

NEW ROCHELLE, NY
PUBLIC HEARING NOTICE
PROPOSED LOCAL LAW, INTRO. NO. 4
RE: CITY CHARTER SECTION 46 AND OTHERS -
DEPARTMENTS AND DEPARTMENT HEADS

NOTICE is hereby given that the City Council of the City of New Rochelle, New York, will hold a Public Hearing in accordance with the provisions of Section 16 of Article III of the Charter of the City of New Rochelle and in accordance with the provisions of the Municipal Home Rule Law of the State of New York, in the Council Chambers, City Hall, 515 North Avenue, New Rochelle, New York, on Tuesday, November 9, 2021, at **7:00 P. M.**, on a proposed Local Law, Intro. No. 4, as follows:

LOCAL LAW NO. _____

A LOCAL LAW, INTRO NO. 4, AMENDING SECTION 46, DEPARTMENTS AND DEPARTMENT HEADS, SECTION 46C, TITLES OF THE HEADS OF THE DEPARTMENTS OF FINANCE, PUBLIC WORKS, FIRE AND DEVELOPMENT, SECTION 76.00, DEPARTMENT OF DEVELOPMENT, DIRECTOR OF; DUTIES, SECTION 76.01, OFFICE OF THE DIRECTOR OF DEVELOPMENT, SECTION 76.04, BUREAU OF BUILDINGS, AND ADDING SECTION 79, DEPARTMENT OF BUILDINGS; COMMISSIONER OF; DUTIES, OF ARTICLE VII, ADMINISTRATIVE DEPARTMENTS, OF THE NEW ROCHELLE CITY CHARTER.
(Intro. 10/19/21; Public Hearing 11/9/21_.

BE IT ENACTED by the City of New Rochelle, as follows:

Section 1. Section 46, Departments and department heads, of the New Rochelle City Charter is hereby amended to read as follows:

Section 46. Departments and department heads.

The administrative departments of the city shall be those of Finance, Law, Public Works, Police, Fire, Personnel, Development, Buildings, and Parks and Recreation. There may be divisions of such departments called "bureaus." The heads of such departments shall be appointed by the City Manager, shall hold office at the City Manager's pleasure and are vested with authority, direction and control over their respective departments. Heads of departments shall appoint and may remove such deputies who are authorized to act generally for and in place of their principals, a department secretary, bureau heads, assistants or other employees not otherwise herein prescribed as they may deem necessary, provided that their salaries and wages have been fixed by the Council. No person, except laborers employed on per diem basis, shall be appointed or employed by a department head without first obtaining budget approval.

Section 2. Section 46C, Titles of the heads of the Departments of Finance, Public Works, Fire and Development, of the New Rochelle City Charter is hereby amended to read as follows:

Section 46C. Titles of the heads of the Departments of Finance, Public Works, Fire and Development.

Notwithstanding any inconsistent provision contained in this Article VII or any other Article contained in this Charter, wherever reference is made to the heads of the Departments of Finance, Public Works, Fire, Buildings, and Development as and by the title of "Director," on and after the effective date of this section, the heads of such Departments shall be known as and shall have the title of "Commissioner," and the word "Director" as applied to the heads of such Departments shall be read as and shall mean "Commissioner."

Section 3. Section 76.00, Department of Development, Director of; duties, of the New Rochelle City Charter is hereby amended to read as follows:

Section 76.00. Department of Development, Director of; duties.

The Director of Development shall be the head of the Department of Development. The Director shall have a reasonable knowledge of the generally accepted principles of [building and zoning enforcement and regulations,] community planning, traffic engineering and renewals and redevelopment projects and planning and administration. The Director shall have had not less than 10 years of progressively responsible technical and managerial experience in any one or several of these areas. The Director shall have the power to [appoint heads of bureaus as hereinafter established and other employees] staff the Department as necessary to the functioning of the Department with the approval of the City Manager and in accordance with the Civil Service Law. The Director shall have the power and shall be required to control, direct and supervise the functions of the planning, urban renewal, development and Federal Department of Housing and Urban Development programs, such as planning and management programs, and the Community Development Block Grant Programs. [The Director shall be further required to coordinate the functioning of the several bureaus of the Department internally, with other departments and agencies of the city and with federal, state and county agencies as required.] The Director shall have the power and authority to plan and recommend the policies of the city relative to the use or uses of land, [the construction and occupancy of buildings and structures] and the renewal, development or rehabilitation of areas of the city. The Director shall serve as principal technical advisor to the Planning Board and shall furnish to it such additional technical and staff planning services as it may require in the exercise of its duly assigned powers and authorities out of funds provided in the annual expense budget.

Section 4. Section 76.01, Office of the Director of Development, of the New Rochelle City Charter is hereby amended to read as follows:

Section 76.01. Office of the Director of Development.

The Director of Development shall be responsible to the City Manager for the management of the work of the Department [and of its several bureaus hereinafter referred to]. He shall be responsible for the management of the relations of the Department with other city departments as well as other governmental agencies, contractors and consultants.

The Director shall have the power to appoint, with the approval of the City Manager and in accordance with the provisions of the Civil Service Law, the necessary staff of planning technicians to perform community planning functions and to render technical and staff services as may be required by the Planning Board under the supervision of the Director. He shall from time to time make recommendations for changes or modifications in land use or uses, patterns, and land development plans [and zoning regulations]. He shall cooperate and coordinate planning ~~and zoning~~ matters with the Planning Board [and the Board of Appeals on Zoning] and shall from time to time be responsible for recommendations to the Council for any changes or modifications with respect to land use or uses, patterns, and land development plans [and zoning].

Section 5. Section 76.04, Bureau of Buildings, of the New Rochelle City Charter is hereby amended as follows:

[Section 76.04. Bureau of Buildings.]

[There is hereby established within the Department of Development the following Bureau: Bureau of Buildings. The head of the Bureau of Buildings shall be appointed by the Commissioner of Development with the approval of the City Manager, in accordance with Civil Service Law. The Building Official shall be responsible for the administration and enforcement of the Zoning Ordinance, the Building Code, the Plumbing Code, the Property Maintenance Code and all ordinances of the city pertaining to buildings or structural work of any kind. The Bureau of Buildings shall constitute the central agency responsible for the checking and clearance of all applications and plans for compliance with the building and zoning regulations as well as the receipt and checking of applications for subdivision development, zoning variances, special permits and appeals from administrative decisions in the area of land use or uses, subdivision development, building and zoning.]

Section 6. Section 79, Department of Buildings; Commissioner of; duties, of the New Rochelle City Charter is hereby added as follows:

Section 79. Department of Buildings; Commissioner of; duties.

The Commissioner of Buildings shall be the head of the Department of Buildings and shall be responsible to the City Manager for the management of the work of the Department. He shall be responsible for the administration and enforcement of the Zoning Ordinance, the Building Code, the Plumbing Code, the Property Maintenance Code and all ordinances and requirements of the city pertaining to the construction, alteration, maintenance, use, occupancy, safety, sanitary

conditions, mechanical equipment and inspection of buildings or structures in the city. The Department of Buildings shall constitute the central agency responsible for the checking and clearance of all applications and plans for compliance with the building and zoning regulations as well as the receipt and checking of applications for subdivision development, zoning variances, special permits and appeals from administrative decisions in the area of land use or uses, subdivision development, building and zoning. The Commissioner shall have had not less than 10 years of progressively responsible technical and managerial experience in one or several of these areas.

Matter [bracketed] deleted.

Matter underlined added.

PURPOSE AND JUSTIFICATION:

The establishment of a separate entity, reporting to the City Manager, responsible for the enforcement of the Building Code, the Zoning Code, the Plumbing Code and the Property Maintenance Code, and all ordinances and requirements of the City pertaining to construction, alteration, maintenance, use, occupancy, safety, sanitary conditions, mechanical equipment and inspection of buildings or structures and shall constitute the central agency responsible for checking and clearance of all applications and plans for compliance with the aforementioned codes.

All persons interested are invited to attend said Public Hearing or submit written communications to the City Clerk at or before the Public Hearing.

By order of the City Council dated October 19, 2021, pursuant to Resolution duly adopted.

Michelle Oliveros, City Clerk