

Albany County Code Adoption Schedule A: List of Code Changes

Specifically Repealed:

The following local laws are repealed and/or have been preempted by state law:

- Local Law No. 4-1992, a local law regulating the sale of tobacco products from vending machines within the County
- Local Law No. 1-1999, a local law prohibiting body piercing of minors
- Local Law No. 1-2005, a local law prohibiting the sale and purchase and use of alcohol without liquid (AWOL) machines or alcohol vapor devices in Albany County.
- Local Law No. 8-2006, a local law establishing residency restrictions for sex offenders who have committed criminal offenses against minors
- Local Law No. 2-2009, a local law prohibiting the use of wireless handsets to compose, read or send text messages while operating a motor vehicle
- Local Law No. 4-2009, a local law requiring health clubs and sports facilities to have automated defibrillators and CPR-certified staff present during hours of operation.
- Local Law No. 5-2010, a local law banning the sale of drop-side cribs in Albany County
- Local Law No. 8-2010, a local law banning the sale of e-cigarettes to persons under the age of 18
- Local Law No. 4-2015, a local law prohibiting the use of electronic cigarettes in public places where traditional forms of smoking are prohibited

Division 2: Local Laws

Chapter 23, Fire Insurance Proceeds

1. Section 23-1 is amended as follows: *Pursuant to § 22 of the General Municipal Law, as amended [~~by Chapters 738 and 739 of the Laws of 1977~~], the County of Albany is authorized and empowered to claim against the proceeds of a policy of fire insurance insuring the interest of an owner and issued on real property located within the County of Albany to the extent of any tax lien thereon, and such claim shall constitute a lien against such proceeds and as to such proceeds be prior to all other liens and claims except the claim of a [~~mortgage~~] mortgagee of record named in such policy.*
2. Section 23-2 is amended as follows: *It is hereby provided that the County of Albany shall release or return to the insured any amount to which the County would otherwise be entitled to claim under § 22 of the General Municipal Law, provided that the insured agrees in writing with the County of Albany to restore the affected premises to the same or improved condition that it was in prior to the time that the lien of the County against said proceeds arose, subject to such conditions as the County Legislature, by the resolution directing the collecting officer to make such a claim, shall provide to guarantee performance of such obligation, including, but not limited to, an agreement to deposit such proceeds in an escrow account or that the insured shall obtain a performance bond.*

Chapter 79, Traffic Safety Board

1. Section 79-3 is amended to add the following lead-in statement: **The Board shall:** . . .
2. Section 79-4 is amended to add the following lead-in statement: **The Board is authorized:** . . .
3. Section 79-5 is amended to add the following lead-in statement: **The Executive Secretary shall:** . . .

Albany County Code Adoption Schedule A: List of Code Changes

Chapter 102, Airport, Article I, Parking and Traffic Regulations

Original Section 2(b) of Local Law No. 4-1971, permitting free parking in front of the Terminal building, is repealed.

Chapter 110, Animals, Article II, Animal Abuse Registry

1. In § 110-3, the definition of “animal abuse crime”, is amended as follows:
 - a. Subsection B is amended to change the statutory citation from “NYS Penal Law (PL) § 130.20(a)” to “NYS Penal Law (PL) § 130.20(3).”
 - b. Subsection C is amended to change the statutory citation from “PL § 140.10 and PL § 140.15” to “PL § 242.10 and PL § 242.15.”
 - c. Subsection D is amended as follows: *Killing or injuring a police animal in violation of PL § 195.06 or PL § 195.06-a.*
2. Section 110-15E is amended as follows: *Every person required to register with the Animal Abuse Registry shall pay an annual fee [of \$50] to the Albany County Sheriff's Department in an amount set from time to time by the Albany County Legislature. All such fees shall be used to pay the administrative and maintenance costs of maintaining the registry.*

Chapter 110, Animals, Article III, Pet Sellers

1. Section 110-22C is amended as follows: *Each application for a permit shall be accompanied by a nonrefundable fee in [the following amount: For pet sellers selling or offering for sale 25 or more animals per year \$200; for pet sellers selling or offering for sale less than 25 animals per year \$100] an amount set from time to time by the Albany County Legislature.*
2. The last sentence of § 110-27C(2)(b) is amended to change “additional 50 days” to “additional 60 days.”
3. Section 110-30 is amended to add the following lead-in statement: *Dog source breeders shall comply with the following minimum standards of care: . . .*

Chapter 117, Article I, Bicycles

Section 117-2 is amended to change “13 and under” to “14 and under.”

Chapter 117, Article II, Scooters

Sections 117-10 and 117-12 are amended to change 13 years of age to 14 years of age.

Chapter 146, Article II, Environmental Quality Review

1. Citations to 6 NYCRR Part 617 in this article are revised as follows:
 - a) Sections 146-7 and 146-11: 617.12 is changed to 617.4.
 - b) Sections 146-11 and 146-13: 617.7 is changed to 617.8.
 - c) Section 146-14: 617.4 is changed to 617.14.
 - d) Section 146-14: 617.8 is changed to 617.8.
2. In the definition of “PRB” in § 146-6, “planning department” is changed to “Department of Economic Development, Conservation and Planning”; and “division of highways” is changed to “Department of Public Works.”
3. Section 146-9A is amended to change “within 15 calendar days” to “within 20 calendar days.”

**Albany County Code Adoption
Schedule A: List of Code Changes**

4. Section 146-10 is amended as follows: *Every application for determination under this article shall be accompanied by a [\$25] fee in an amount set from time to time by the Albany County Legislature, payable to the appropriate department, board, commission, officer or employee having jurisdiction, to defray the expenses incurred in rendering such determination.*

Chapter 153, Farming

Section 153-5B is amended to change “state board of real property services” to “Commissioner of Taxation and Finance.”

Chapter 157, Article I, E911 Surcharge

1. Section 157-5 is amended as follows: *Pursuant to the authority granted by County Law § 303, there is hereby imposed a surcharge of [~~\$0.25 per month in 1991, \$0.30 per month in 1992, and~~] \$0.35 per month [~~commencing in January 1993~~] on a per-access-line basis on all current bills rendered for local exchange access service within the 911 service area, subject to the limitations contained herein.*
2. Section 157-6C is amended as follows: *Upon any "Lifeline" customers of local telephone service suppliers or a public safety agency.*

Chapter 170, Article II, Disposable Food Service Ware

In § 170-10, the definition of “customer” is amended as follows: *CUSTOMER - Any person(s) purchasing prepared food from a food service establishment.*

Chapter 175, Freshwater Wetlands

Section 175-2 is amended to change “Planning Department” to “Economic Development, Conservation and Planning Department.”

Chapter 187, Home and Day Care Providers

Section 187-7A is amended to change Penal Law § 260.30 to Penal Law § 260.31.

Chapter 210, Article I, Natural Gas Waste Disposal and Use

In § 210-2, the definition of “natural gas waste” is amended to read as follows:

NATURAL GAS WASTE –

- A. Any liquid or solid waste, or its constituents, that is generated as a result of natural gas extraction activities, which may consist of produced and flowback water, drill cuttings, drilling mud, brine, chemicals, naturally occurring radioactive materials, heavy metals or other contaminants;*
- B. Leachate from solid wastes associated with natural gas extraction activities;*
- C. Any liquid waste that is generated as a result of or in association with the underground storage of natural gas;*
- D. Any liquid waste that is generated as a result of or in association with liquefied petroleum gas well storage operations; and*
- E. Any products or by-products resulting from the treatment, processing or modification of any of the above wastes.*

**Albany County Code Adoption
Schedule A: List of Code Changes**

Chapter 258, Streets and Sidewalks, Article I, Notification of Defects

Section 258-3 is amended as follows: *The Commissioner of Public Works shall keep an indexed record, in a separate book, of all written notices which he/she shall receive of the existence of such defective, unsafe, dangerous or obstructed condition, or such snow or ice, which record shall state the date of receipt of the notice, the nature and location of the condition stated to exist and the name and address of the person from whom the notice is received. All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition, or the location of accumulated snow or ice.*

Chapter 265, Tattooing and Body Piercing

Section 265-10C is amended as follows: *All dyes or pigments used in tattooing shall be from batches certified by the Federal Food and Drug Administration. (For informational purposes, see [~~Chapter 51~~] the Federal Food, Drug and Cosmetic Act, 21 U.S.C. § 301 et seq.)*

Chapter 270, Taxation, Article I, Sales and Use Tax

1. Section 270-5A(3) is amended to delete the reference to “paragraphs . . . (7) and (8) of subdivision (c) of Section Two.”
2. Section 270-5A(4) is amended to delete the reference to “paragraphs . . . (7) of subdivision (c) of Section Two.”

Chapter 270, Taxation, Article II, Senior Citizens Exemption

1. Original Sections 2, 3 and 4 of Local Law No. 10-2006, regarding exemptions beginning July 1, 2006, July 1, 2007, and July 1, 2008, respectively, are repealed.
2. Section 270-20 is amended as follows: *Any exemption provided by this article shall be computed after all other partial exemptions allowed by law, excluding the school tax relief (STAR) exemption, have been [~~submitted~~] subtracted from the total amount assessed.*
3. Sections 270-23 and 270-24A are amended to change “State Board” to “Commissioner of Taxation and Finance.”

Chapter 270, Taxation, Article III, Hotel Occupancy Tax

1. This article is amended to change “Director of Finance” to “Commissioner of Management and Budget” throughout.
2. Section 270-48C is amended to change “tax commission” to “Department of Taxation and Finance.”

Chapter 270, Taxation, Article VI, Redemption Period for Residential and Farm Property Subject to Tax Lien

Section 270-59 is amended as follows: *As permitted by Subdivision 2 of § 1111 of the Real Property Tax Law, the Albany County Tax District hereby adopts this article increasing the redemption period for residential property and farm property located within Albany County subject to an eligible delinquent real property tax lien arising after January 1, 1995, from two years to three years after lien date.*

Chapter 270, Taxation, Article VII, Installment Payment of Delinquent Real Property Taxes

1. Section 270-63A is amended to change “24 months” to “36 months.”
2. Section 270-68, Waiver of interest and penalties for eligible deployed military members, is added as follows:

Albany County Code Adoption Schedule A: List of Code Changes

The County may waive interest, penalties and fees as would otherwise be imposed pursuant to this article, provided that:

A. The financial hardship was caused in substantial part by the owner's having been ordered to active military duty in the United States Armed Forces, including the reserve components of such Armed Forces; and

B. The deployment lasted for at least six contiguous months, or the owner was killed in action during such activation; and

C. The owner provides satisfactory written evidence to the enforcing officer that the standards of this section have been satisfied.

Chapter 270, Taxation, Article VIII, Alternative Veterans Exemption

1. Section 270-73A is amended as follows: *For purposes of extending alternative veterans real property tax exemptions to Gold Star Parents as authorized by Chapter 326 of the Laws of New York for 2000, in § 458-a of the Real Property Tax Law, a "Gold Star Parent" shall be defined as the parent of a child who died in the line of duty while serving in the United State Armed Forced during a period of war. A Gold Star Parent shall be deemed to be eligible for the exemption for qualifying residential real property under §§ 270-80 and 270-81 of this article, **provided that such property is the primary residence of the Gold Star Parent.***
2. Section 270-75C is added as follows: **The additional exemption provided for in § 270-75 of this article shall not apply to real property owned by a Gold Star Parent.**

Chapter 270, Taxation, Article IX, Exemption for Disabled Persons with Limited Income

1. Original Sections 2, 3 and 4 of L.L. No. 9-2006, regarding exemptions beginning July 1, 2006, July 1, 2007, and July 1, 2008, respectively, are repealed.
2. In § 270-79, the definition of "person with a disability," Subsection C, is amended to change "State Commission for the Blind and Visually Handicapped" to "State Commission for the Blind."
3. In § 270-79, the definition of "person with a disability," Subsection E is added as follows: **Is certified to receive a United States Department of Veterans Affairs disability pension pursuant to 38 U.S.C. § 1521.**
4. Section 270-80 is amended as follows: *An award letter from the Social Security Administration or the Railroad Retirement Board, or a certification from the State Commission for the Blind ~~[and Visually Handicapped]~~, or an award letter from the United States Postal Service, **or an award letter from the United States Department of Veterans Affairs** shall be submitted as proof of disability.*

Chapter 270, Taxation, Article X, Empire Zone Exemption

1. Article X is amended to change "state board of real property services" to "Commissioner of Taxation and Finance" throughout.
2. Article X is amended to change "economic development zone" to "Empire Zone" throughout.

Chapter 270, Taxation, Article XII, Exemption for Volunteer Firefighters and Ambulance Workers

Section 270-121A is amended to change "State Board of Equalization and Assessment" to "Commissioner of Taxation and Finance."

Chapter 270, Taxation, Article XIII, Cold War Veterans Exemption

1. Article XIII is amended to change "state board" or "state board of real property services" to "Commissioner of Taxation and Finance."

**Albany County Code Adoption
Schedule A: List of Code Changes**

2. In § 270-125, the definition of “cold war veteran” is amended to read as follows: *A person, male or female, who served on active duty in the United States armed forces, during the time period from September 2, 1945 to December 26, 1991, and was discharged or released therefrom under honorable conditions or has a qualifying condition, as defined in Executive Law § 350, and has received a discharge other than bad conduct or dishonorable from such service, or is a discharged LGBT veteran, as defined in Executive Law § 350, and has received a discharge other than bad conduct or dishonorable from such service.*

Chapter 270, Taxation, Article XIV, First-Time Homebuyers Exemption

1. Section 270-132C is amended as follows: *By [~~Chapter 77 of the Laws of 2011~~] **Chapter 128 of the Laws of 2017**, § 457 of the New York Real Property Tax Law was amended to authorize the continuation through December 31, [~~2016~~] **2022**, of the tax exemption for first-time homebuyers based on income in order to create a positive climate for economic growth and to assist future homeowners in Albany County.*
2. Section 270-136B is amended to change “December 31, 2016” to “December 31, 2022.”
3. Section 270-138A is amended to change “state board of real property services” to “Commissioner of Taxation and Finance.”
4. Section 270-139 is amended to change “state board of real property services” to “Commissioner of Taxation and Finance.”

Chapter 274, Taxicabs

1. In § 274-2, the definition of “consumer affairs” is repealed and replaced by the following: **DIVISION - The Department of General Services, Division of Weights and Measures, of the County of Albany.**
2. This chapter is amended to change “Consumer Affairs” to “the Division” throughout.

Chapter 279, Towing

1. In § 279-2, the definition of “department” is repealed and replaced by the following: **DIVISION - The Department of General Services, Division of Weights and Measures, of the County of Albany.**
2. Section 279-3B(3) is amended as follows: *The tow truck operator shall have a copy of the statement **required by Subsection A(2) of this section** from the property owner in his/her possession.*
3. Section 279-3G is amended as follows: *The use of immobilization devices [~~or~~] **on** any motorized vehicles is prohibited in the County of Albany or any of its municipalities, whether on public or private property, except when authorized by federal, state or local law enforcement authorities.*
4. Section 279-5 is amended to change “Department of Consumer Affairs” and “Department” to “Division.”

Chapter 288, Article I, Abandoned Motor Vehicles

Section 288-4 is amended as follows: *After the expiration of [~~such~~] **any period of time set forth in the definition of "abandoned vehicle" in § 288-2**, any public officer or any other authorized agent of the County of Albany may serve notice upon the owner of such abandoned vehicle by posting a notice conspicuously on each abandoned vehicle.*

**Albany County Code Adoption
Schedule A: List of Code Changes**

Division 3: Resolutions

Chapter 315, Airport, Article I, Rules and Regulations

Section 315-7P(4) is amended to change “2400 – 0600” to “2300 – 0600.”

Chapter 320, Part 1, Article VI, Human Services Advisory Board

1. Section 320-18A(2) is amended to read as follows: *Advise the Legislature with respect to the qualifications of candidates appointed to the positions of administrative heads of the Departments of Social Services, Aging, Residential Health Care Facilities and the Department of Children, Youth and Families, including the Youth Bureau; and . . .*
2. Section 320-19 is amended to read as follows: *The Human Services Advisory Board authorized by Article 21 of the Albany County Charter is established for the purposes set forth in said Article 21 and the County Legislature shall appoint members to the Human Services Advisory Board from time to time, with said individuals to serve thereon at the pleasure of the County Legislature.*

Chapter 320, Part 1, Article X, Economic Development Committee

Article X is amended to change “Travel, Tourism, Commerce, Business, Industry, and Economic Development Committee” to “Economic Development Committee.”

Chapter 404, Legislation, Adoption of

Section 404-2 is amended to change “Department of Information Services” to “Division of Information Services.”

Chapter 434, Property, Disposition of, Article I, Review of Real Property

Sections 434-2 and 434-3 are amended to change “Planning Department” to “Department of Economic Development, Conservation and Planning.”

Chapter 434, Property, Disposition of, Article II, Personal Property

Section 434-6C is amended to change “less than \$1,000” to “\$1,000 or less.”

Chapter 445, Purchasing and Contracts, Article V, Extension of Bids to Political Subdivisions

Section 445-13 is amended to change “New York State Division of Standards and Purchase” to “New York State Department of General Services.”

Chapter 469, Smoking

Section 469-2A is amended as follows: *Pursuant to Resolution No. 413 by the Legislature of the County of Albany, smoking (the burning or carrying of a lighted cigar, cigarette, pipe or any other substance which contains tobacco or any electronic vaping or similar device) by staff, visitors or volunteers in Albany County buildings is prohibited in: . . .*