law, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

§ 1-10. When effective.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

*Referred to Law and Rules Reform and Legislative Modernization Committees
– 10/11/22*

Favorable Recommendation Law Committee – 1/31/23

*Favorable Recommendation Rules Reform and Legislative Modernization
Committee – 1/31/23*