OFFICIALS OF THE
CITY OF OGDENSBURG

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2019

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The City of Ogdensburg has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the City, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the city. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the City Council ordered the following codification of the City's legislation.

Contents of Code

The various chapters of the Code contain all currently effective legislation (local laws, ordinances and certain resolutions) of a general and permanent nature enacted by the City Council of the City of Ogdensburg, including revisions or amendments to existing legislation deemed necessary by the City Council in the course of the codification.

Division of Code

The Code is divided into three (3) major divisions. The first division includes the Charter of the city. The second division includes the Administrative Regulations of the city as Part I. The third division includes all legislation of a general and permanent nature as Parts II and III. Part II, Administrative Legislation, contains all city legislation of an administrative nature, such as that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments. Part III, General Legislation, contains all other city legislation of a regulatory nature. Items of legislation in this part generally impose penalties for violation of their provisions, whereas those in Part II do not.
Grouping of Legislation and Arrangement of Chapters

The various items of legislation are organized into chapters, their order being an alphabetical progression from one subject to another. Wherever there are two or more items of legislation dealing with the same subject, they are combined into a single chapter. Thus, for example, all legislation pertaining to the regulation of streets and sidewalks may be found in Part II, in the chapter entitled "Streets and Sidewalks." In such chapters, use of Article or Part designations has preserved the identity of the individual items of legislation.

Table of Contents

The Table of Contents details the alphabetical arrangement of material by chapter as a means of identifying specific areas of legislation. Wherever two or more items of legislation have been combined by the editor into a single chapter, titles of the several Articles or Parts are listed beneath the chapter title in order to facilitate location of the individual item of legislation.

Reserved Chapters

Space has been provided in the Code for the convenient insertion, alphabetically, of later enactments. In the Table of Contents such space appears as chapters entitled "(Reserved)." In the body of the Code, reserved space is provided by breaks in the page-numbering sequence between chapters.

Pagination

A unique page-numbering system has been used, in which each chapter forms an autonomous unit. One hundred pages have been allotted to each chapter, and the first page of each is the number of that chapter followed by the numerals "01." Thus, Chapter 6 begins on page 601, Chapter 53 on page 5301, etc. By use of this system, it is possible to add or to change pages in any chapter without affecting the sequence of subsequent pages in other chapters, and to insert new chapters without affecting the existing organization.
Numbering of Sections

A chapter-related section-numbering system is employed, in which each section of every item of legislation is assigned a number which indicates both the number of the chapter in which the legislation is located and the location of the section within that chapter. Thus, the first section of Chapter 6 is § 6-1, while the fourth section of Chapter 53 is § 53-4. New sections can then be added between existing sections using a decimal system. Thus, for example, if two sections were to be added between §§ 53-4 and 53-5, they would be numbered as §§ 53-4.1 and 53-4.2.

Scheme

The Scheme is the list of section titles which precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the Scheme titles are repeated as section headings in the text.

Histories

At the end of the Scheme in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number (e.g., ordinance number, local law number, bylaw number, resolution number, etc.), if pertinent, and the date of adoption. In the case of chapters containing Parts or Articles derived from more than one item of legislation, the source of each Part or Article is indicated in the History. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

Codification

Amendments and Revisions

New chapters adopted during the process of codification are specifically enumerated in chapter Histories with reference to "Ch. 1, General Provisions," where the legislation adopting this Code and making such revisions will appear after final enactment. Sections amended or revised are indicated in the text by means of Editor's Notes referring to the chapter cited above.
General References; Editor's Notes

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

Appendix

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this Code is reserved for such legislation and for any other material that the community may wish to include.

Disposition List

The Disposition List is a chronological listing of legislation adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. The Disposition List will be updated with each supplement to the Code to include the legislation reviewed with said supplement.

Index

The Index is a guide to information. Since it is likely that this Code will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added to the Code.

Instructions for Amending the Code

All changes to the Code, whether they are amendments, deletions or complete new additions, should be adopted as amending the Code. In doing so, existing material that is not being substantively altered should not be renumbered. Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 45-5 and 45-6 should be designated § 45-5.1). New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative
Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the table of contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the table of contents). Where a reserved number is not available, an "A" chapter should be used (e.g., a new chapter to be included between Chapters 45 and 46 should be designated Chapter 45A). New Articles may be inserted between existing Articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of "A" Articles (e.g., a new Article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 45-30 and Article XVII begins with § 45-31, Article XVIA should contain §§ 45-30.1 through 45-30.6).

**Supplementation**

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

**Acknowledgment**

The assistance of the City officials is gratefully acknowledged by the editor. The codification of the legislation of the City of Ogdensburg reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code Publishers Corp. that this Code will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

**Acknowledgment by Editor**

The editors gratefully acknowledge Rebecca J. Claxton, CMC, for her assistance in bringing this project to culmination.
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[HISTORY: Adopted by the City Council of the City of Ogdensburg 11-2-1983 by L.L. No. 3-1983. Amendments noted where applicable.]

ADMINISTRATIVE REGULATIONS REFERENCES

Personnel policies and procedures -- See Art. II.
Sale of city property -- See Art. V.
Officers and employees -- See Art. VIII.

1 Editor’s Note: This local law was approved at the referendum held 11-8-1983.
ARTICLE I
Incorporation; Boundaries; City Powers

§ C-1. Incorporation.

The citizens of the State of New York who may, from time to time, reside within the territorial limits of the City of Ogdensburg, as specified in this Charter or any amendment thereof, are hereby continued to be a municipal corporation in perpetuity under the name of "City of Ogdensburg."

§ C-2. Corporate boundaries.

The territorial limits of the City of Ogdensburg shall continue and shall include the lands described as follows:

A. All that land situate in the County of Saint Lawrence and State of New York bounded and, now or formerly, described as follows: Beginning at a point in the center of the river Saint Lawrence, at the northerly corner of the Town of Oswegatchie, and running thence along the easterly line of said town, southerly to the division line between Section Nos. 1 and 2 of the Von Solingen Tract, thence southwesterly along said division line, and the northerly line of Section 2, and Nos. 5, 6 and 7 of the same tract to the center of the Oswegatchie River; thence to and along the southerly line of the Mansion house property, and the continuation thereof, to the land of the late Henry Van Rensselaer, thence northerly, along the easterly line of said Van Rensselaer lands, and the southerly and westerly bounds of the shipyard lands, to the center of river Saint Lawrence, and thence along said center to the place of beginning.

B. Also all that land situate in the County of Saint Lawrence and State of New York bounded and, now or formerly, described as follows:

(I) All that tract or parcel of land, situate in the Town of Oswegatchie, County of Saint Lawrence and State of New York, and known as "Lot No. 7" and part of the westerly portion of Lot No. 8 in Section 2 of the Van Solingen Tract, and being adjoining premises now owned by Florence A. Hickey, and Napoleon M. McDerment and Hazel P. McDerment, his wife, and Ernest J. Whitcombe, and described as follows: Beginning at a point located on the division line between the southerly limits of the City of Ogdensburg and the northerly limits of the Town of Oswegatchie, being the northeasterly corner of subdivision Lot No. 3 of said Lot No. 8 in said Section 2 of the Van Solingen Tract, and continuing thence in a southerly direction along the easterly line of Lot No. 3 to a point on the northerly bounds of Lot No. 9 in said section, and being the southeasterly corner of Lot No. 3; continuing thence in a westerly direction along the division line between Lot No. 8 and Lot No. 9 to the easterly line of Lot No. 7; continuing thence in a southerly direction along the easterly line of Lot No. 7 and the westerly line of Lot No. 9 to the southeasterly corner of Lot No. 7; continuing thence in a westerly direction along the southerly line of Lot No. 7 to the easterly line of Lot No. 5 being also the southwesterly corner of Lot No. 7; continuing thence in a northerly
CHARTER

direction along the westerly line of Lot No. 7, being the easterly line of Lot Nos. 1, 2, 3, 4 and 5 to the division line between the City of Ogdensburg and the Town of Oswegatchie; continuing thence in an easterly direction along the said division line to the northeasterly corner of subdivision Lot No. 3 in Lot No. 8, the place of beginning.

(2) Also all that parcel of land situate in such town, bounded and described as follows: Beginning at a point on the northerly bounds of the Morristown Road where the same is intersected by the westerly bounds of the City of Ogdensburg; continuing thence in a westerly direction along the northerly bounds of the Morristown Road to the easterly bounds of the Gulf Oil Bulk Plant Properties; continuing thence in a northerly direction along the east bounds of the Gulf Oil Bulk Plant Properties and the west bounds of the Ogdensburg Water Department Saint Lawrence Pumping Station to a point in the center of the Saint Lawrence River; continuing thence in an easterly direction along the center of said river to a point intersected by the westerly bounds of the City of Ogdensburg; continuing thence in a southeasterly direction along the westerly bounds of the City to the northerly bounds of the Morristown Road being the place of beginning.

C. Also all that land annexed by Local Law No. 4 of 1979 situate in the County of Saint Lawrence and State of New York bounded and, now or formerly, described as follows: Beginning at a point in the center line of Tibbets Creek, (so called) said point also being located at the intersection of the southerly corporation bounds of the City of Ogdensburg with the easterly bounds of Parcel No. 3 owned by the Ogdensburg Bridge and Port Authority; thence southerly, along said Tibbets Creek center line, and along the easterly bounds of said Parcel No. 3, a distance of 1,350 feet, more or less, to a point; thence south 35 degrees, 56 feet, 40 inches east a distance of 52 feet, more or less, to a concrete monument located on the easterly bank of said creek; thence south 35 degrees, 56 feet, 40 inches east, continuing along the same course, and along said Parcel No. 3 easterly bounds, a distance of 1,775 feet, more or less, to a point located on the northerly bounds of a right-of-way occupying the McIntyre-Browning No. 13 Transmission Line as shown on a Map No. C-30267-C, dated 1978 and prepared by Niagara Mohawk Corporation; thence westerly, along said Niagara Mohawk Transmission Line right-of-way northerly bounds, a distance of 3,650 feet, more or less, to a point located a perpendicular distance of 50 feet from the center line of the spur track of the former Rutland Railroad, said point also being located in the southerly bounds of a parcel of land, now or formerly owned by the Mental Hygiene Facilities Corporation; thence westerly and northerly, along the northerly bounds of said railroad, a distance of 2,350 feet, more or less, to a point located in the easterly corporation bounds of the City of Ogdensburg, thence northwesterly, along said corporation easterly bounds and along the westerly bounds of a parcel of land now or formerly owned by the People of the State of New York, a distance of 850 feet, more or less; thence northeasterly, along the southerly corporation bounds of said City of Ogdensburg, and along the northerly bounds of the Mental Hygiene Facilities Corporation, a distance of 3,000 feet, more or less, to a point located westerly a perpendicular distance of 50 feet from the center track of a spur of said railroad; thence continuing along the same course and along the southerly corporation bounds of the City of Ogdensburg, a distance of 3,060 feet, more or less, to the point and place of beginning.

D. Also all that land annexed by Local Law No. 5 of 1970 situate in the County of Saint Lawrence and State of New York bounded and, now or formerly, described as follows: All that certain lot, piece or parcel of land situate in the Town of Oswegatchie, Saint Lawrence County, New York, more particularly described as follows: Beginning at a point in the
southerly City line of the City of Ogdensburg, as shown on the Official Map of the City of Ogdensburg adopted in 1923, 10 feet easterly of the intersection of the east bounds of Park Street and said southerly City line running thence south 30 degrees each and 10 feet distant from the east bounds of Park Street extended to the northeast bounds of State Highway 37 running thence 42 degrees 2 feet west along said highway bounds 84 feet more or less to a point in said northeast bounds of said highway south 30 degrees west 65.08 feet from said southerly City line; running thence north 30 degrees west parallel with the west bounds of Park Street extended to a point 56 degrees 35 feet east along said southerly City line 80 feet to a point or place of beginning. (A map of corporate boundaries is included at the end of the Charter.)\(^2\)

\[\text{Amended 9-10-2007 by L.L. No. 3-2007}\]

§ C-3. City powers.

The City of Ogdensburg shall have all the powers possible for a City to have under the Constitution and laws of the State of New York as fully and completely as though they were specifically enumerated in this Charter. The powers of the City of Ogdensburg under this Charter shall be construed liberally in favor of the City, and specific mention of particular powers in this Charter shall not be construed as limiting in any way the general powers as stated herein. The City of Ogdensburg may exercise any of its powers or perform any of its functions and may participate in the financing thereof; jointly or in cooperation, by contract or otherwise, with the State of New York or any subdivision or agency thereof, or the United States of America or any agency thereof. The City of Ogdensburg has the power to receive by gift, grant, devise, bequest, purchase or condemnation any real or personal property, and to hold in fee, hold in trust, lease or convey any such real or personal property within or without the limits of the City of Ogdensburg as the purposes of the corporation may require; to contract and be contracted with; to sue and defend, and to be sued in any court; to make, have, use and alter at pleasure a City Seal; to have and to exercise all other rights and privileges conferred upon the City by law or necessary to carry out its corporate functions and duties.

ARTICLE II
Election Districts


§ C-4. Districts established; boundaries.

There shall be six election districts within the City of Ogdensburg, as follows:

A. Within County Legislative District No. 1:

\[(1)\] District No. 1: Beginning at a point on the southwesterly City corporation line where Ogden Street meets State Highway 68 and traveling northwesterly and then northerly along said corporation line in the St. Lawrence River to where it intersects with a visual extension of Franklin Street; thence in a southeasterly direction along said visual

\(^2\) Editor’s Note: The map of corporate boundaries is on file and available for inspection in the office of the City Manager.
extension and the center of State Street to the intersection with Washington Street; thence
southwesterly along the center of Washington Street to the intersection with State Street; thence
Southeasterly along the center of State Street to the intersection with Montgomery Street;
thence Southwesterly along the center of Montgomery Street to the intersection of Pickering
Street; thence Southwesterly along the center of Pickering Street to the intersection Lafayette
Street across the Oswegatchie River (turning into Spring Street) to the intersection with St.
Lawrence Avenue; thence Northwesterly along the center of St. Lawrence Ave. to the
intersection with Ogden Street; thence Southwesterly along the center of Ogden Street to point
of beginning.

(2) District No. 2: Beginning at a point on the Southwesterly City corporation line where
Ogden St. meets State Highway 68 and traveling in a Southeasterly direction along said
corporation line to where it intersects with State Highway 37; thence in a Northeasterly
direction along the center of State Highway 37 to the intersection of County Route 6; thence in
a Northeasterly direction across the Oswegatchie River to an intersecting point between
Mechanic Street and Fine Street; thence in a Northeasterly direction to the intersection of Fine
Street and Shea Way; thence in a Northern direction along the center of Shea Way to the
intersection of Jersey Avenue; thence Southwesterly to the intersection of Pickering Street;
thence North along the center of Pickering Street to the intersection of Lafayette Street; thence
Southwesterly across the Oswegatchie River along the Southern border of Election District 1,
along the center of Ogden Street to the point of beginning.

(3) District No. 3: Beginning at a point on intersection of Montgomery and State Street;
thence North down the center of State Street to the intersection of State Street and Washington
Street; thence Northeasterly to the intersection of Washington Street and Franklin Street; thence
Northerly along the center of Franklin Street to the intersection of Riverside Avenue; thence
Northeasterly along the center of Riverside Avenue to the intersection of Riverside and
Paterson Street; thence Northerly to the intersection of Paterson and Railroad Street; thence
Northeasterly along the center of Railroad Street to its end. Thence the election district
boundary travels Southerly along Denny Street to its intersection with Ford Street; thence
Northwesterly the center of Ford Street to its intersection with Paterson Street; thence Southerly
along the center of Paterson Street to its intersection with Montgomery Street; thence
Northwesterly along the center of Montgomery Street to Morris Street; thence Southerly along
the center of Morris Street to Lafayette Street; thence Northwesterly along Lafayette Street to
the intersection of Franklin Street; thence Northerly along the center of Franklin to the
intersection of Montgomery Street.; thence Northwesterly along the center of Montgomery
Street to the point of beginning.

(4) District No. 4: Beginning at a point on the Southern City corporation line where it
intersects with Shea Way and traveling Northerly along the center of Shea Way to Jersey
Avenue then Northwesterly along Jersey Avenue to its intersection with Pickering Street;
thence Northerly along the center of Pickering Street to its intersection with Montgomery
Street; thence Northeasterly along Montgomery Street to its intersection with Franklin Street;
thence Southerly one block down Franklin Street to Lafayette Street; thence Northeasterly
along Lafayette Street to its intersection with Morris Street; thence one block North to the
intersection of Morris Street and Montgomery Street; thence traveling Northeasterly along
Montgomery to its intersection with Paterson Street; thence Northerly along Paterson Street to
Jay Street; thence traveling Northeasterly along the center of Jay Street to the intersection of
Grant Street; thence Southerly along the center of Grant Street Extension to its intersection with
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Montgomery Street Ext.; thence traveling Northwesterly along the center of Montgomery Street Ext. to its intersection with Rosseel Street; thence traveling Southerly along the center of Rosseel Street to Lafayette Street; thence traveling one block Northwesterly to Plover Hill Avenue; thence traveling Southerly along the center of Plover Hill Avenue to its intersection with Jersey Avenue; thence travel one block Northwesterly to the intersection of Jersey Avenue and Park Street; thence travel Southerly on Park Street to a point on the Southern city corporation line, which travels Northwesterly to a point at the beginning of the Election District.

B. Within County Legislative District No. 2:

(1) District No. 5: The Northern boundary of Election District 5 utilizes the St. Lawrence River from the Northwestern most point of Franklin Street heading Easterly to a point where Wall Street would intersect the St. Lawrence River. Heading Southeast inclusive of all property South and West along the Railroad tracks extending to the Northwest side of Ford Street at its intersection with Linden Street. Traveling South inclusive of the Western side of Linden Street to its intersection with Greene Street. Election District 5 includes the Northern side of Greene Street traveling Westerly to its intersection with Kiah Street. From this point, Election District 5 heads South on Kiah Street including all property on the West side of Kiah Street, to its intersection with Jay Street. From Jay Street, the Election District includes all property on the North side of Jay Street heading West to a point where Jay Street intersects Paterson Street. From this intersection, Election District 5 includes all property on the East side of Paterson Street to its intersection with Greene Street. At this point of intersection, the boundary of Election District 5 travels East including all property on the South side of Greene Street to its intersection with Proctor Lane. At said intersection, Election District 5 continues North along Proctor Lane, including all property to the East of Proctor Lane to a point where Proctor Lane intersects Ford Street. At this point, Election District 5 continues East along Ford Street inclusive of all property on the South side of Ford Street to its intersection with Denny Street. At this point of intersection, Election District 5 continues Northerly along Denny Street including all property to the East side as far as Denny Street’s intersection with Railroad Street. At this point of intersection, Election District 5 includes all property to the East of Denny Street, and North of Railroad Street as far as Railroad Street’s intersection with Paterson Street. From Paterson Street, heading South, Election District 5 includes all property on the West side of Paterson Street as far as the intersection with Riverside Avenue. From this point of intersection heading West along Riverside Avenue, Election District 5 includes all property on the Northern side of Riverside Avenue as far as its intersection with Franklin Street continuing to the original starting point of the Election District at its boundary inclusive of all property on the East and North side of Franklin Street to the St. Lawrence River.

(2) District No. 6: The election district is defined by following the City limits line with Lisbon from the Eastern most boundary where it intersects the St. Lawrence River and travels South and West to the intersection of Park Street and State Highway 37. Election District 6 then proceeds Northerly along the Northeast side of Park Street to the intersection of Jersey Avenue. From this intersection, Election District 6 continues inclusively of everything in the City to the East along the Southeastern side of Jersey Avenue as it turns into Plover Hill Avenue, to its intersection with Lafayette Street heading Easterly to its intersection with Rosseel Street. Heading North on Rosseel Street, to its intersection with Montgomery Street heading Easterly to Grant Street, heading North to Jay Street.
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From Grant Street’s intersection with Jay Street, continuing East one block to Kiah Street and then including the East side of Kiah Street heading North to its intersection with Greene Street. From Greene Street, heading East to its intersection with Barre Street and then proceeding Northerly on Barre Street to Ford Street. The Election District continues to include all that territory on the South side of Ford Street proceeding East on Ford Street to its intersection with Linden Street. At this point, the Election District includes all territory to the North and East of the Railroad Tracks heading Northwest towards Wall Street and then utilizes the St. Lawrence River as its Northern most boundary North of North Meadow Drive heading East to its intersection with the City of Ogdensburg’s common boundary with the Township of Lisbon.

C. Within County Legislative District No. 3:

(I) District No. 5: Beginning at a point on the southern City corporation line where it intersects with Paterson Street and proceeding northeasterly along said corporation line to where it intersects with Park Street; thence northwesterly along the center of Park Street to the intersection with Lafayette Street; thence northeasterly along the center of Lafayette Street to the intersection of Plover Hill Avenue; thence northwesterly along the center of Plover Hill Avenue to the intersection of Jay Street; thence southwesterly along the center of Jay Street to the intersection of Seymour Street; thence northwesterly along the center of Seymour Street to the intersection of Greene Street; thence southwesterly along the center of Greene Street to the intersection of Paterson Street; thence southeasterly along the center of Paterson Street to the point of beginning.
§ C-5. City Council; Mayor.

A. Composition. There shall be a City Council of seven members, six are to be known as "Councillors" and one is to be known as "Mayor." All members of the City Council shall be nominated and elected at large.

B. Eligibility. Only qualified voters of the City shall be eligible to hold the office of Councillor or Mayor. If the Councillor or Mayor following his/her election or during his/her term of office shall remove his/her residence from the City, that removal shall constitute immediate forfeiture of the office so held by that person and a vacancy shall exist.

C. Election and term.


      (a) During the year 1995, the incumbent Mayor and the incumbent Councillors shall serve respectively as Mayor and Councillors until the expiration of their previously established terms.

      (b) Regular elections of Councillors shall be held at the general election in every odd-numbered year and Councillors shall be elected for terms of four years. Three Councillors shall be elected each odd-numbered year. A Mayor shall be elected at the general election of 1995 and every other odd-numbered year for a term of four years.

   (2) The terms of all Councillors and the Mayor shall begin on the first day of January after their respective election, except as otherwise provided in this Charter.


Under this Charter the Mayor shall receive an annual salary of $7,000 and each Councillor shall receive an annual salary of $3,500, and the Mayor and Councillors shall receive their actual and necessary expenses incurred in the performance of their duties of office.

§ C-7. Mayor; Deputy Mayor. [Amended 9-10-2007 by L.L. No. 3-2007]

A. The Mayor shall be a voting member of the City Council. The Mayor shall preside at meetings of the City Council and shall be recognized as head of the City government, but shall have no administrative or executive duties unless otherwise provided by this Charter or by law. The Deputy Mayor shall act as Mayor during the absence or inability of the Mayor.

B. The City Council, at the first meeting following the first of January of every even-numbered year, shall elect, from among its members, an officer of the City who shall have the title of Deputy Mayor, and who shall serve for a period of two years.

All powers of the City shall be vested in the City Council, except as otherwise provided by this Charter or by law, and the City Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.


A. Holding other office. Except where authorized by law, no Councillor or Mayor shall hold any other City office or City employment, other than Deputy Mayor, during the term for which he/she was elected, and no former Councillor or Mayor shall hold any compensated appointive City office or City employment until one year after the expiration of the term for which he/she was elected or until one year after he/she leaves office should that event be sooner.

B. Appointments and removal. Neither the City Council nor any of its members, including the Mayor, shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the City Manager or any of his subordinates are empowered to appoint, but the City Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

C. Interference with administration. Except for the purpose of inquiries and investigations under § C-14, the City Council and its members, including the Mayor, shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its members, including the Mayor, shall give orders to any such officer or employee, either publicly or privately.


A. Vacancies. The office of a Councillor and the office of Mayor or Deputy Mayor shall become vacant upon the death, resignation, removal of residence from the City, removal from office in any manner authorized by law or forfeiture of the office.

B. Forfeiture of office. A Councillor or the Mayor shall forfeit the office if:

(1) At any time during the term of office any qualifications for the office prescribed by this Charter or by law are lacking;

(2) Any express prohibitions of this Charter as set forth in § C-9 are violated;

(3) Conviction of a crime involving moral turpitude occurs; or

(4) Absence at three consecutive regular meetings of the City Council occurs without being excused by the City Council.
C. Filling of vacancies.

(1) Within 45 days from the effective date of this subsection, the Mayor and City Council, shall appoint a Vacancy Committee, which shall consist of a Chair and two members. The term of the Chair shall be five years. The initial terms of the members shall be four years and three respectively. The succeeding terms shall each be five years. The Mayor and City Council, shall fill vacancies on the Committee as the same may occur.

(2) Vacancies in the office of Mayor or Councillor, caused other than by the expiration of the terms thereof, shall be filled, within 30 days, by the remaining members of the City Council according to the following procedures:

(a) On creation of a vacancy, the City Council shall schedule a vote at a regularly scheduled or special meeting duly called to fill said vacancy and shall notify the City Clerk of the date on which it intends to take action to fill said vacancy. On notice of the existence of a vacancy, the City Clerk of the City of Ogdensburg shall immediately notify the Chair of the Vacancy Committee, which shall, within five days thereof, convene a meeting of said Committee.

(b) The Vacancy Committee shall solicit and receive nominations of persons eligible to be appointed to the existing vacancy.

(c) The Vacancy Committee shall recommend and present to the City Council the names of three persons eligible and willing to serve as Mayor or City Councillor. Said names shall be presented at least seven days before the City Council meeting at which the City Council intends on taking action to fill the subject vacancy.

(d) The City Council shall review said recommendation and shall vote to fill said vacancy. Each Councillor shall vote for one individual from the list of persons recommended. The nominee receiving four or more votes shall be named to fill the vacancy. In the event that none of the candidates receives a vote of four members of the City Council, the nominee who receives the least number of votes, or no votes, shall be dropped and another vote shall ensue until a majority of votes are cast for one individual. In the event of a three-way tie after the first vote, the City Council shall then vote to eliminate one name from the list of nominees. The nominee receiving the greatest number of votes shall be eliminated from consideration. A vote on the remaining two nominees shall then ensue. In the event of a tie in the vote on two nominees, the City Council shall continue to vote until a majority of votes are cast for one nominee. In the event that more than one vacancy exists, the City Council shall vote, after filling the first vacancy, to fill such additional vacancy using the two remaining names from the list of recommended nominees according to the procedures set forth herein.

(e) If such vacancy occurs before July 25 of the current year, the term of the appointed Mayor or Councillor shall be for the balance of such calendar year.
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(f) If such vacancy occurs too late to be placed on the ballot at the next ensuing general election preceding the end of the current year, for the balance of the year; and if the term of office does not expire at the end of such year, by further appointment to the end of the next year, at which time the balance of the unexpired term, if any, will be on the general election ballot.

D. (Reserved).

E. In canvassing the results of the election, those persons equal to the number of vacancies who receive the highest number of votes shall be elected as Councillors as follows: the person receiving the highest number of votes cast shall be deemed elected for the longest term; the person receiving the second highest number of votes cast, for the next longest term and so on to the end; and the inspectors of election shall count the ballots and certify the result accordingly. Notwithstanding the requirement in § C-16 that a quorum of the City Council consists of four members, if at any time the membership of the City Council is reduced to fewer than four the remaining member or members may by majority action appoint additional members to raise the membership to at least four. A vacancy in the office of Deputy Mayor shall be filled by the City Council by election from among its members.


The City Council shall be the judge of the qualifications of its members and of the facts constituting grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and written notice of such hearing shall be filed with the City Clerk and published in the official newspaper of the City at least one week in advance of the hearing. Decisions made by the City Council under this section shall be subject to review by the courts.


A. The City Manager shall appoint an officer of the City who shall have the title of City Clerk and who shall serve at the pleasure of the City Manager.

B. The City Clerk shall be a person who is a qualified voter of the City.

C. Duties of the City Clerk:

(1) Give notice of City Council meetings to its members and to the public;
(2) Record and maintain the journal of City Council proceedings;
(3) Perform such other duties as are assigned by this Charter or by the City Manager.

A. The City Council, with the advice of the City Manager, shall appoint a City Attorney who shall serve at the pleasure of the City Council.

B. In those matters within the scope of responsibility of the City Manager, the City Attorney shall perform services at the discretion and supervision of the City Manager.

C. Duties of the City Attorney:

   (1) Act as legal counsel for the City of Ogdensburg;

   (2) Perform such other duties as are assigned by this Charter, the City Council (consistent with this Charter) and the City Manager.


The City Council may make investigations into the affairs of the City and the conduct of any City department or office and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey such a lawful order issued in the exercise of these powers by the City Council shall be dealt with as provided by the Penal Law of the State of New York.


The City Council shall provide for an independent annual audit of all City accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The City Council may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three years, provided that the designation for any particular fiscal year shall be made prior to July 1 of such fiscal year. If the State Comptroller makes such an annual audit, the City Council may accept it as satisfying the requirement of this section.

§ C-16. Meetings; rules and minutes; voting. [Amended 9-10-2007 by L.L. No. 3-2007]

A. Meetings. The City Council shall meet regularly at least once in every month at such times and places as the City Council may prescribe by rule. Special meetings may be held on the call of the Mayor or of two or more members and upon no less than 24 hours' written notice to each member. All meetings shall be public; however, the City Council may recess for the purpose of discussing any matter in a closed session, which is in compliance with New York State Public Officers Law, Articles 6 and 7, limited to its own membership, provided that final action thereon shall not be taken by the City Council while in closed session.

B. Rules and minutes. The City Council shall determine its own rules and order of business, and the minutes of its proceedings shall be a public record.
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C. Voting. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the minutes. Four members of the City Council shall constitute a quorum. If a quorum does not exist, those present may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the City Council. No action of the City Council except as otherwise provided in the preceding sentence and in § C-10 shall be valid or binding unless adopted by the affirmative vote of four or more members of the City Council.

§ C-17. Actions requiring enactment by ordinance or local law; referendums. [Amended 9-10-2007 by L.L. No. 3-2007]

A. In addition to other acts required by law or by specific provision of this Charter to be done by ordinance or by local law, those acts of the City Council shall be by ordinance or by local law which.3

(1) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(2) Levy taxes, except as otherwise provided with respect to the property tax levied by adoption of the budget;

(3) Grant, renew or extend a franchise;

(4) Regulate the rate charged for its services by the holder of a franchise;

(5) Convey or lease, or authorize the conveyance or lease, of any lands of the City; and

(6) Amend or repeal any ordinance or local law previously adopted.

B. Every proposed ordinance shall be introduced in writing. An ordinance may be introduced by any member of the City Council at any regular or special meeting of the City Council. Upon introduction of any ordinance, the City Clerk shall distribute a copy to each City Council member and to the Manager, and shall file a reasonable number of copies in the office of the City Clerk. The City Council shall fix a time and place for a public hearing thereon and the City Clerk shall publish a notice of such hearing setting out the time and place and describing in summary form the consent of such proposed ordinance, at least seven days before the date set for such hearing, in the official newspaper of the City or, if no official newspaper has been designated, in a newspaper of general circulation in the City. After the hearing, the City Council may adopt the ordinance with or without amendments. Within 10 days after adoption, the Clerk shall have a notice of adoption of such ordinance published which shall give the title of the ordinance and describe the same in summary form, in the same manner as the notice of such hearing. Every adopted ordinance shall become effective immediately with regard to any person upon whom a copy thereof is served, together with a certificate of the Clerk, setting forth the date of adoption and shall become effective 10 days after its publication with regard to all other persons. The City Council may adopt any standard code

3 Editor’s Note: Original Subsection (1), which immediately followed this sentence and dealt with adoption or amendment of an administrative code, was deleted 12-9-1985 by L.L. No. 5-1985.
of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be the same as prescribed for ordinances generally, except that the requirements for distribution and filing of copies of the ordinance shall be construed to include copies of such code of technical regulations as well as of the adopting ordinance, and a copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the City Clerk in the City Clerk's office. It shall not be necessary to publish a copy of such code of technical regulations in the notice of hearing or with the notice of adoption thereof. However, copies of any adopted code of technical regulations shall be made available by the City Clerk for purchase at a reasonable price or as otherwise provided by the City Council.

C. Notwithstanding any other provision of law or of this Charter, any action by the City Council to establish, alter or abolish any City department, office or agency specified in this Charter shall be by local law subject to a referendum upon petition.

ARTICLE IV
City Manager

§ C-18. Appointment; term; compensation; qualifications.

The City Council shall appoint a City Manager who shall hold office during and at the pleasure of the Council and receive compensation fixed by the Council. Prior to appointment, the person shall be qualified by at least one year's special training in public administration and finance, and by at least three years' experience in a responsible executive position in governmental administration, or by any equivalent training or combination of experience and training sufficient to indicate capacity for effective governmental administration. The person need not be a resident of the City or state at the time of the appointment but must reside within the City while in office.


A. The City Manager shall be the chief executive officer and chief administrative officer of the City and shall:

  (1) Be responsible to the City Council for the administration of all City affairs placed with the City Manager by or under this Charter, by action of the City Council or otherwise by law.

  (2) After consulting with the City Council, appoint and, when necessary for the good of the City, suspend or remove any City department head, except the City Attorney, provided for by or under this Charter, except as otherwise provided by law, by this Charter or by personnel rules adopted pursuant to this Charter, and may authorize any administrative officer who is subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
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(3) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law.

(4) Attend all City Council meetings and shall have the right to take part in discussion but may not vote.

(5) See that all laws, provisions of this Charter, resolutions, ordinances, local laws and acts of the City Council, subject to enforcement by the City Manager or by officers subject to the City Manager's direction and supervision, are faithfully executed.

(6) As provided in § C-59 of this Charter, on or before the first day of November of each year, prepare and submit to the City Council an itemized statement in writing of the estimated revenues and expenditures of the City for the next ensuing fiscal year, which statement shall be known as the "proposed preliminary budget."

(7) Submit to the City Council and make available to the public by April 1 of each year a complete report on the finances and administrative activities of the City as of the end of each fiscal year.

(8) Make other reports as the City Council may require concerning the operations of City departments, offices and agencies subject to the City Manager's direction and supervision.

(9) Keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council concerning the affairs of the City as deemed desirable.

(10) Recommend to the City Council such measures as deemed necessary or expedient.

(11) Subject to approval by the City Council by resolution, negotiate and grant leases, concessions, licenses and permits for use of all City lands, structures, facilities and appurtenances.

(12) Perform such other duties as are specified in this Charter or may be required by the City Council.

B. In the absence of the appointment of a department head, the City Manager shall serve as such department head.

§ C-20. Removal from office.

The Council may remove the City Manager from office in accordance with the following procedures:

A. The City Council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the City Manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the City Manager.

C: 16
B. Within five days after a copy of the resolution is delivered to the City Manager, he or she may file a written request for a public hearing with the City Council. This hearing shall be held at a City Council meeting not earlier than 15 days nor later than 30 days after the request is filed. The City Manager may file with the City Council a written reply not later than five days before the hearing.

C. The City Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the City Manager, if he/she has not requested a public hearing, or at any time after the public hearing if he/she has requested one.

D. The City Manager shall continue to receive compensation until the effective date of a final resolution of removal. The action of the City Council in suspending or removing the City Manager shall not be subject to review by any court or agency.

§ C-21. Assistant City Manager.

A. The position of Assistant City Manager will not result in an additional employee within City government but instead will result in the assignment of additional and broader duties and responsibilities to an existing department head(s).

B. The Assistant City Manager will be responsible for assisting the City Manager in administering all phases of City government operations within policies established by the City Council and may serve as Acting City Manager in the City Manager's absence.

C. The Assistant City Manager may be required to give particular attention to the physical development, public safety or financial operation of the City and assist the City Manager in employee collective bargaining, budget preparation and code enforcement functions.

D. The position of Assistant City Manager is hereby established, to be filled by an existing City department head(s).

E. The appointment of an Assistant City Manager will be upon the recommendation of the City Manager and with the approval of the City Council.

ARTICLE V

Administrative Departments; Administrative Code

§ C-22. Creation of departments, offices and agencies.

The City Council, upon recommendation of the City Manager, may establish City departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices or agencies, except that no function shall be assigned by this Charter to a particular department, office or agency except by local law subject to referendum upon petition.

The Administrative Code shall prescribe the functions of all City departments, offices and agencies and shall be amended by City Council from time to time upon recommendation of the City Manager. However, no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically provides for it, may be assigned to any other department, office or agency except by local law subject to referendum upon petition. The Administrative Code shall be brought into compliance with the Charter by within two years of adoption of the amended City Charter. Thereafter, the Administrative Code shall be reviewed annually by the City Council.

§ C-24. Direction and supervision.

All departments, offices and agencies shall be under the direction of the City Manager. Each shall be administered by an employee appointed by the City Manager, except the Department of Law, which shall be administered by the City Attorney. With the consent of the City Council, the City Manager may serve as the head of one or more of such departments, offices or agencies or the City Manager may appoint one person as the head of two or more of them.

ARTICLE VI
Department of Law
[Amended 9-10-2007 by L.L. No. 3-2007]

§ C-25. Department established; head.

There shall be a Department of Law, the head of which shall be the City Attorney.

ARTICLE VII
Department of Records

§ C-26. Department established; head.

There shall be a Department of Records, the head of which shall be the City Clerk.

§ C-27. (Reserved)

ARTICLE VIII
Department of Planning and Development


A. There shall be a Department of Planning and Development, the head of which shall be the Director of Planning and Development.
B. Minimum qualifications:

(1) A Master’s degree in planning, engineering, urban geography; landscape architecture, Public administration, environmental studies or a related field; OR

(2) Graduation from a regionally accredited or New York State registered four year college or university with a Bachelor’s Degree in planning, engineering, urban geography, landscape architecture, public administration, environmental studies or related field and one year of experience in municipal, community or regional planning.

C. Duties of the Director of Planning and Development:

(2) Performs research and conducts studies on planning issues including housing, recreation, transportation, tourism, land use regulation, community development and environmental concerns;

(3) Participates in comprehensive projects involving research, data collection, investigation and analysis of sociological, economic and environmental factors related to community planning concerns;

(4) Reviews and critics proposals and requests for land use changes, site plan development applications, subdivision, variance and rezoning;

(5) Participates in meeting with civic and business leaders, neighborhood groups and planning committees to determine community planning needs and provides technical assistance on land use regulations and related planning concerns and makes presentations on planning proposals and issues;

(6) Participates in the preparation of promotional literature and grant applications and grant administration processes.

§ C-29. Board of Planning and Development. [Amended 11-10-2014 by Ord. No. 16-2014]

There shall be a Board of Planning and Development, which shall be constituted and empowered as a Planning Board pursuant to General City Law, Article 3. The Board shall consist of five members appointed by the Mayor and City Council for such terms as are specified in § 27 of the General City Law. The Board shall make recommendations to the City Manager and the City Council on all matters affecting the physical development of the City, shall be consulted on the Comprehensive Plan and the implementation thereof and shall exercise all other responsibilities as may be provided by law.


A. Content. The City Council shall adopt and may from time to time modify a Comprehensive Plan setting forth in graphic and textual form policies to govern the future physical and economic development of the City. Such plan may cover the entire City and all of its functions and services or may consist of a combination of plans governing specific functions and services or specific geographic areas which together cover the entire City and all of its functions and services.
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B. Adoption. Upon receipt from the City Manager of a proposed Comprehensive Plan or proposed modification of the existing plan, the City Council shall refer such proposal to the Board of Planning and Development, which shall, within a time specified by the City Council, report its recommendations thereon. After receipt of the recommendations of the Planning Board, the City Council shall hold a public hearing on the proposed Comprehensive Plan or modification thereof and shall thereafter adopt it by resolution with or without amendments.

C. Effect. The Comprehensive Plan shall serve as a guide for all future City Council action concerning land use and development regulations, urban renewal programs, community and economic development programs and expenditures for capital improvements.

§ C-31. Land use and development regulations.

A. Land use and development regulations. The City Council may by ordinance adopt land use and development regulations, including but not limited to an official map and zoning and subdivision regulations.

B. Development. The City Council may by ordinance provide for redevelopment, rehabilitation, conservation and urban renewal programs for:

(1) The alleviation or prevention of slums, obsolescence, blight or other conditions of deterioration;

(2) The achievement of the most appropriate use of land; and

(3) The improvement and development of the City's tax base.

C. Council action. Before acting on any proposed ordinance concerning land use and development regulations, urban renewal or expenditures for capital improvements, where such ordinance refers to a matter covered by the Comprehensive Plan, the City Council shall refer the proposal to the City Planning Board, which shall, within a time specified by the City Council and prior to the public hearing on the proposed ordinance, report its recommendations thereon. Upon adopting any such ordinance, the City Council shall make findings and report on the relationship between the ordinance and the Comprehensive Plan and, in the event that the ordinance does not accord with the Comprehensive Plan, the plan shall be deemed to be amended in accordance with such findings and report.


There shall be a Board of Appeals which shall be constituted and empowered as a Board of Appeals pursuant to the General City Law, Article 5-A. The Board shall consist of five members to be appointed by the Mayor and City Council. Such members shall serve for terms of three years pursuant to § 81 of the General City Law. The Board shall hear and decide appeals from administrative decisions, petitions for variances to City Council ordinances in the case of peculiar and unusual circumstances where practical difficulties or unnecessary hardship would prevent carrying out the strict letter of any such ordinances and such other matters properly coming before it pursuant to the General City Law and other laws applicable thereto.
ARTICLE IX
Department of Engineering


A. There shall be a Department of Engineering.

B. A City Engineer may be appointed by and serve under the direction of the City Manager, and/or the City Manager may appoint a New York State-licensed and qualified engineer or firm as needed to perform engineering work required by the City.

C. Minimum qualifications, job description and duties of the position of City Engineer shall be established by the St. Lawrence County Human Resources Department.

D. Duties of the City Engineer, if appointed:

(1) The City Engineer will be the head of the Department of Engineering.
§ C-34. Department established; head.

A. There shall be a Department of Public Works, the head of which shall be the Director of Public Works.

B. Minimum qualifications, job description and duties of the position of Director of Public Works shall be established by the St. Lawrence County Human Resources Department.

C. Duties of the Director of Public Works:

1. Manage, maintain and operate all public works and physical properties of the City;

2. Direct and supervise all divisions within the Department of Public Works;

3. Act as head of any division in the absence of appointment of any division head under this article.

§ C-35. Divisions; heads.

A. Within the Department of Public Works there shall be the following divisions: Water Pollution Control, Streets and Utilities, and Water Treatment.

B. The head of each division shall be appointed by the Director of Public Works with the approval of the City Manager.


There shall be a Tree Commission which shall be constituted and empowered as a Tree Commission pursuant to General Municipal Law, Article 13, except as otherwise provided in this Charter. The Commission shall consist of seven members, called “Commissioners”, who shall be appointed by the Mayor and City Council for terms of three years. The Ogdensburg Tree Commission is charged with assisting the City with the development and administration of a comprehensive tree management program for the care of trees on City property.

§ C-37. (Reserved)

ARTICLE XI
Department of Police

§ C-38. Department established; head.

A. There shall be a Department of Police, the head of which shall be the Chief of Police.
B. Minimum qualifications, job description and duties of the position of Chief of Police shall be established by the St. Lawrence County Human Resources Department.

C. Powers and duties of the Chief of Police:

   (1) The Chief of Police shall have jurisdiction and control of the administration, disposition and discipline of the Department of Police and of the police force of the department;

   (2) Preserve the public peace, preserve order, prevent crime and detect and arrest offenders;

   (3) Suppress riots and insurrections;

   (4) Disperse unlawful or dangerous assemblages which obstruct the free passage of public streets, sidewalks, parks and other public places;

   (5) Protect the rights of persons and property;

   (6) Direct and regulate the movement of vehicular and pedestrian traffic for the facilitation of traffic and the convenience of the public as well as the protection of human life;

   (7) Inspect and observe all places of public amusement, all places of business and other public places;

   (8) Enforce and prevent the violation of all federal, state and local law and ordinances, rules and regulations in force in the City, and for these purposes, to arrest all persons charged with violation thereof;

   (9) Provide assistance to any courts in the City to such extent as may be necessary and shall be permitted by the rules of such courts;

   (10) Install or cause to be installed, operate, maintain and repair or cause to be repaired any or all telecommunication and technological equipment which shall be used in the operation of the Department of Police;

   (11) Act as head of any division in the absence of appointment of any division head under this article.


Within the Department of Police there shall be a Bingo Division under the direction and supervision of the Chief of Police which shall:

A. Process all applications for a license filed with the City Clerk pursuant to § 480 of Article 14-H of the General Municipal Law;

B. Make appropriate investigations on behalf of the governing body of the City pursuant to § 481 of Article 14-H of the General Municipal Law;

C. Countersign all licenses issued;
CHARTER

D. On behalf of the governing body of the City, control and supervise all games of bingo conducted under any such license; and

E. Be responsible for administration of Article 14-H of the General Municipal Law and any local law or ordinance passed pursuant thereto.

§ C-40. Animal Control Division.

Within the Department of Police there shall be an Animal Control Division under the direction and supervision of the Chief of Police which shall be responsible for the enforcement of the regulations of Article 7 of the New York State Agriculture and Markets Law.

§ C-41. (Reserved)

ARTICLE XII

Department of Fire


§ C-42. Department established; head. [Amended 11-13-2017 by L.L. No. 1-2018]

A. There shall be a Department of Fire, the head of which shall be the Fire Chief.

B. Minimum qualifications, job description and duties of the position of Fire Chief shall be established by the St. Lawrence County Human Resources Department.

C. Powers and duties of the Fire Chief:

(1) The Fire Chief shall have jurisdiction and control of the administration, disposition and discipline of the Department of Fire and Code Enforcement Division;
(2) Works with other emergency response leaders by coordinating fire control, rescue, hazardous material clean-up and medical treatment efforts,
(3) Schedules and assigns duties to firefighters, trains and drills them in firefighting and rescue techniques, evaluates their performance and oversees their advancement.
(4) Monitors the care and maintenance of the fire station and all equipment, submits requests for new acquisitions and works with fire department budgets.
(5) Makes sure firefighters follow established policies and procedures by keeping records and reports of all fire response actions.
(6) Reports to and assumes command at all major fires and extraordinary emergencies;
(7) Plans, coordinates, and directs the over-all activities of the firefighting unit and code enforcement division;
(8) Directs the inspection of buildings for fire hazards to insure compliance with fire Prevention ordinances;
(9) Maintains discipline and promotes the morals of the fire department and code enforcement division;
(10) Reviews reports and makes inspections to determine the condition and efficiency of all firefighting unit and code enforcement division;
(11) Prepares and presents the annual budget for the fire department and code enforcement division;
(12) Consults with superiors regarding major policy determinations;
(13) Initiates and develops public relations policies for the fire department and code enforcement division.

§ C-43. Code Enforcement Division.

Within the Department of Fire there shall be a Code Enforcement Division under the direction and supervision of the Fire Chief which shall:

A. Be responsible for the structural conditions of buildings within the City.

B. Enforce such state laws, local laws, ordinances, including Chapter 221 of the Municipal Code,\(^5\) rules and regulations as may govern the construction, alteration, maintenance, removal, demolition, use, occupancy, safety, sanitary conditions, mechanical equipment and inspection of buildings, structures or premises in the City.

§ C-44. (Reserved)

ARTICLE XIII
Department of Assessments


A. There shall be a Department of Assessments, the head of which shall be the City Assessor.

B. The appointment of the City Assessor shall be in conformance with the New York State Real Property Tax Law.

C. Duties of the City Assessor:
   (1) Annually values and revalues all real property in the city; utilizes and maintains current tax maps and appraisal cards;
   (2) Attends hearings of the Board of Assessment and makes changes in assessments in accordance with law as directed by the board;
   (3) Attends the public examination of the tentative assessment roll as those from property owners and transmits them to the Board of Assessment Review;
   (4) Prepares reports and maintains records of assessment activities as needed;
   (5) Prepares and files aid reimbursement request to the State ORPS;
   (6) Coordinates data retrieval with the Code Enforcement Department’s inspectors.

\(^5\) Editor’s Note: See Ch. 221, Zoning.
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C. Duties of the City Assessor:

(1) Make all assessments for general tax or special assessment purposes in accordance with the provisions of the Real Property Tax Law;

(2) Perform such other functions as may be required by other law;

(3) Be responsible for the maintenance and revision of the tax roll.


There shall be a Board of Assessment and Review which shall be constituted and empowered pursuant to Real Property Tax Law, Article 5, § 523 except as otherwise provided in this Charter. The Commission shall consist of not less than three, nor more than five members to be appointed by the Mayor and City Council. The members shall serve for terms of office as provided in § 523(c) of the Real Property Tax Law. The Board of Assessment and Review shall be charged with the duty of reviewing and correcting all assessments of real property made pursuant to the provisions of Title 1 of this article.

ARTICLE XIV
Department of Parks and Recreation

§ C-47. Department established; head.

A. There shall be a Department of Parks and Recreation, the head of which shall be the Director of Parks and Recreation.

B. Minimum qualifications, job description and duties of the position of Director of Parks and Recreation shall be established by the St. Lawrence County Human Resources Department.

C. Duties of the Director of Parks and Recreation:

(1) Exercise management responsibilities over all City parks, playgrounds, and other recreational facilities;

(2) Be responsible for the maintenance of all City parks, playgrounds and recreation facilities.


There shall be a Recreation Commission which shall be constituted and empowered as a Recreation Commission pursuant to General Municipal Law, Article 13, except as otherwise provided in this Charter. The Commission shall consist of seven members to be appointed by the Mayor and City Council. The members shall serve for terms of office as provided in § 243 of the General Municipal Law. The Recreation Commission shall act in an advisory capacity to the Director of Parks and Recreation.
§ C-49. Arts Council. [Amended 11-10-2014 by Ord. No. 16-2014]

Pursuant to § 99-i of the General Municipal Law of the State of New York and §§ 165 through 167 of the General City Law of the State of New York, the City Council is authorized to create an Arts Council. Arts Council members shall be appointed by the Mayor and City Council. The City Council is authorized to appropriate funds for the activities of the Ogdensburg Arts Council as authorized by law. The Ogdensburg Arts Council shall be entitled to suggest, recommend and implement plans to increase the cultural enjoyment and potential tourist attraction of the arts within the City of Ogdensburg.

§ C-50. Historical Preservation Commission. [Amended 11-10-2014 by Ord. No. 16-2014]

Pursuant to § 119-dd of the General Municipal Law of the State of New York, the City Council is authorized to create an Historical Preservation Commission. The Historical Preservation Commission shall consist of up to 11 members, including the City Historian, to be appointed by the Mayor and City Council. The City Council is authorized to appropriate funds for the activities of the Ogdensburg Historical Commission as authorized by law. The Ogdensburg Historical Preservation Commission shall be entitled to suggest, recommend and implement local historic preservation programs and to otherwise promote the historic resources of the City of Ogdensburg.


There shall be a Pride and Beautification Commission which shall be constituted and empowered as a Pride and Beautification Commission pursuant to General Municipal Law, Article 13, except as otherwise provided in this Charter. The Commission shall consist of eleven members, called “Commissioners”, who shall be appointed by the Mayor and City Council for terms of three years. The Ogdensburg Pride and Beautification Commission shall be entitled to advise the City Council on all matters involving beautification of the City and to make recommendations for making public property, and streets more attractive and aesthetically pleasing.

ARTICLE XV

Department of Personnel

§ C-52. Department established; head.

There shall be a Department of Personnel, the head of which shall be the City Manager or his designee.

§ C-53. Appointments and promotions.

All appointments and promotions of City officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

§ C-54. Administration of City of Ogdensburg Civil Service. [Amended 11-10-2014 by Ord. No. 16-2014]

The St. Lawrence County Human Resources Department shall be responsible for the administration of civil service for the City of Ogdensburg as provided in the New York State
§ C-55. Department established; head.

A. There shall be a Department of Finance, the head of which shall be the Comptroller.
B. Minimum qualifications, job description and duties of the position of Comptroller shall be established by the St. Lawrence County Human Resources Department.
C. Duties of the Comptroller:

(1) Shall be the Chief Fiscal Officer of the City and shall have charge of the administration of all its financial affairs;
(2) Shall promote, secure and preserve the financial interests of the City;
(3) Shall have and exercise general supervision over all officers and employees of the City regarding the proper management of the fiscal affairs of their respective functions, including such commonly accepted or statutorily required accounting functions as are necessary to confirm that the financial records are kept in accordance with standard municipal accounting procedures and that all necessary financial reports are made by all officers and employees.

§ C-56. Audit Committee. [Added 1-12-2015 by LL No. 1-2015]

There shall be an Audit Committee which shall be constituted and empowered to internally oversee and direct the audit function, except as otherwise provided in this Charter. The Committee shall work closely with external auditors during the yearly audit and report back to the City Council with pertinent information throughout the process. The Committee shall consist of three members of Council to be appointed by the Mayor and City Council. The term of office for each member shall be two years. Members of the Audit Committee shall be those individuals who may better understand the intricacies of government reporting and may have a financial background.

§ C-57. (Reserved)

ARTICLE XVII
Fiscal Policies

§ C-58. Fiscal year.

The fiscal year of the City of Ogdensburg shall begin on the first day of January of each year and end on the 31st day of December of that year.

A. On or before the first day of November of each calendar year, the City Manager shall submit to the City Council a preliminary budget for the ensuing fiscal year of the City of Ogdensburg and an accompanying message.

B. The City Manager's preliminary budget shall also include a five-year capital program in addition to the annual operation budget with appropriate supporting information as to the necessity for the improvements, cost estimates for the improvements and methods of financing them.

C. The City Manager's budget message shall explain the budget both in fiscal terms and in terms of work programs. It shall outline the financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues, together with all reasons for any changes. The City Manager's message shall also summarize the City's debt position and include such other material as the City Manager may deem desirable.


In order to enable the City Manager to prepare the preliminary budget, the head of every department and/or agency of the City of Ogdensburg shall file with the City Manager no later than the first day of September of each year estimates in writing specifying in detail the amount of and the objects of expenditures required in their respective departments or agencies during the next fiscal year, including in those estimates a statement of each of the salaries of officers and employees of the departments and an estimate of revenues to be received in the ensuing fiscal year.


The City Council, after receiving the City Manager's preliminary budget, shall accept the proposed preliminary budget or make any modifications to it as the City Council may desire and, on or before the 15th day of November of each year, shall file the accepted proposed preliminary budget with the City Clerk and the Comptroller of the City of Ogdensburg. The proposed preliminary budget shall be a public record and shall be available for inspection by the general public at the office of the City Clerk.


On or before the 30th day of November of each year the City Council shall fix a date, time and place for a public hearing on the preliminary budget before the City Council and direct the City Clerk to publish notice of the public hearing at least five days before the date of the hearing in the official newspaper of the City, or, if no official newspaper has been designated, the notice of the public hearing shall be published in a newspaper of general circulation within the City.

The City Council shall meet on the date, at the time and at the place fixed for the purpose of holding the public hearing on the budget. Such hearing shall be held and completed before the 15th day of December of each year. At this hearing all persons desiring to be heard in relation to the budget shall be heard. However, the City Council may establish rules of procedure for such public hearing and such rules may provide limitations on the time allocated to any speaker.

§ C-64. Adoption of budget; filing. [Amended 9-10-2007 by L.L. No. 3-2007]

The City Council, at a regular or special meeting held after the public hearing but not later than the 20th day of December, shall by resolution adopt or amend and adopt the budget, which budget when adopted shall thereupon become the annual budget of the City for the ensuing fiscal year. At the same meeting at which the annual budget is adopted, the City Council shall adopt a resolution appropriating the various amounts in the budget as approved for the departments and agencies of the City, and for the several purposes specified in the budget. Within 30 days after the adoption of the budget, the Comptroller as Chief Officer shall file with the State Comptroller a certified copy of such budget, and such other information as the State Comptroller may require. However, failure of the City Comptroller to file such information with the State Comptroller as required by § C-59 or this section shall not invalidate a tax levied by the City.

§ C-64.1. Failure to adopt budget. [Added 3-8-1995 by L.L. No. 1-1995]

If the City Council fails to adopt or amend and adopt the budget by December 20, then the budget as submitted by the City Manager shall be deemed to be the budget of the City for the ensuing fiscal year, and expenditures shall be made in accordance therewith. Such failure to act shall be deemed a positive action to adopt the appropriation and tax levy resolutions relative to the preliminary budget in the same manner as set forth in §§ C-64 and C-70.


Unless otherwise specifically provided in this Charter or by law, no money shall be drawn from the City treasury nor shall any obligation for the expenditure of money be incurred except pursuant to appropriations made by the City Council. Upon written request of the Manager, the City Council may transfer an unencumbered balance in an appropriation made for one department or agency to another department or agency or may transfer any unencumbered balance in an appropriation made for a division or office to another division or office in the same department. The Comptroller, upon request of the department head and with the approval of the Manager, may transfer an unencumbered balance in an appropriation made for a division or office to another division or office in the same department, provided that such transfer does not exceed 5% of the department's budget. Such intradepartmental transfers made by the Comptroller shall be reported to the City Council at its next regular meeting.


All real property within the boundaries of the City of Ogdensburg is assessable for county and City taxes unless exempt from taxation pursuant to federal, state or local law. Taxable real property shall be assessed according to its condition on the first day of April in each year.

The City Assessor shall prepare the assessment rolls in the form prescribed by or approved by the State of New York and in accordance with any rules and regulations adopted by agencies of the State of New York having jurisdiction over the matter. The City Assessor shall complete the tentative assessment rolls and place copies thereon on file in his office on or before the second Monday in May and on that date shall cause notice of the completion of the assessment rolls to be published in the official newspaper of the City of Ogdensburg stating that the assessment rolls have been completed and that copies thereof are on file in the office of the City Assessor where they may be examined by any person during the office hours on business days pursuant to the laws of the State of New York.

§ C-68. Complaints concerning assessments.

A. The Real Property Tax Law of the State of New York shall govern complaints concerning assessments by any person or a corporation who or which owns or has an interest in taxable real property in the City of Ogdensburg.

B. The date for hearing on any complaints concerning assessments shall be as provided by the Real Property Tax Law of the State of New York or the third Tuesday of June of each year, whichever date is later.

§ C-69. Miscellaneous provisions relating to assessments.

All miscellaneous provisions relating to the assessment of real property as contained in §§ 550 to 574 of the Real Property Tax Law and applicable to cities generally shall apply to assessment procedures in the City.

§ C-70. Annual tax levy. [Amended 9-10-2007 by L.L. No. 3-2007]

The City Council, at the meeting at which the annual budget is adopted, shall levy taxes on all taxable property within the City as shown in the annual assessment rolls, to the amount required to be raised by tax in the annual budget. All taxes thus levied shall become liens on the properties against which they are levied on the first day of January following the levy of such taxes.


The City Clerk, on that day following the adoption of the annual tax levy by the City Council, shall deliver to the Comptroller a certified copy of the resolution making such levy. Thereupon, and on or before March 31 of the current year, the Comptroller shall extend the City tax as levied by the City Council, and shall enter these extensions along with all delinquent special assessments, delinquent sewer rates, delinquent water rates, delinquent rubbish collection charges and any other delinquent special charge on the original assessment rolls filed with him, which rolls then become the tax rolls of the City for the ensuing year. When the tax rolls have been thus completed, a warrant signed by the Manager and by the City Clerk shall be attached thereto, directing the Comptroller to collect from the persons named in the rolls the sums specified as levied against the parcels described in the rolls as owned by them.

The City tax and all delinquent assessments and charges added to the rolls pursuant to §§ C-80 and C-81 hereof shall be due and payable at the office of the City Comptroller in two installments on the 15th day of April and on the 15th day of July.


The City Comptroller, once a week for two successive weeks during the last two weeks of April and the first week of May in each and every year, shall cause a notice to be published in the official newspaper of the City or, if no official newspaper has been designated, in a newspaper having general circulation in the City to the effect that he has received such tax roll and warrant and that City taxes are due and payable at his office in City Hall on any weekday, Saturday and holidays excepted, during usual business hours. The notice shall state the collection period during which taxes may be paid without penalty and the penalties to be added to nonpayment during such collection period pursuant to the Real Property Tax Law.

§ C-74. Tax bills.

The City Comptroller, on or before the 15th day of April in each year, shall mail to each owner of taxable property shown in the tax rolls, whose name and address he is able to ascertain, a statement showing the amount of taxes due on his property, the period covered, and the name and address of the collection officer. The provisions of this section are for the benefit of the taxpayers, and the failure of the City Comptroller to mail such bills or the failure of such owner to receive them shall not invalidate or otherwise affect such tax, shall not prevent the accruing of penalties for the nonpayment thereof and shall not affect the validity of interest prescribed by law with respect thereto.

§ C-75. Collection periods; interest.

The taxes shall be due and payable in installments during the period from April 15 through May 15 and July 15 through August 15, which periods are designated as collection periods. On the day first succeeding a collection period, there shall be added to all unpaid taxes interest at the rate of 5% for the first 30 days or fraction thereof, and 1% per each 30 days thereafter or fraction thereof.

§ C-76. Tax receipts. [Amended 3-8-1995 by L.L. No. 1-1995]

The City Comptroller shall deliver or forward by mail a proper receipt for each tax payment upon the request of the person paying the tax.

§ C-77. Special assessments; unpaid assessments. [Amended 9-10-2007 by L.L. No. 3-2007]

Special assessments, or installments thereof, are due and payable the day following the approval of the pertinent special assessment rolls by the City Council. Such assessments, or installments thereof, may be paid within one month following approval by the City Council without penalty, which month is designated as the collection period. On the first day of each month succeeding the collection period, there shall be added to all such unpaid assessments, or installments thereof, a penalty of 5% for the first 30 days or fraction thereof, and 1% per 30 days or fraction thereof.
are paid. If any such assessments, or installments thereof, remain unpaid for four months or longer by the first day of December, they shall be added, with accrued penalties, by the City Comptroller to the tax rolls for the ensuing year against the proper delinquent parcels of taxable property. Items thus added to the tax rolls shall become in all respects part of the tax levy and subject to all the penalties applicable to such levy for nonpayment.

§ C-78. Unpaid charges to be added to tax rolls. [Amended 3-8-1995 by L.L. No. 1-1995]

A. Sewer rents, water bills, rubbish collection, lawn mowing charges, demolition, grading and other special charges for municipal services relating to real property are due and payable when billed and, if unpaid for 30 days or longer after the first day of December, shall be added by the City Comptroller to the tax rolls for the ensuing year against the proper delinquent parcels of taxable property. Items thus added to the tax rolls shall become in all respects part of the tax levy and subject to the same penalties as provided for in § C-77.

B. As an alternative method of collecting unpaid charges for sewer rents, water bills, rubbish collection, lawn mowing charges, demolition, grading or other special charges relating to real property, the City of Ogdensburg may institute any action or proceeding authorized by law against the property owner and/or recipient or beneficiary of said service. Said action or proceeding may seek any remedy allowed by law.

§ C-79. (Reserved)


All taxes and assessments charged upon real estate, including those for local improvements and other charges, shall be a lien upon the same from the time of completing the tax roll therefor, and such lien shall be prior and superior to all other liens and encumbrances. All such taxes, assessments and other charges may also be recovered in an action brought by the City against any person liable therefor and the lien thereof may be foreclosed by action in the same manner and by the same proceedings as in an action for the foreclosure of a mortgage upon real estate. In any action to recover any taxes or assessments or to foreclose the lien thereof, the assessment or tax roll shall in all cases be prima facie evidence of the right of recovery of the amount of such tax and assessment, and interest, and penalties, and no property shall be exempt from levy and sale for the payment of the same. Notwithstanding any other provision of this Charter, tax liens owned by the City and due and unpaid for at least two years from the date on which the tax and other legal charges represented thereby became a lien shall be foreclosed by an action in rem in accordance with Title 3 of Article 11 of the Real Property Tax Law.

§ C-81. Sale of property for nonpayment of tax. [Amended 6-12-1995 by L.L. No. 2-1995]

A. Whenever any tax or assessment, and the penalties and interest thereon, shall remain unpaid nine months from the date of levy thereof, the Comptroller shall advertise and sell the real estate charged therewith in accordance with the Real Property Tax Law. However, at such sale, rates of interest shall be bid in multiples of 1% or a flat bid of no interest whatsoever and parcels shall be bid and sold separately. Except as otherwise provided herein, the Comptroller shall award such bill to the person bidding the lowest rate of interest or no interest. If more than one person bids the same rate of interest, the Comptroller or other authorized person conducting such sale shall sell the parcel to whichever of such bidders as he in his sole discretion shall determine. In any case, however, and as to any parcel, the Comptroller may reject any and all
bids and bid in and purchase the same for the City at the maximum rate of interest, in which event the bid of the City shall be preferred over all other bids. The City shall likewise be deemed the purchaser at the maximum rate of interest of all parcels which are not otherwise sold at such sale.

B. Conveyance of the real estate; cancellation of the tax sale certificate.

(1) If any parcel or lot so sold shall not be redeemed as provided, the Comptroller, as soon as is reasonably practical after the expiration of two years from the date said tax and other charges shall become a lien, may execute and deliver to the purchaser, his heirs or assigns or to the City or its assigns, as the case may be, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an estate in fee, subject only to the liens, if any, of unpaid taxes, assessments or other charges levied pursuant to § C-78. Alternatively, as soon as is reasonably practicable after the expiration of said two years, where the City is the holder of the certificate of sale, the Comptroller may cancel the certificate by a proper entry on the records of the Office of the Comptroller or on the records of the County Clerk. The Comptroller may cancel said tax sale certificate for one or more of the following reasons:

(a) There is reason to believe that there may be a legal impediment to the enforcement of the tax lien affecting such parcel.

(b) The tax has been canceled or is subject to cancellation pursuant to § 558 of the Real Property Tax Law or, in the case of a tax district to which such section does not apply, the tax would be subject to cancellation if such section were applicable to the tax district.

(c) The enforcement of the lien has been stayed by the filing of a petition pursuant to the Bankruptcy Code of 1973 (Title Eleven of the United States Code).

(d) If the tax district were to acquire the parcel, there is a significant risk that it might be exposed to a liability substantially in excess of the amount that could be recovered by enforcing the tax lien.

(2) Upon the cancellation of the tax sale certificate, the Comptroller shall issue a certificate of cancellation setting forth the facts which render the tax sale certificate eligible for cancellation. The cancellation of the tax sale certificate shall have no effect upon the tax lien or other liens against the affected parcel. On cancellation of said certificate, the City may sue for the full amount due on the real estate as determined by the last day for redemption and recover in an action against any person(s) and/or business entity liable therefor. A judgment in such action in favor of the City shall not operate to release any lien of such amount due on the real estate until fully satisfied.
§ C-82. Special tax credits and assessments. [Amended 9-10-2007 by L.L. No. 3-2007]

A. The City Assessor shall have the power and be charged with the duty to carry out the purpose and intent of Article 4-A of the Commerce Law, § 485 of the Real Property Tax Law, and other applicable laws of the State of New York to grant business facility owners or operators, as defined by the aforesaid state laws, tax exemption or tax credits from taxes and special ad valorem assessments imposed to the extent of any increase in the value of the capital improvements, commenced on or after July 1, 1968, consisting of construction, reconstruction, erection or improvements, as certified in the certificate of eligibility issued by the New York State Job Incentive Board, created by § 116 of the Commerce Law, provided that the owner or operator of the business facility, on the form prescribed by such Board, to which there shall be attached a copy of the certificate of eligibility so issued, files such application before the taxable status date with the City Assessor of the City and simultaneously therewith files the application with the State Board of Equalization and Assessment and the State Job Incentive Board.

B. Upon submission of the aforesaid application and proof, the City Assessor, with or without a hearing, shall consider the application for such exemption and, if found to be in order, determine the assessed value of the exemption in accordance with the certificate of eligibility and enter such value on the exempt portion of the assessment roll.

C. The City Assessor, in his/her determination, shall grant a one-hundred-percent tax credit or exemption, and the exemption as granted shall continue for five years only; and thereafter the exemption shall be at the rate of 50% during the period of years so approved only if the certificate of eligibility is not revoked or modified and is renewed or extended by the State Job Incentive Board.

D. Any exemption so granted by the City Assessor shall commence with the assessment roll prepared on the next following taxable status date of the City of Ogdensburg.

§ C-83. Remittance of county taxes. [Amended 2-26-1985 by L.L. No. 3-1985]

The City Comptroller shall remit to the County Treasurer county taxes collected by the office of the City Comptroller. Remittances of currently due taxes actually collected shall be made on or before May 25, August 25 and December 1 of each fiscal year. Taxes delinquent for more than nine calendar months, plus applicable penalties and interest, shall be remitted to the County Treasurer on or before the 30th day of the month during which said delinquent taxes are actually collected.

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6 Editor’s Note: Article 4-A of the Commerce Law (now Economic Development Law) was repealed by L. 1983, c. 15; however, § 133 of L. 1983, c. 15, provides for the continuation of Art. 4-A of the Commerce Law in certain cases (see the historical note following Art. 4-A of the Economic Development Law). Section 485 of the Real Property Tax Law was repealed by L. 1988, c.165; however, § 6 of L. 1988, c. 165, provides for the continuation of § 485 for certain uses (see the historical note following § 485 of the Real Property Tax Law).

7 Editor’s Note: Section 116 of the Commerce Law (now Economic Development Law) was repealed by L. 1983, c. 15; however, § 133 of L. 1983, c. 15, provides for the continuation of Art. 4-A of the Commerce Law in certain cases (see the historical note following Art. 4-A of the Economic Development Law).
§ C-84. Prior notice of defects.

The City of Ogdensburg shall not be liable for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk or public place being out of repair, unsafe, dangerous or obstructed or in consequence of the existence of snow or ice thereon, unless notice in writing of such defective, unsafe, dangerous or obstructed condition or of the existence of the snow or ice shall have been served upon the City Clerk or Deputy City Clerk at least 24 hours before the happening of the casualty from which such injury or damage may have resulted and unless notice in writing shall have been served upon the City Clerk or Deputy City Clerk within twenty-calendar days after the happening of the casualty from which such damage or injury may have resulted, and each of such notices shall particularly state such defect, want of repair or obstruction or of the existence of the snow or ice and the location thereof, and shall be served by delivering to and leaving the same with said City Clerk or Deputy City Clerk personally.

§ C-85. (Reserved)\(^8\)

\(^8\) Editor’s Note: Former § C-85, Ordinances, was repealed 9-10-2007 by L.L. No. 3-2007. See now § C-17B.
§ C-86. Elected officials.

No person elected to a City office may hold any other office or employment with the City during his term of office. Notwithstanding the provisions of this section, any person other than an elected office holder may hold more than one position described in this Charter at the same time.

§ C-87. Fidelity bonds.

Every officer and employee of the City who has possession of or control over any funds of the City or the disposition thereof shall give a fidelity bond for the faithful performance of his/her duties. Such bonds shall be in such sum, with such corporate sureties, in such form and for such terms as shall be approved by the Manager. The premium on all such fidelity bonds shall be paid by the City.

§ C-88. Disciplinary proceedings.

Unless this Charter provides a different procedure, removal and other disciplinary proceedings regarding officers and employees of the City who are protected by the New York Civil Service Law shall be governed by the provisions of the Civil Service Law as amended from time to time.

§ C-89. Construction of improvements; assessment of costs.

The City Council may lay out, open, pave, repave, grade, regrade, repair, sprinkle, surface treat, widen or discontinue the use of any public street, and provide drainage and curbing therefor. The City Council may construct, reconstruct, alter, maintain and repair or discontinue storm sewers and drains, sanitary sewers and water mains and laterals connected therewith. The City Council may require the construction, alteration, repair and cleaning of sidewalks or may construct, alter, repair or clean sidewalks. The City Council may construct, alter, repair or discontinue bridges over any water or watercourse. The City Council may deepen, widen or improve any watercourse and may construct, alter or repair walls along the banks thereof. The City Council may construct, reconstruct, alter, maintain, repair or discontinue sewage disposal plants and water treatment plants. The City Council may direct that the whole of the expense of any improvements or work be assessed upon the property deemed benefited, or that the whole or a part thereof be charged to the City at large and the remainder, if any, assessed upon the property deemed benefited.

§ C-90. Reserve funds.

The City Council may authorize the establishment of reserve funds in accordance with the provisions of Article 2 of the General Municipal Law.

§ C-91. Indebtedness.

The City Council may authorize indebtedness in accordance with the provisions of Article II of the Local Finance Law.
CHARTER

ARTICLE XIX

Transitional Provisions

§ C-92. (Reserved)
§ C-93. (Reserved)
§ C-94. (Reserved)
§ C-95. (Reserved)
§ C-96. Repealer.

A. All laws, ordinances, resolutions, rules and regulations and parts thereof relating to or affecting the City when this Charter takes effect, to the extent to which they are inconsistent with the provisions of this Charter and no further, are hereby repealed and superseded. All other laws, ordinances, resolutions, rules and regulations and parts thereof shall continue in force until the same are repealed, amended, modified or superseded.

B. (Reserved)

§ C-97. Effective date.

A. This Charter shall take effect on the first day of January 1984.

B. (Reserved)

§ C-98. Severability; construal of provisions.

If any section, clause or provisions of this Charter shall be held unconstitutional, invalid or ineffective in whole or in part, or inapplicable to any person or situation, it is the purpose and intent of this Charter that all other sections, clauses and provisions thereof shall nevertheless be separably and fully effective, and that the application of any such section, clause or provision to other persons or situations shall not be affected. This Charter shall be liberally construed to effectuate its objectives and purposes.


This Charter may be amended in the manner provided by law. However, any local law which would create or abolish any office, department, board, commission or agency, change any appointive office to an elective office or change the powers of any elective officer shall be subject to a permissive referendum.

9 Editor’s Note: Former §§ C-92, Officers and employees; C-93, Transfer of functions, powers and duties; C-94, Powers of abolished positions or agencies; and C-95, Transfer of records and property, were repealed 3-8-1995 by L.L. No. 1-1995.

10 Editor’s Note: Former Subsection B, pertaining to Articles and sections of the Charter to remain in effect until the adoption of an Administrative Code, was repealed 3-8-1995 by L.L. No. 1-1995.

11 Editor’s Note: Former Subsection B, pertaining to the budget for fiscal year beginning January 1, 1984, was repealed 3-8-1995 by L.L. No. 1-1995.
OGDENSBURG CODE


The Mayor and City Council, shall either appoint a Charter Review Commission or place on the ballot the election of a Charter Review Commission no later than December 31, 2023, and immediately following each six-year period thereafter. Should the appointment/election of a Charter Review Commission not occur by December 31, 2023, or in six-year periods immediately thereafter, all powers of the City vested in City Council pursuant to the Charter shall be vacated other than to cause the establishment of a Charter Review Commission, at which time vacated powers shall be restored. Such appointed or elected Commission shall consist of twelve qualified voters of the City of Ogdensburg. It shall be the duty of said Commission to review the Charter in light of current needs and trends and make recommendations to the City Council.

§ C-101. (Reserved)\(^\text{12}\)


The terms of office of all individuals appointed to boards or commissions as provided in this Charter for which dates stating a term of office are not established by New York State law shall commence on the first day of January next following their appointment, except as otherwise provided herein. When the term of any elective or appointive office shall be for a year or a series of years, such term of office shall be computed from the first day of January. For the purpose of determining when the term of such office shall end, the year in which the appointee shall take office shall be deemed to be the entire year, although such appointee may not have taken office until after such calendar year shall have begun, so that the terms of office of all such appointees shall terminate at the end of the calendar year.

§ C-103. Title.

This Charter shall be known and may be cited as the "Ogdensburg City Charter."

§ C-104. (Reserved)\(^\text{13}\)

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\(^{12}\) Editor’s Note: Former § C-101, Abolished boards, commissions and offices, was repealed 3-8-1995 by L.L. No. 1-1995.

\(^{13}\) Editor’s Note: Former § C-104, Referendum, was repealed 3-8-1995 by L.L. No. 1-1995.

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PART I

ADMINISTRATIVE REGULATIONS
# ADMINISTRATIVE REGULATIONS

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ARTICLE I
General Provisions

§ AR-1. Purpose; approval and modification.

A. The City Charter gives the City Manager authority to "direct and supervise the administration of all departments, offices and agencies of the City" (except as otherwise provided by Charter or local law) and makes the City Manager "responsible to the Council for the administration of all City affairs placed in his charge."

B. In discharging this responsibility, the City Manager will prepare Administrative Regulations, which will be reviewed and revised as necessary by the City Council prior to implementation. It shall be the purpose of these Administrative Regulations to provide standard administrative policies and procedures to be followed uniformly by all City agencies and departments.

C. All Administrative Regulations will be kept in loose leaf form by all departments, bureaus and offices. Each City department must issue its own departmental procedural manual to amplify and supplement these Administrative Regulations and to set forth practices peculiar to the department.

D. These Administrative Regulations shall be approved and may be modified by a resolution of the City Council.

§ AR-2. Relationship of administrative staff and Council.

A. The following policy is to be considered by all department heads as the basis for relationships between the City administrative staff and the City Council:

(1) That the Council-Manager form of government be reaffirmed and supported by this Council.

(2) That all matters considered by the Council be presented on an agenda prepared by the City Manager who will recommend action to be taken in each specific case or by the City Clerk in accordance with actions taken previously by the City Council. Items for the agenda may originate in accordance with §§ AR-17 and AR-18.

(3) That all matters referred to the City Council by the Planning Board be placed on the City Council agenda after Planning Board minutes and/or recommendation have been furnished to members of the City Council.

(4) That the agenda be closed each Thursday noon, be prepared each Thursday and be placed in the hands of each member of the City Council each Thursday night.

(5) That persons appearing before the City Council do so only in accordance with the above agenda.

(6) That all instructions and directions to the Manager will come from the City Council as a whole after approval of the majority of the City Council.
(7) That no instructions and/or directives will be given by the City Council or individual Councillor to department heads or to other City employees who are directed to refer such instructions immediately to the City Manager who in turn is directed to bring such improper actions to the attention of the entire City Council for such action as may be appropriate in each individual case.

B. Interpretation.

(1) Subsection A(1) through (6) above are self-explanatory.

(2) With reference to Subsection A(7):

(a) City Councillors will be expected to visit departments from time to time for the purpose of inspecting and securing information concerning departmental operations and problems, and the department heads are requested to fully cooperate with the Councillors in requests for information where the same is immediately available. However, any request for special studies, investigations or reports involving considerable staff time for preparation shall be forwarded to the City Manager. Depending upon the nature of the request, it may be necessary for the City Manager to place the item on the agenda for action by the majority of the City Council.

(b) No Councillor will give any orders or directives, either directly or indirectly, to any employees of the City government or interfere in the conduct of any department.

(c) No member of the administrative staff or employee of the City shall be summoned for the purpose of inquiry relating to his conduct or the operation of the department, except at the direction of the City Manager.

(d) All City employees are directed to report infractions of City Council policy to the City Manager.

§ AR-3. Management of regulations; distribution.

A. These regulations will be managed by the office of the City Clerk. All updates and distributions shall be managed by the City Clerk.

B. The following personnel shall receive copies of the Administrative Regulations and all revisions: [Amended 1-11-2010 by Ord. No. 1-2010]

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AR: 5
C. Each department/division head shall sign a form upon receipt of the Administrative Regulations. The form shall attest that the undersigned has read the regulations and takes full responsibility to adhere by the contents.

ARTICLE II
Personnel Policies and Procedures

§ AR-4. Purpose; conflicts with collective bargaining agreements.

A. The purpose of Article II of the Administrative Regulations is to define personnel policies and procedures not addressed by City collective bargaining agreements. It is designed to be a working guide for supervisory and staff personnel in the day-to-day administration of the City's personnel program. Its purpose is also to standardize personnel practices and procedures among all City departments.

B. These written policies should increase understanding, eliminate the need for ad hoc decisions on matters of citywide policy, and help to assure uniform personnel administration. It is the responsibility of each and every member of management to administer these policies in a consistent and impartial manner.

C. Procedures and practices in the field of personnel relations are subject to modification and further development in the light of experience. Each member of management can assist in keeping our personnel program up to date by notifying the Personnel Aide (City Clerk) or City Manager whenever problems are encountered or improvements can be made in the administration of our personnel policies.

D. In the event that a provision of these regulations, either now or in the future, is found to be in conflict with a collective bargaining agreement, the collective bargaining agreement shall take precedence.
§ AR-5. Employment policies.

A. Equal employment opportunity. The City of Ogdensburg is an equal employment opportunity employer. All decisions concerning employees and applicants for employment are made without regard to race, color, religion, sex, national origin, age, disability or sexual preference. The City complies with all applicable federal, state and local laws governing nondiscrimination. The policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.\[^{14}\] [Amended 9-11-1995]

B. Affirmative action. It is and shall continue to be the goal of the City to establish and maintain an integrated and balanced work force with a sexual and racial composition similar to that of the area's total labor force (see Council resolution dated January 22, 1979, Appendix A\[^{15}\])

C. Training and development. The City shall develop training programs and support career education programs that provide academic knowledge and job skills for permanent employees. Employees shall be encouraged to participate in career development programs. Subject to budget limitations and department head approval, employees shall be afforded time off from work to attend job related training and work schedules shall be adjusted to allow regular classroom attendance.


A. Personnel requisition. The first step to be followed in the process of filling a position is for a department head to complete and submit to the City Manager a personnel requisition form (see Appendix C\[^{16}\]). The personnel requisition form certifies that the position must be filled, that budgeted funds are available for the position and that the position has been authorized by the City Council in the personal service detail of the City budget. One copy of the approved form will be retained in the City Manager's office and one copy will be returned to requisitioning department. If the position is a classified, budgeted position, then the recruitment process may begin as soon as the requisition form is approved.

B. Position classification. New positions, informally authorized to be filled by the Manager, but not previously classified by the St. Lawrence County Human Resources Department, must be described on a position classification questionnaire. In addition, the department requesting the new position should prepare a position description for St. Lawrence County Human Resources Department review. The St. Lawrence County Human Resources Department will approve the job specification and title and classify the position. Once the new position has been titled and classified, the City Manager will request the City to amend the department's personnel service detail and budget (if necessary). Only after the position has been appropriately titled, classified and budgeted, will the City Manager sign the personnel requisition form, thereby authorizing commencement of the recruiting process.

C. Recruiting. In accordance with the City's affirmative action plan, department heads shall aggressively seek qualified minorities and women for all job levels, including professional, supervisory and managerial positions. The City Clerk, who has been designated by the City Manager as Personnel Aide and Affirmative Action Officer shall be responsible for coordinating all recruitment efforts and for ensuring that affirmative action procedures are followed (see Appendix A\[^{18}\]).

D. Testing and selection.
Department heads have the primary responsibility for the final selection of employees, subject to the approval of the City Manager and subject to applicable rules and regulations of the St. Lawrence County Human Resources Department. Department heads will be appointed by the City Manager, subject to City Council approval. Provisional appointments to competitive positions may be made in the absence of a civil service list, but this practice shall be discouraged when the position requires expensive on-the-job training that could be wasted if the provisional appointment is not made permanent.

All candidates for City positions must complete the standard New York State Civil Service employment application form (see Appendix E).

All new permanent or probationary appointments shall be made subject to a pre-employment physical examination. In addition, appointments to uniform police and fire positions shall be made subject to agility examinations. [Amended 1-11-2010 by Ord. No. 1-2010]

In order to reduce the City's exposure to unemployment, compensation claims, summer, seasonal, temporary and part-time appointments shall be restricted to applicants who provide evidence that they will be returning to school or other full-time employment following their period of employment with the City.

Appointments shall be recorded on supplemental payroll certification and report of personnel change forms, MSD 426, (see Appendix F). New appointments, promotions, suspensions, and forced terminations must be recorded on an MSD 426 form, which must be signed by the Department Head and counter signed by the City Manager and St. Lawrence County Human Resources Department. One copy of the approved MSD 426 shall be forwarded to the Payroll Office, a second copy will be forwarded to the Personnel Office, and a third will be returned to the department.

Appointees must report to the Payroll Clerk for employment processing prior to their first day of scheduled City work. A checklist will be given to each new employee to ensure that all enrollment materials have been issued and all benefit options explained (see Appendix G). [Amended 1-11-2010 by Ord. No. 1-2010]

§ AR-6.1. Seasonal employees.

A. Hiring preference. The following preference ranking will be assigned for the hiring of seasonal or temporary student employees by departments within the City of Ogdensburg. [Amended 9-9-2013 by Ord. No. 14-2013]

1. First hiring preference: City of Ogdensburg residents.
   (a) College students first (maximum four years of employment with the City as a college student); then
   (b) High school students over 16 years of age (maximum of two years of employment with the City as a high school student).

2. Second hiring preference: employees with previous satisfactory employment experience
with the City of Ogdensburg in the area that they are being considered for.

ADMINISTRATIVE REGULATIONS

(3) Third hiring preference: where necessary skills, education or certification (for example, lifesaving) is not available through the first or second preference categories, then department heads are permitted to hire temporary employees residing within the Enlarged Ogdensburg City School District. Should a qualified employee not be found within the school district, department heads are free to hire from within St. Lawrence County.

B. Internships. Where a college or university student is employed through an internship or co-op program sponsored by that institution in the student's major field of study, the above preference directive shall not pertain. However, an Ogdensburg City resident in such a program should still receive priority over an intern applicant from another area.

C. Written evaluation. All seasonal and/or temporary employees shall be evaluated at the end of their term of employment by their supervisor and/or department head using the appended evaluation form. Such employees shall be rehired for future temporary terms only with a satisfactory evaluation from a preceding term of employment.


A. Central records.

(1) A single personnel file on each employee shall be maintained by the St. Lawrence County Human Resources Department. Each personnel file shall contain the following only:

(a) A copy of the employee's civil service application (if available), and all correspondence relevant to examination.

(b) Copies of all MSD 426 forms.

(c) Annual performance evaluations.

(d) Letters of reprimand and commendation.

(e) Medical and civil service test results and certified civil service lists.

(2) In addition, the Personnel Aide shall maintain a permanent historical record (roster card) of each employee's appointment, position changes, salary increases, civil service status, etc.

(3) Payroll withholding forms, including W-4's, union deductions, savings bond deductions and deductions for life insurance, disability insurance, sick and accident insurance, supplemental life insurance and insurance enrollment cards shall be maintained by the Payroll Clerk in the Department of Finance. The Payroll Clerk shall also maintain retirement enrollment records.

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22 Editor's Note: The evaluation form is on file in the office of the City Manager.
OGDENSBURG CODE

B. Record maintenance. All personnel records shall be reviewed by the Personnel Aide at least once every three years. Performance evaluations and letters of reprimand or commendation or related materials that are more than five years old shall be removed from the file and returned to the employee. Unsubstantiated complaints against an employee should not be retained after an adequate investigation of the complaint has been conducted.

C. Record access.

(1) Employees shall be entitled to review and receive copies (upon request) of all materials within their personnel file. Only the employee's immediate supervisor, department head, City Manager and Personnel Aide may have access to an individual's personnel file.

(2) Employees shall have the right to insert in their personnel file a response or explanation to any item contained in their file.


A. Every employee of the City shall receive at least an annual evaluation of their job performance. Every probationary employee shall receive at least a quarterly job performance evaluation.

B. Performance evaluations shall be used for the following purposes:

(1) For feedback and counseling, specifically for determining areas of employee dissatisfaction, frustration, etc.; for eliciting employee suggestions for improvements to the work environment, work flow, productivity, etc.

(2) For commending the employee for work well done or particularly strong performance and for pointing out areas of job performance that need improvement.

(3) For identification of training needs and career aspirations, for identifying what additional training employees believe they need for their present job and for their next job; and for providing an opportunity for supervisors to discuss with employees areas where they think additional training would be helpful.

(4) For establishing performance goals and objectives so that employees have a clear understanding as to what is expected of them and so that performance can be objectively evaluated.

(5) For future promotions and job transfers where the competition for a promotion or transfer is between two or more qualified individuals.

(6) For disciplinary documentation to record failure to meet established performance objectives or behavioral standards (chronic tardiness, excess absenteeism, etc.).

(7) For merit pay increases, as per the City Executive Compensation Program.
C. Evaluation procedures.

(1) A standard evaluation form is provided for use by supervisors (Appendix A); however, the actual form used (if any) and the evaluation procedure followed shall be left to the discretion of each department head, since specific performance requirements and skills vary between departments. Evaluation procedures must, however, be applied uniformly and consistently within each department. All forms must conform to the standards as described in the City's executive compensation program.

(2) At a minimum, an annual counseling session with each employee shall be held for the purpose of discussing the employee's job performance and supervisor's evaluation. In lieu of a formal evaluation form, a written summary of the counseling session may be prepared by the supervisor for filing in the employee's personnel file. Where more than one individual supervises an employee, each supervisor should participate in the evaluation process.


A. Salary administration policies.

(1) Introduction.

(a) The basic purpose of the administrative salary program is to ensure that the City of Ogdensburg is able to attract, retain and motivate competent non-represented personnel. To this purpose, the following five objectives are established for the executive compensation program:

[1] To establish a salary and benefits structure that is competitive in the external marketplace.

[2] To establish proper internal position relationships based on job content and responsibilities.

[3] To provide a system whereby individual salary increases are related to satisfactory performance and to experience in title.

[4] To provide a system that allows management to take proper salary action within prescribed limits.

[5] To provide an annual administrative budget based on objective criteria such as cost-of-living factors, market conditions, negotiated settlement with the CSEA salaried unit and the City's ability to pay increased salaries and benefits.

(b) All administrative positions not represented by a collective bargaining agreement will be covered.

(2) Maintaining a competitive position in the marketplace.

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23 Editor's Note: The standard evaluation form (Appendix A) is on file in the office of the City Manager.
OGDENSBURG CODE

(a) To implement this policy, the administrative salary structure will be reviewed annually by the City Manager and Executive Compensation Committee (appointed by the Mayor and Council). Such review will include consideration of:

[1] Published salary information.

[2] Specialized municipal salary surveys that would provide pertinent and specific information.

[3] Consumer price index changes from the previous year.

(b) This Executive Compensation Committee will also be responsible to maintain proper internal position relationships.

(c) The Executive Compensation Committee consisting of three Council members shall be appointed by the Mayor and City Council, for one-year terms, at each January 1 reorganizational meeting. [Amended 11-10-2014 by Ord. No. 15-2014]

(d) Each year, the salary ranges for each position will be adjusted for Tier I employees within the CSEA salaried unit. Such an increase for non-represented employees will take place at the same time as it does for said CSEA employees. A percentage adjustment to the range will be reflected also for each step in that range.

(e) Adjustments will be effective January 1 of the new fiscal year, to the extent that the negotiated CSEA salaried contract is also effective on that date.

(f) Salary increases will be administered as outlined in Part II of this program.

(3) Starting salaries.

(a) A newly hired or promoted employee with minimal experience is normally assigned a salary at the minimum of the salary range. Starting salaries in excess of the minimum may be warranted because of experience and current market condition. Newly hired or promoted employees may receive a salary below minimum of the established range if such action is felt justified by the immediate supervisor and City Manager. However, the salary level should be increased to at least the minimum of the range within three to six months after hire or promotion, following a successful evaluation.

(b) A starting salary within the middle 50% of the range would be warranted if the following conditions exist:

[1] The scarcity of well-qualified individuals makes it impossible to hire the desired candidate at a lesser salary.

[2] The level of experience and competence exceeds that of other administrative personnel in salary range whose compensation is less than that of the candidate.
ADMINISTRATIVE REGULATIONS

[3] The level of experience is equal to that of other administrative personnel in the position or range.

[4] Indications of professional competence and achievement from an accreditation agency such as a professional engineer's license, a CPA, a CMC, Certified Manager, AICP, etc.

(c) Starting salaries above the midpoint of the range must be approved by the City Manager before a salary offer is extended.

(4) Progression through the salary range.

(a) Employees will progress through the salary range on the basis of satisfactory performance. Personnel will be reviewed annually by the City Manager or their immediate supervisor.

(b) If it is determined that a person's performance does not warrant a salary increase, he or she will be counseled by the immediate supervisor, and a date will be established at which time performance will again be reviewed. If there has been no improvement in performance by the next review date, termination may be considered.

(5) Position descriptions.

(a) A description will be prepared and maintained for each administrative position.

(b) The description will contain a summary of responsibilities and basic goals and objectives of the position.

(c) Descriptions will be reviewed annually by an individual designated by the City Manager to determine if there has been any substantial change in responsibility.

(6) Reclassification of positions.

(a) It is recognized that from time to time changes in responsibility may warrant reclassification of a position into a higher (or lower) grade level.

(b) The following procedures will be followed in requesting reclassification of a position:

[1] A new description will be prepared by the recommending supervisor and submitted to the City Manager or his or her designee;

[2] The Executive Compensation Committee will review the position to determine the proper grade level, and a recommendation on the grade level will be made by the City Manager; and

[3] Reclassification will not be effective without approval of the City Manager and the City Council.
OGDENSBURG CODE

(c) A position will not be reclassified in a higher level grade merely to support a salary increase for an individual. There must be a measurable change of responsibilities that can be compared with other positions in the recommended grade level.

(d) In some instances, new or increased responsibilities may be reflected in an annual flat-rate stipend.

B. Administration of the executive compensation system. The City Manager will be responsible for administration and maintenance of the executive compensation system.

(1) Step/grade schedule.

(a) Schedule A reflects the 1990 non-represented employees salary schedule with respective schedule steps underlined for each position.24

(b) Each step on each schedule will be adjusted by the negotiated percentage increase as applied to the Tier I CSEA salaried unit schedule; such adjustments will be made effective with that of the CSEA salaried unit.

(c) Each position covered by these policies will have a job-specific performance evaluation to be filled out annually for each individual on or before December 15. A satisfactory evaluation will be required as a prerequisite for movement from Step A to Step B. All increases covered by this section will be effective with the CSEA salaried unit negotiated contract. Personnel hired or promoted to a new position after July 1 will not be eligible for movement from step to step during the following calendar year. The City Manager will be responsible for the development or amendment of the format used to establish satisfactory or unsatisfactory performance.

(2) Salary approval process.

(a) The Executive Compensation Committee will evaluate and establish the salary level for the City Manager based on performance and external market trends.

(b) The form and content of the City Manager's evaluation conducted by the Executive Committee shall be determined by the Executive Compensation Committee.

(c) The City Manager will approve the evaluation and salary increases for the individuals covered by this policy (all non-agreement personnel) in accordance with established increase guidelines.

(d) It will be the responsibility of the City Manager to review and monitor all salary increase recommendations for consistency and equity.

24 Editor's Note: Schedule A and the annual adjustments are on file in the City Comptroller's office.
 ADMINISTRATIVE REGULATIONS

(3) Promotional increases. Personnel promoted to a higher salary grade will receive an increase at the time of promotion (and will be reviewed annually thereafter). The basic adjustment will be at least the minimum of the new salary grade.

(4) Salaries above the range maximum.

   (a) Personnel will not be paid beyond the maximum of the approved salary range except in rare and unusual circumstances and on the approval of the Executive Compensation Committee and the City Council. Salaries paid above the maximum of the salary range will be considered "red circle rates."

   (b) Except in rare and unusual circumstances, personnel paid at these rates will not receive additional increases until the salary range for their position exceeds their current base compensation level. Occasionally the market demand may warrant salaries beyond the established range maximum. These will be handled on an exception basis. Before any employment offer or salary increase recommendation is made in such cases, it will be the responsibility of the City Manager to ensure that the recommendation is justified and will not adversely affect established internal salary relationships.

§ AR-10. Distribution of payroll checks.

A. All undelivered paychecks are to be returned to the City Treasurer's office not later than one working day subsequent to the day on which paychecks are distributed, except in cases where an employee's supervisor has knowledge that an employee will return to work within 48 hours.

B. Employees who wish to obtain their paychecks prior to the designated payday must satisfy the following criteria:

   (1) Employees must have an approval for a vacation, personal or compensation day off on the payday.

   (2) Employees obtain prior approval for an early check from the supervisor.

   (3) Paychecks will never be dated earlier than their regular day.

   (4) Employees are to receive their paychecks from their supervisors only.

   (5) The Finance Department can only release paychecks to designated management personnel.

§ AR-11. Overtime administration.

A. When the work of a department cannot be completed during the regularly scheduled work period or if unusual conditions arise, a supervisor may ask an employee to work extra hours. Compensation for extra hours shall be on the following basis:
OGDENSBURG CODE

(1) Department heads and their designated supervisory personnel are authorized to schedule, authorize and approve overtime.

(2) All overtime worked shall be preapproved by the above, with the exception of emergency situations.

(3) Overtime administration shall follow the guidelines of federal and state laws.

(4) Overtime administration shall be in accord with controlling collective bargaining agreements.

B. Department heads shall account for overtime expenditures as follows:

(1) Weekly overtime reports are to be completed and submitted as outlined in the attached memo of July 24, 1984. As an addition, the report must contain the name of the authorized person who pre-approved the overtime. This addition will be included under the heading "reason."

(2) Monthly overtime report. On a monthly basis, the department head is to report to the City Manager the following:

(a) Monthly overtime expenditure.

(b) Year-to-date overtime expenditure.

(c) Year end projection of overtime expenditure.

§ AR-12. Workers' compensation for non-uniformed personnel.

A. Policy. All non-uniformed part-time, temporary, seasonal and full-time employees are covered by workers' compensation insurance for any injury occurring on the job. Workers' compensation insurance shall be provided through the self-insurance pool administered by Saint Lawrence County.

B. Compensation procedure.

(1) Department heads must complete and sign a C-2 form (see Appendix A) when informed of an on-duty injury. If there is any doubt as to the validity of the claim, phraseology must be used such as "it is alleged by the employee that . . . ." or "the employee claims that . . . ." If the validity of the claim is questioned, a note should be attached to the claim drawing attention to any possible discrepancy. Five copies of the C-2 form must be completed and submitted to the Comptroller's office for distribution as follows: one copy (original) to the New York State Worker's Compensation Board, one copy to the Administrator of the County Plan, one copy to the City Attorney, one copy to the Personnel Office and one copy to the City Manager's office.

25 Editor's Note: The memo dated 7-24-1984 is on file in the office of the City Manager.

26 Editor's Note: The C-2 form (Appendix A) is on file in the office of the City Manager.
During the first seven days following the incident, the employee's absence shall be charged to accumulated sick leave.

If the absence is greater than seven days, but less than 15 days, workers' compensation will reimburse the City for 66 2/3% of the employee's salary (up to $215 per week) for Days 8 to 14 (assuming the injury is found to be compensable). The employee's sick leave accrual should be credited with 66 2/3% of the sick days used between Day 8 and Day 14.

If the absence is 15 days or longer, workers' compensation will reimburse the City for 66 2/3% of the employee's salary from Day 1. The employee's sick leave accrual should, therefore, be credited with 66 2/3% of the sick days used during the entire period of compensable absence.

If or when accumulated sick leave is exhausted, the employee will only receive a maximum allowable workers' compensation allowance. The City will continue to contribute towards the employee's individual and dependent healthcare coverage during a compensable absence.

All medical claims incurred as a result of a compensable injury must be submitted to and will be paid by workers' compensation.

Departmental operating budgets will be reimbursed by any salary payments received from workers' compensation.


A. Policy. All uniformed personnel are covered by workers' compensation benefits under General Municipal Law § 207-a (fire personnel) and § 207-c (police personnel), which call for full salary payments during the period of compensable absence (until retirement).

B. Compensation procedure.

Department heads must complete and sign a C-2 form when informed of an on-duty injury. Any injury that might conceivably be permanently disabling must also be reported to the State Retirement System (return receipt requested). If there is any doubt as to the validity of the claim, phraseology must be used such as "it is alleged by the employee that . . . . .," or "the employee claims that . . . . ." If the validity of the claim is questioned, a note should be attached to the claim drawing attention to any possible discrepancy. Five copies of the C-2 form must be completed and submitted to the Comptroller's office for distribution as follows: one copy (original) to the New York State Worker's Compensation Board, one copy to the Administrator of the County Plan, one copy to the City Attorney, one copy to the City Manager's office.
Unless the validity of the claim is questioned, the employee's accumulated sick leave will not be charged during the compensable absence. If the validity of the claim is questioned, the employee's accumulated sick time will be charged until the validity of the claim is established. If the claim is then found to be valid, the employee's accumulated sick leave will be credited for sick time used as a result of the injury.

The employee will remain on the payroll at full pay until he or she is able to return to work.

During a compensable absence, the City will continue to contribute towards the employee's individual and dependent healthcare coverage.

All medical claims incurred as a result of a compensable injury must be submitted to and will be paid by workers' compensation.

Departmental operating budgets will be reimbursed by any salary payments received from workers' compensation.

Immediately upon a determination that a compensable injury will be permanently disabling, the employee or the department head shall make an application to the New York State Retirement System for accidental disability retirement.

§ AR-14. Code of Ethics.27

Every officer and employee of the City shall be subject to and shall abide by the Code of Ethics, Chapter 27 of the Code of the City of Ogdensburg.

§ AR-15. Public addresses by City employees.

A. Department heads and members of the administrative staff are called upon from time to time to address service clubs and groups on various phases of City operations. This activity is extremely helpful in interpreting the City problems to the citizens and is of aid and assistance to the City Council and the City Manager.

B. In order that the City Manager may be informed of the various subjects that are being discussed by the staff at such meetings, the Manager's office will be notified ahead of the time when this speech or address is to be made and the general subject thereof.

§ AR-16. Attendance at City Council meetings.

Department heads are required to attend City Council meetings that contain agenda items pertaining to their departments. Staff and department heads are not expected to be in attendance at City Council meetings during the entire session, but they should be in attendance for the item pertaining to their area. The following administrative policy has been adopted to guide the department heads regarding attendance:

27 Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. III.
ADMINISTRATIVE REGULATIONS

A. Department heads shall review the City Council agenda before 9:00 a.m. on the Monday of the meeting.

B. Department heads shall be present at the Council meeting only as long as items affecting their department are on the agenda.

C. The City Attorney, City Comptroller and City Clerk will be required to be present throughout the session.

D. Either the Director of Public Works or the City Engineer, or both, should be present through the meeting due to possible questions affecting that Department.

E. Either the Police Chief or the Police Lieutenant, or both, should be present through the meeting due to possible questions affecting that Department.

F. Division heads need not be present unless requested by the department heads.


A. Authority.

1.1 Charter. Section C-16B of the City Charter of the City of Ogdensburg provides that the Council may determine its own rules of procedure for meetings. The following set of rules shall be in effect upon their adoption by the Council and until such time as they are amended or new rules adopted in the manner provided by these rules.

B. General rules.

2.1 Meetings to the public. Except as allowed by law, all meetings of the Council shall be open to the public. The minutes of the proceedings shall be open to public inspection.

2.2 Quorum. A majority of the members of the Council shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance will be named and they shall adjourn to a later time.

2.3 Compelling attendance. The Council may adjourn from day to day to compel the attendance of absent members.

2.4 The minutes of proceedings. An account of all proceedings of the Council shall be kept by the City Clerk and shall be entered in a book constituting the official record of the Council.

2.5 Ordinances: confined to one subject, exceptions. No ordinance except an appropriation ordinance, an ordinance adopting or embodying an administrative or governmental code or an ordinance adopting a code of ordinances, shall relate to more than one subject, which shall be clearly stated in its title.
2.6 Right of floor. Any member desiring to speak shall be recognized by the Chair, and shall confine his or her remarks to the one subject under consideration or to be considered. Each Councilor shall be given an opportunity to speak on an issue. Councilors who have spoken shall reserve further remarks until all other Councilors have been given the opportunity to speak.

2.7 City Manager. The City Manager or designated agent shall attend all meetings of the Council. The City Manager may make recommendations to the Council and shall have the right to take part in all discussions of the Council, but shall have no vote.

2.8 City Attorney. The Attorney shall attend all meetings of the Council unless excused and shall, upon request, give an opinion, either written or oral, on questions of law. The City Attorney shall act as the Council's parliamentarian.

2.9 City Clerk. The City Clerk shall attend all meetings of the Council unless excused and shall keep the official journal (minutes) and perform such other duties as may be requested by the Council.

2.10 Officers and employees. Department heads of the City, when there is pertinent business from their department on the Council agenda, shall attend such Council meetings upon request of the City Manager.

2.11 Rules of order. Except as provided by law, the Charter of the City of Ogdensburg and these rules, "Roberts Rules of Order Revised" shall govern the proceedings of the Council.

2.12 (Reserved)

2.13 Business. The policy-making business, which is everything on the agenda, is to be conducted by the elected officials.

C. Types of meetings.

3.1 Regular meeting. The Council shall meet in the City Council Chambers for regular, adjourned and special meetings. Except in July and August and unless otherwise specified at least two weeks in advance, the regular Council meetings are to commence at 7:00 p.m., on the second and fourth Monday of each month; in the months of July and August, the regular Council meetings shall be scheduled on the second Monday.

3.2 Special meetings. Special meetings may be called by the Mayor or the call of two or more members of the Council and upon no less than 24 hours' written notice. The call for a special meeting shall be filed with the City Clerk in written form, except an announcement of a special meeting during any regular meeting at which all members are present shall be sufficient notice of such special meeting. The call for a special meeting shall specify the day, the hour and the location of the special meeting and shall list the subject or subjects to be considered. Only such business may be transacted at a special meeting as may be listed in the call for said meeting or an incident thereto.
ADDITIONAL REGULATIONS

3.3 Adjourned meetings. Any meeting of the Council may be adjourned to a later date and time, provided that no adjournment shall be for a longer period than until the next regular meeting.

3.4 Committee of the Whole Council. The Council may meet informally in Committee of the Whole Sessions (open to the public), at the call of the Mayor or of any four members of the Council, to review forthcoming programs of the City, receive progress reports on current programs or projects or receive other similar information from the City Manager, provided that all discussions and conclusions thereon shall be informal.

3.5 Executive session. Executive sessions or closed meetings may be held in accordance with the provisions of the Open Meetings Law. Executive sessions may be held during regular, special or committee meetings.

3.6 Attendance of media at Council meetings. All official meetings of the City Council and its committees shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meeting.

D. Chair and duties.

4.1 Chair. The Mayor, if present, shall preside as Chair at all meetings of the Council. In the absence of the Mayor, the Deputy Mayor shall preside. In the absence of both the Mayor and the Deputy Mayor, the Council shall elect a Chair.

4.2 Call to order. The meetings of the Council shall be called to order by the Mayor, or in his absence, by the Deputy Mayor. In the absence of both the Mayor and the Deputy Mayor, the meeting shall be called to order by the City Clerk for the election of a temporary Chair.

4.3 Preservation of order. The Chair shall preserve order and decorum, prevent attacks on personalities or the impugning of members' motives and confine members in debate to the question under discussion.

4.4 Points of order. The Chair shall determine all points of order, subject to the right of any member to appeal to the Council. If an appeal is taken, the question shall be, "Shall the decision of the Chair be sustained?"

4.5 Questions to be stated. The Chair shall state all questions submitted for a vote and shall call for the vote. The Clerk shall announce the result. Unless otherwise allowed, a roll call vote shall be taken in the manner provided in Section 6.9 of these rules.

4.6 Substitution for Chair. The Chair may call any other member to temporarily chair the meeting to cover a temporary absence, such substitution not to continue beyond adjournment.
E. Order of business and agenda.

5.1 Order of business. The general rule as to the order of business in regular meetings shall be as follows:

1. Pledge of Allegiance.
2. Roll call.
3. Approval of minutes.
4. Public hearings.
5. Citizen participation.
6. Reading of communication.
7. Consent agenda.
8. Action items.
11. Citizen participation.
12. Executive session.

5.2 Agenda. The order of business of each meeting shall be as contained in the agenda prepared by the City Manager. The City Council agenda will be closed the Thursday prior to the Monday meeting at 12:00 noon. Items submitted by department heads to be included on the agenda should be in proper form and in the Manager's office by this time. All items submitted for the agenda shall have a completed agenda bill signed by the department head. The agenda shall be a listing by topic of subjects to be consider by the Council, and shall be delivered to members of the Council at least 24 hours preceding the meeting to which it pertains. Department heads shall be responsible for summarizing materials for the agenda in a form which can be incorporated on the agenda in sufficient detail, with background information which adequately explains the need for the action recommended. Reports being prepared for City Council communications must be in the Manager's office allowing enough time to give the City Manager an opportunity to review and incorporate additional material if necessary.

5.3 Presentation by members of Council. The agenda shall provide a time when the Mayor or any Councillor may bring before the Council any business that he/she feels should be deliberated upon by the Council. These matters need not be specifically listed on the agenda, but formal action on such matters shall be deferred until a subsequent Council meeting, except that immediate action may be taken upon a vote of two-thirds of all members of the Council.

F. Local Laws, ordinances, resolutions and motions.
ADMINISTRATIVE REGULATIONS

6.1 Form. Local laws, ordinances and resolutions shall be presented to the Council only in printed or typewritten form.

6.2 Funding. All local laws, ordinances or resolutions authorizing an expenditure of money shall include the exact source of the funds to be expended.

6.3 City attorney to approve. The City Attorney shall approve all local laws, ordinances and resolutions as to form and legality.

6.4 City Manager to review. All local laws, ordinances and resolutions shall be reviewed by the City Manager. The agenda bill that accompanies each piece of legislation shall indicate the recommendation of City staff.

6.5 Distribution of local laws, ordinances and resolutions. The City Clerk shall prepare copies of all proposed legislation for distribution to all members of the Council at least 24 hours before the Council meeting at which the legislation is to be introduced. If the legislation carries an emergency clause, copies of the legislation must be distributed at least 12 hours prior to the meeting of the Council at which said legislation is to be considered. Said requirements shall not limit the ability of a Council member to propose a resolution under the new and old business portions of the agenda.

6.6 Local laws and ordinances deferred. Local Laws and ordinances introduced at a Council meeting shall not be finally acted upon until at least the next official meeting, and only after a public hearing has been conducted on the question.

6.7 Reading by title only. Upon being introduced, each proposed local law, ordinance or resolution shall be read by title only, unless any member of the Council requests a full reading of the legislation.

6.8 Recording of votes. The ayes and nays shall be taken upon the passage of all local laws, ordinances and resolutions and entered upon the official record of the Council.

6.9 Majority vote required. Unless otherwise provided by law or the City Charter, an affirmative vote of at least a majority of the members of the Council shall be necessary to pass any issue. When any vote is called, each Councillor shall respond "yes (aye)," "no," "abstain," or "pass." Any Councillor who responds "pass" shall be given an opportunity at the end of the roll call to change his or her vote to "yes (aye)," "no," or "abstain." Any "pass" response not so changed shall be recorded as an abstention.

6.10 Tie vote. In the event of a tie in vote on any motion, the motion shall be considered lost.

6.11 Numbering local laws, ordinances and resolutions. In preparation of the agenda, the City Manager shall assign a number to each local law, ordinance or resolution.

6.12 Local law, ordinance and resolution passage procedure. When passed by the Council, legislation shall be immediately filed and thereafter preserved in the office of the City Clerk.
OGDENSBURG CODE

6.13 Requests for local laws, ordinances, resolutions or legal opinions. Any member of the City Council may request the City Manager to prepare proposed legislation, with such legislation to be placed on the agenda of the next scheduled Council meeting, provided the legislation can be drafted and distributed to members of the Council in accordance with time schedules set forth in Section 6.4 of these rules. Any member of the City Council may request written legal opinions, related to City business, from the City Manager. Upon receiving requests for the proposed legislation or a written legal opinion, the City Manager shall forthwith request same from the City Attorney; and upon return receipt thereof, the City Manager shall forthwith cause to have distributed the subject legislation or written legal opinion to all members of the Council so that all members of the Council may be fully informed of the status of City affairs. Any member of the Council may, for purposes of inquiry, request verbal opinion or advice on City legal matters from the City Attorney.

G. Citizen participation.

7.1 Addressing the Council. Any person desiring to address the Council prior to Council Action Items, by oral communication shall notify the City Clerk prior to the Council Meeting of their desire to speak in order that their name may be placed on a list and they will be recognized by the presiding officer without further action. Any person desiring to address the Council after New Business Items by oral communication shall first secure the permission of the presiding officer.

7.2 Manner of addressing the Council - time limit. Each person addressing the Council shall stand, approach the microphone, give his/her name and address in an audible tone of voice for the record. Each person addressing the Council, prior to Council Action Items, shall limit their address to five minutes unless further time is granted by the Chair or requested of the Chair by a member of Council. Each person addressing the Council, after New Business Items, shall limit their address to two minutes unless further time is granted by the Chair or requested of the Chair by a member of Council. All remarks shall be addressed to the Council as a body, and not to any member thereof. No person other than members of the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through the members of the Council. No questions shall be asked the Councillors, except through the Chair.

7.3 Personal and slanderous remarks. Any person making personal, impertinent or slanderous remarks, or who shall become boisterous, while addressing the Council may be requested to leave the meeting and may be forthwith, by the presiding officer, barred from further audience before the Council.

7.4 Reading of protests. Interested persons, or their authorized representatives, may address the Council for the reading of protests, petitions or communications relating to an matter over which the Council has control when the item is under consideration by the Council, if a majority of the Council present agrees to let them be heard. Such readings shall be governed by the rules set forth within rule 7.2 herein.

7.5 Written communication. Interested parties, or their authorized representatives, may address the Council by written communication in regard to any matter concerning the City's business or over which the Council has control at any time by direct mail or by
H. Public hearings.

8.1 Addressing the Council. The Chair, without further action, will recognize any person desiring to address the Council on a matter for which a public hearing is scheduled.

8.2 Manner of addressing the Council - time limit. Each person addressing the Council shall stand, approach the microphone, give his/her name and address in an audible tone of voice for the record and, unless further time is granted by the Chair or requested of the Chair by a member of Council, shall limit their address to five minutes. All remarks shall be addressed to the Council as a body, and not to any member thereof. No questions shall be asked of the Chair or the Councilors. Each person shall be given only one opportunity to speak and will be limited to the topic which is the subject of the public hearing.

8.3 Personal and slanderous remarks. Any person making personal, impertinent or slanderous remarks, or who shall become boisterous, while addressing the Council may be requested to leave the meeting and may be forthwith, by the presiding officer, barred from further audience before the Council.

8.4 Written communication. Interested parties, or their authorized representatives, may address the Council by written communication in regard to any matter which is the subject of a public hearing. Said communication shall be read by the Clerk during that portion of the meeting at which public hearings are conducted.

I. Suspension and amendment of these rules.

9.1 Suspension of these rules. Any provision of these rules not governed by law, the City Charter or the Municipal Code of the City of Ogdensburg may be temporarily suspended by a vote of a majority of the Council. The vote on any such suspension shall be taken by ayes and noes and entered upon the record.

9.2 Amendment of these rules. These rules may be amended, or new rules adopted, in the manner provided for amendment to the Administrative Code of the City of Ogdensburg.


In order to bring about a better coordination between the City Manager and department heads in the presentation of matters to the City Council, the Manager shall be available to meet with the City Council every Council meeting Monday afternoon at 3:00 p.m. The City Attorney and other department heads are to be present to explain items affecting their department when notified by the City Manager.
§ AR-19. City Hall mail.
A. General rules applying to all mail shall apply to mail received in City Hall.
B. Mail addressed to the Mayor shall be forwarded to the Mayor only. Mail addressed to the Mayor and City Council, regardless of the manner received, shall be forwarded to the City Council at the end of the business week.

§ AR-20. Suggestion award program.
A. Policy. The purpose of the City's suggestion award programs is to recognize and reward nonsupervisory employees for suggestions that lead to more efficient and effective means of delivering municipal services.

B. Suggestion procedures.

(1) Suggestion will be recorded on forms that may be obtained from department heads and union officials (see Appendix A28). No unsigned suggestions will be considered by the Merit Award Board, consisting of the Mayor, City Manager, City Attorney and two union representatives appointed by the City Manager. Suggestions shall be submitted directly to the City Manager.

(2) The following criteria shall be considered by the Board when reviewing suggestions:

(a) Is it practical? Does it use existing technology? Can it be accomplished under existing legal and contractual obligations?

(b) Is it cost effective? Do projected savings outweigh projected implementation costs?

(c) Can it be implemented within the present City operating budget?

(3) If these questions can be answered affirmatively, the City Manager will assign implementation responsibilities.

(4) After a three-month trial period, the effectiveness and/or efficiencies projected will be evaluated by the City Manager or his designee. The resulting evaluation report will be reviewed by the Merit Award Board.

(5) Based upon the evaluation report, the Board shall agree on the size and amount of the award, if any, to be presented. Decisions of the Board shall be final.


This policy is for the purpose of developing closer coordination between the various departments of City government.

A. Where two or more departments are involved in a project or work program, coordination should be established between department heads at the department level, either through the department head or his/her subordinates. The administrative personnel of the various departments should be instructed that if disagreements develop between departments during the course of the work, the department heads involved should endeavor to resolve the matter, but if that is not possible, the point in controversy should be referred to the City Manager for decision either by memorandum or at a conference.
B. Where the City Manager has requested recommendations from a department head on certain matters and another department or departments may be affected by his/her decision, the answering department is instructed to send a copy of the memorandum addressed to the City Manager to the other department or departments which may be concerned, or to call the attention of the City Manager to the fact in the memorandum that another department may be concerned with the decision.

C. Where the department head originates a recommendation to the City Manager on any subject, if another department may be affected by the decision, he/she should send a copy of the memorandum to the department head who may be affected, or call to the attention of the City Manager in the memorandum that a decision in this matter may affect another department or departments.

D. The department head receiving a copy of a memorandum from another department should promptly advise the City Manager by alerting him to the problem areas affecting various departments and to encourage closer coordination between the various departments. Any conflict between the policies or programs of two or more different departments should be brought to the attention of the City Manager immediately.

§ AR-22. Reporting of street and sidewalk defects.

A. One source of some major problems is the minor trouble spot that too long has been neglected. The City and its employees usually provide service as quickly as the need is noted. But too often a street defect, an inoperative traffic signal, defective sidewalk or other minor problem goes unreported because no one has taken the time to call the proper City department.

B. An appropriate form should be distributed to the drivers of every City vehicle by each department. On most occasions it will take only a minute to note the trouble spot, its nature and the address. Drivers should give these to their department or division head for forwarding to the department involved.

C. Each department and division head is asked to instruct those employees driving City cars and trucks to keep alert for such trouble spots and to report them. Drivers should be instructed to:

   (1) Note the date.

   (2) State the location: "The following street defect at . . ."

   (3) State the nature: "Defect noticed."

   (4) Sign the form by name and department.

D. An effective operating policy of this nature is one of the many ways through which the departments and divisions can create a good public attitude towards the City of Ogdensburg and must be considered as an important part of a public relations program.
§ AR-23. City staff interactions with citizens.

A. At various times, members of the City staff are called upon to have contact with members of the public. Staff members are to conduct themselves as representatives of the City of Ogdensburg. Staff members are reminded to extend the public all courtesies as defined by the rules of basic human conduct.

B. However, it is recognized that staff members themselves are entitled to the same courteous treatment expected by the public. No member of the staff is expected to give or receive discourteous treatment. If a member of the staff is found to be the subject of discourteous treatment, he/she is to politely remove himself/herself immediately.

§ AR-24. Right of entry; services on private property.

City employees of the Department of Public Works shall be allowed to enter on property owned privately only for the purposes of rendering services authorized herein or by the Code of the City of Ogdensburg. In the event that any part of these regulations conflict with any ordinance, existing rules or regulations, the existing ordinance, rules and regulations shall be deemed to supersede these regulations.

A. The Department of Public Works shall be permitted to provide the following services on privately owned property: [Amended 12-12-2016 by Ord. No. 22-2016]

(1) Water connects and disconnects.
(2) Cellar pump outs.
(3) Dead tree removal.
(4) Stump removal.
(5) Weed mowing (on complaint basis only).
(6) Water pipe thawing.
(7) Sidewalk repair (under existing sidewalk replacement program).
(8) Solid waste removal (on complaint basis only).

B. Prior to the entry of any City employee onto private property for the purpose of the performance of any of the above-described services, except weed mowing and solid waste removal, a representative of the Department of Public Works shall obtain from the property owner, his agents or assigns the following:

(1) A written request for services from the property owner.
(2) A description of services to be performed by the City signed by the property owner.
(3) An acknowledgement by the property owner of the estimated cost of services to be rendered.
(4) A release of liability by the property owner to the City of Ogdensburg.

C. The cost of the services performed shall be charged according to the rates established by the Code of the City of Ogdensburg as the same may be modified from time to time.
§ AR-25. Fringe benefits for non-represented employees.

A. Purpose. The purpose of this regulation is to define the fringe benefits which shall be granted to department heads and other non-represented employees.

B. Fringe benefits for all non-represented employees.

(1) Department heads and full-time permanent non-represented employees shall be entitled to the same fringe benefits as CSEA salaried unit.

(2) The following exceptions shall apply to non-represented employees:

(a) Employees shall receive three personal days per year.

(b) An annual physical examination, the cost of which shall be reimbursed by the City up to a maximum cost of $100 per year, shall be required.

(c) Coverage under the City's healthcare plan may begin immediately upon permanent appointment as a City employee.

(d) Employees shall accrue three weeks vacation during the first year of employment, four weeks beginning the fifth year of employment, and five weeks beginning with the 20th year of employment.

(e) No overtime pay will be paid; compensatory time off in lieu of paid overtime may be granted on an hour-for-hour basis, provided that prior approval is granted by the City Manager.

(f) Department heads and other non-represented employees shall be granted pay for 1/4 of their accumulated sick leave upon voluntary separation from City employment, or in the event their position is eliminated.

(g) Longevity steps as follows:

<table>
<thead>
<tr>
<th>Completed Years of Service</th>
<th>Longevity Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>$500.00</td>
</tr>
<tr>
<td>15</td>
<td>$750.00</td>
</tr>
<tr>
<td>20</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>25</td>
<td>$1,250.00</td>
</tr>
</tbody>
</table>

(h) Non-represented employees who have been promoted from other City employee titles that are represented by a union bargaining group prior to their promotion shall be entitled to the option of a proportionate payment of accumulated sick leave as stipulated in the respective union-negotiated contract, at their retirement only, in lieu of Subsection B(2)(f) above. If chosen, such payment shall be at the salary rate of the highest paid respective union-member, not that of the non-represented employee. [Added 6-24-1996]
(i) Non-represented employees who have been promoted from other City employee titles that are represented by a union bargaining group prior to their promotion shall be entitled to the option of a retiree healthcare coverage equivalent to that provided to employees of the union bargaining group from which they had been promoted. [Added 10-27-2003]

(3) Administrative notes:

(a) Longevity payments to be made in the same manner as provided to the CSEA Salaried Unit, prorated and included in the normal biweekly paycheck, effective 1/1/1997. [Amended 6-24-1996]

(b) Years of service to be calculated from anniversary date of employment.

(c) When date of employment occurs during a longevity year (10th, 15th, etc.) the payment will be prorated; i.e., 750/12 = $62.50 per month of service over 15 years.

(d) An anniversary date on or before the 15th of a month will be credited with the month.

C. Fringe benefits for other non-represented employees, part-time employees (as defined by the St. Lawrence County Human Resources Department) and seasonal and temporary employees (as defined by the St. Lawrence County Human Resources Department) shall not be eligible for sick leave, holiday pay, vacation, personal days or healthcare. [Amended 3-22-2010 by Ord. No. 3-2010]

ARTICLE III
Municipal Buildings Policies


A. Policy. The main function of City Hall is to provide adequate working space for City government activities. A secondary function of the building is to provide public meeting spaces.

B. Procedure for use. In order to avoid conflicts over building use, the following procedure is to be followed:

(1) Rooms available for public use:
ADMINISTRATIVE REGULATIONS

<table>
<thead>
<tr>
<th>Room</th>
<th>Maximum Number of People</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council Chambers</td>
<td>175</td>
</tr>
<tr>
<td>Meeting Room No. 1</td>
<td>30</td>
</tr>
<tr>
<td>Meeting Room No. 2</td>
<td>20</td>
</tr>
<tr>
<td>Court Room</td>
<td>100</td>
</tr>
<tr>
<td>Jury Rooms</td>
<td>12</td>
</tr>
</tbody>
</table>

(2) Hours of building use: 7:00 a.m. to 9:00 p.m.

(3) Restrictions:

(a) City Council can preempt, for its own use, any room in City Hall.

(b) Court room and jury rooms are restricted for court functions on every Monday for Drug Court and every Thursday for Traffic Court, Small Claims and Ogdensburg Municipal Code violations.

(c) City Court may preempt use of the court room or jury rooms at any time for court proceedings.

(d) Whenever possible, City government functions will be given priority as long as they are scheduled early enough to allow prior scheduling to be changed.

(e) No religious ceremonies will be allowed in City Hall.

(4) Scheduling. Everyone wishing to use the Council Chambers, Meeting Room No. 1 or Meeting Room No. 2 in City Hall must schedule its use with the City Manager’s secretary at 393-6100. Everyone wishing to use the Court Room or the Jury Meeting Room must schedule its use with the Chief Court Clerk at 393-3941. Scheduling will be done on a first come, first served basis.

§ AR-26.1. Smoking restrictions. [Amended 5-12-200329]

In the interest of providing a safe and healthy environment for employees, clients and the general public and in accordance with Article 13-E of the Public Health Law, the following smoking rules have been adopted:

A. Smoking is prohibited in all City-owned indoor areas.

B. Smoking is prohibited in any enclosed work area, including City cars, trucks and heavy equipment.

C. Smoking is also prohibited in the Council Chambers, conference and meeting rooms, elevators, hallways, restrooms and rooms or areas containing equipment used by employees in common.

29 Editor's Note: This resolution also provided that it shall take effect 7-24-2003.
D. Locations that may be considered for designation as "smoking permitted" include outdoor areas only. Department heads responsible for their respective building's operations may establish outdoor smoking areas with permanent receptacles for collection of discarded cigarettes or tobacco products.

E. Employees found smoking outside of designated "smoking permitted" areas will be considered in violation of City of Ogdensburg rules and will be subject to appropriate disciplinary procedures.

F. Copies of these rules will be posted and distributed to all employees.


A. Policy. It is the intent of the City that the Dobisky Center shall:

(1) Provide adequate working space for the operations and activities of the Department of Recreation of the City of Ogdensburg;

(2) Provide public meeting space;

(3) Serve as a visitors' center for the City marina and waterfront;

(4) Serve as a center for marina operations;

(5) Serve as a boaters' lounge; and

(6) Provide concession facilities for visitors and the citizens of Ogdensburg.

B. Procedure for use.

(1) The following rooms shall be available for public use:

<table>
<thead>
<tr>
<th>Room</th>
<th>Maximum Number of People</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marina View (large meeting room)</td>
<td>60</td>
</tr>
<tr>
<td>The General's Room (small meeting room)</td>
<td>30</td>
</tr>
<tr>
<td>Exclusive use of both rooms</td>
<td>100</td>
</tr>
</tbody>
</table>

(2) Rules and regulations:

(a) Reservations must be made by contacting the Ogdensburg Recreation Department at (315) 393-1980. Applications will only be accepted from persons who are 18 years of age or older.

(b) The meeting rooms are to be left in the same condition as found. The rooms shall be cleaned and garbage disposed of in containers provided. Failure to do so will result in forfeiture of the deposit. Any damage incurred will be the financial responsibility of the rental group.
(e) The user is responsible for setup before use and cleaning of the room after use. One adult for each 10 children at an event must be present and on the premises at all times. A child shall be a person under the age of 16 years of age.

(d) Application for use of room must be signed. All fees and deposits must be paid at the time of the submission of the application. No room shall be deemed reserved until payment of all fees and deposits is received.

(e) Tables and chairs are to be lifted (not dragged) when arranging the room for an event. The tables and chairs cannot be removed from rooms without permission.

(f) A room may be reserved for long-term group use for a term of six months so long as said long-term reservation does not, in the discretion of the Director of Parks and Recreation, unreasonably limit the use of the room by others. A long-term reservation may be renewed for six-month terms thereafter.

(g) An application must be filled out completely in order to reserve rooms in the center. A room cannot be held until the application is filled out and returned to the Parks and Recreation Office with the payment of all fees and deposits.

(h) Alcohol is permitted only in accordance with the City’s approved alcohol policy agreement. (See AR-26.5) [Amended 5-11-2009 by Ord. No. 4-2009]

(i) No smoking is allowed in the building. The building includes the deck area, public areas, green space and parking lot within 50 feet of the building.

(j) If the kitchen is used, it must be cleaned prior to leaving.

(k) Any damage or equipment broken must be reported to the attendant immediately. The renter shall be responsible for any and all damage.

(l) Deposits shall be refunded within one week of an event, upon inspection of the premises, if no damage is found and no cleaning is required.

(3) Fees.

(a) Exclusive use of both meeting rooms: A deposit of $75 to hold the room and a rental fee of $75 for an event of 3 1/2 hours (including setup and cleanup time).

(b) Use of large meeting room, Marina View: A deposit of $45 to hold the room and a rental fee of $45 for an event of 3 1/2 hours (including setup and cleanup time).

(c) Use of small meeting room, The General's Room: A deposit of $25 to hold the room and a rental fee of $25 for an event of 3 1/2 hours (including setup and cleanup time).
OGDENSBURG CODE

(d) Either or both rooms are available for use between the weekday hours of 9:00 a.m. and 8:45 p.m., at no charge, to not-for-profit organizations and citizens' groups that serve in Ogdensburg. The Director of Parks and Recreation may, in his discretion, collect a deposit at the time of the room reservation. Not-for-profit organizations and citizens' groups that do not serve in Ogdensburg shall be charged a fee of $10 per hour between the weekday hours of 9:00 a.m. and 8:45 p.m.

§ AR-26.3. Richard Lockwood Civic Center Facility Use. [Added 11-24-200830]

A. Policy. (When ice is available) It is the intent of the City to regulate the Jimmy Howard Ice Arena usage as follows:

(1) Skaters skate at their own risk.
(2) Only those wearing skates allowed on ice.
(3) Please skate in a counter-clockwise direction or in the same direction as everyone else.
(4) No food or drinks allowed on ice.
(5) Do not kick or chop at the ice with your skates.
(6) Please do not play “tag” or chase others.
(7) Do not throw balls, coins or other items on ice as this can cause others to fall.
(8) Do not slide on the ice or make/throw snowballs.
(9) No more than two skaters may hold hands. No trains or crack-the-whip.
(10) Do not sit on the wall of the ice via the doors.
(11) Please enter and exit the ice via the doors.
(12) Hockey sticks and pucks are not allowed on the ice during public session.
(13) No jumps or spins during public session.
(14) No one is allowed on the ice while the ice is being resurfaced.
(15) Anyone wishing to skate and/or rent ice skates must pay a fee. The fee to be charged shall be established on a annual basis by the Ogdensburg City Council.

B. Policy. (When ice has been removed) It is the intent of the City to regulate the Richard Lockwood Civic Center usage as follows:

(1) Rules and regulations:

(a) Reservations must be made by contacting the Ogdensburg Recreation Department at (315)-393-1980. Applications will only be accepted from persons who are 18 years of age or older.

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30 Editor’s note: This resolution also provided that it shall take effect 1-1-2009.

AR: 34
ADMINISTRATIVE REGULATIONS

(b) The meeting rooms are to be left in the same condition as found. The rooms shall be cleaned and garbage disposed of in containers provided. Failure to do so will result in forfeiture of the deposit. Any damage incurred will be the financial responsibility of the rental group.

c) The user is responsible for setup before use and cleaning of the room after use. One adult for each 10 children at an event must be present and on the premises at all times. A child shall be a person under the age of 16 years of age.

d) Application for use of the room must be signed. All fees and deposits must be paid at the time of the submission of the application. No room shall be deemed reserved until payment of all fees and deposits is received.

e) Tables and chairs are to be lifted (not dragged) when arranging the room for an event. The tables and chairs cannot be removed from rooms without permission.

(f) A room may be reserved for long-term group use for a term of six months so long as said long-term reservation does not, in the discretion of the Director for Parks and Recreation, unreasonably limit the use of the room by others. A long-term reservation may be renewed for six-month terms thereafter.

g) An application must be filled out completely in order to reserve rooms in the center. A room cannot be held until the application is filled out and returned to the Parks and Recreation Office with the payment of all fees and deposits.

(h) Alcoholic is permitted only in accordance with the City’s approved alcohol policy agreement.

(i) No smoking is allowed in the building. The building includes the public areas and parking lot within 25 feet of the building.

(j) Any damage or equipment broken must be reported to the attendant immediately. The renter shall be responsible for any and all damage.

(k) Deposits shall be refunded within one week of an event, upon inspection of the premises, if no damage is found and no cleaning is required.

(2) Fees.

(a) The fees to be charged shall be established on an annual basis by the Ogdensburg City Council.


A. POOL POLICIES and REGULATIONS: The following pool policies must be followed for safety and health reasons:

31 Editor’s note: This resolution also provided that it shall take effect 1-1-2009.
OGDENSBURG CODE

(1) Anyone entering the pool must pay an admission fee. The fee to be charged shall be established on an annual basis by the Ogdensburg City Council.

(2) Street shoes are not permitted on the swimming deck.

(3) All patrons must shower before entering the pool.

(4) Children under 5 years of age must be accompanied by someone 13 years of age or older.

(5) NO Diapers Allowed! All children wearing diapers must wear “Swimming Diapers”.

(6) NO floatation devices allowed.

(7) The City Recreation Department is not responsible for lost or stolen items.

§ AR-26.5. Alcohol Policy. [Added 1-26-2009 by Ord. No. 1-2009]

In the interest of promoting the safe and responsible use of alcohol at events being held in municipal facilities and to:

1) protect citizens, volunteers, public property and municipal assets;

2) attempt to prevent problems that can arise as a result of alcohol consumption; and

3) to foster an enjoyable environment for all who use City of Ogdensburg municipal facilities, individuals/organizations/groups/business entities who desire to serve alcohol at events being held in municipal facilities shall enter into an Alcohol Policy Agreement with the City of Ogdensburg, New York, setting forth the terms and conditions under and by which alcohol may be served, as follows:

THE CITY OF OGDENSBURG
ALCOHOL POLICY AGREEMENT

AGREEMENT made this ______ day of ____________, 200__ by and between ____________________________________________, an individual / organization / group/ business entity (hereinafter referred to as “Renter”) who resides at / has a place of business at ____________________________ and the City of Ogdensburg (“City”) and ____________________________, maintaining its principal office at ____________________________ in the City of Ogdensburg, County of St. Lawrence and State of New York, do hereby agree as follows:

1. The Renter desires to serve alcohol at the following premises owned by the City of Ogdensburg ____________________________ located at ____________________________ (hereinafter “Site”).
ADMINISTRATIVE REGULATIONS

2. The Renter will be held liable for any and all damages incurred to the Site during the date and times the Renter has reserved and used the Site. A $500.00 security deposit is required in advance for any event serving alcoholic beverages to cover the costs of any damages. If damages exceed $500.00, the Renter is responsible for all costs associated with the repair of same. A full inspection of the property will be conducted after the event with both the Renter and a Site attendant, and both will sign below to acknowledge the condition of the Site following the Renter’s use of the Site. If no damage has occurred, the $500.00 deposit will be refunded to the Renter within two weeks from the date of the inspection.

3. Alcoholic beverages will only be consumed inside the facility or, if applicable, on a specifically designated patio area as approved by the City. All other areas fall under the Open Container Law and are subject to be ticketed by the City or State Police. It is the sole responsibility of the Renter to verify that he/she/it may lawfully serve alcoholic beverages at the Site. Neither the City of Ogdensburg nor the Site make any representations or warranties that such activity is lawful nor as to what steps, if any, the Renter must take in order to make such activity lawful. The City recommends and the Renter acknowledges that it is the Renter’s sole responsibility to contact the New York State Liquor Authority or other appropriate State Agency to ascertain whether the Renters provision of alcohol is legal.

4. The legal drinking age for New York State is 21 years of age. No one under 21 years of age is allowed to consume alcoholic beverages on Site property under any circumstances.

5. All empty containers from alcoholic beverages must be taken with you when you exit the Site.

6. In consideration of permission to use the Site the Renter does hereby release, waive, discharge and covenant not to sue the City of Ogdensburg, its agents, employees, or council members for any liability whatsoever and from any and all claims arising from or in any way related to the use of the Site including but not limited to personal injury and death, property damage as well as any and all claims resulting from damage or loss or theft of property. Furthermore, the Renter agrees to indemnify and hold harmless the Site, the City and its agents, employees and council members from any and all claims, of any kind or nature, from any source, resulting from or in any way related to the Renter’s use of the Site and the Renter’s provision of Alcohol. Furthermore, the Renter agrees to pay all costs and fees, including attorney’s fees, incurred by the City in investigating and defending any claim or suit arising out of or related to the Renter’s use of the Site. Finally, the Renter acknowledges that there are certain inherent risks arising from the Renter’s use of the Site, where alcohol is being provided by the Renter, which cannot be eliminated regardless of the care taken by the Renter to avoid injuries or violations of the Law of the State of New York. The Renter hereby declares that the Renter knowingly assumes all such risks. This waiver is intended to be as broad and as inclusive as is permitted by the Law of the State of New York, and that any provision is subsequently held to be invalid, it is agreed that the balance shall continue to be in full force and effect. The Renter acknowledges freely and voluntarily signing this agreement and intends the signature to signify a complete waiver of liability and assumption of the inherent risks associated with the provision of alcohol at the Site.

I hereby agree with and understand the above conditions.

______________________________  ________________________________
Director of Renter: Print Name:

______________________________  ________________________________
Date Date

AR: 37
An inspection of the Site Property occurred on ___________, 20___ at _____ a.m./p.m. with __________________________________________ (“Person”) and __________________________________________ (“Site Attendant”). The property was found to be in [circle one]: satisfactory condition / sustained the following damage:

Renter Print Name: ________________________________ Site Attendant _______________________________

Date ________________________________ Date ________________________________

§ AR-27.1. Drug-free workplace policy.

The City of Ogdensburg seeks to have a drug-free workplace. In accord with the Drug-Free Work Place Act of 1988 and to promote drug-free awareness among employees, the City of Ogdensburg, through posting of notices and discussions with employees, will inform employees that:

A. Drug abuse in the workplace creates a dangerous environment in the workplace for the employees engaged in the drug abuse and endangers the health, safety and welfare of all employees and other persons in the workplace.

B. It is the policy of the City of Ogdensburg to maintain a drug-free workplace. The illegal manufacture, distribution, possession or use of drugs or acting under the influence of drugs in this workplace is strictly prohibited.

C. Information will be available on a confidential basis from the City Manager's office on public and private drug counseling, rehabilitation and employee assistance programs, upon the request of the employee.

D. Penalties may be imposed upon employees for drug abuse violations, up to and including termination of employment.

§ AR-27.2. Workplace Violence Prevention Policy.

A. PURPOSE: The City of Ogdensburg maintains a zero tolerance standard of violence in the workplace. The purpose of this policy is to provide City of Ogdensburg employees guidance that will maintain an environment at and within City of Ogdensburg property and events that is free of violence and the threat of violence.

B. POLICY: Violent behavior of any kind or threats of violence, either implied or direct, are prohibited in City of Ogdensburg buildings and properties, or while engaged in activities for City of Ogdensburg in other locations, or at City of Ogdensburg sponsored events. Such conduct by a City of Ogdensburg employee will not be tolerated. An employee who exhibits violent behavior may be subject to criminal prosecution and shall be subject to disciplinary action up to and including dismissal. Violent threats or actions by a non-employee may result in criminal prosecution. City of Ogdensburg will investigate all complaints filed and will also investigate any possible violation of this policy of which we are made aware. Retaliation
ADMINISTRATIVE REGULATIONS

against a person who makes a complaint regarding violent behavior or threats of violence made to him/her is also prohibited.

C. DEFINITIONS:

(1) Workplace Violence: Behavior in which an employee, former employee or visitor to a workplace inflicts or threatens to inflict damage to property, serious harm, injury or death to others at the workplace.

(2) Threat: The implication or expression of intent to inflict physical harm or actions that a reasonable person would interpret as a threat to physical safety or property.

(3) Intimidation: Making others afraid or fearful through threatening behavior.

(4) Zero-tolerance: A standard that establishes that any behavior, implied or actual, that violates the policy will not be tolerated.

(5) Court Order: An order by a Court that specifies and/or restricts the behavior of an individual. Court Orders may be issued in matters involving domestic violence, stalking or harassment, among other types of protective orders, including Temporary Restraining Orders.

(6) Deadly weapon: Any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, or metal knuckles.

D. PROHIBITED BEHAVIOR: Violence in the workplace may include, but is not limited to the following list of prohibited behaviors directed at or by a co-worker, supervisor or member of the public:

(1) Direct threats or physical intimidation.

(2) Implications or suggestions of violence.

(3) Stalking.

(4) Possession of deadly weapons in City of Ogdensburg buildings, or while engaged in activities for City of Ogdensburg in other locations, or at City of Ogdensburg sponsored events, unless such possession or use is a requirement of the job.

(5) Assault of any form.

(6) Physical restraint, confinement.

(7) Dangerous or threatening horseplay.

(8) Loud, disruptive or angry behavior or language that is clearly not part of the typical work environment.
OGDENSBURG CODE

(9) Blatant or intentional disregard for the safety or well-being of others.

(10) Commission of a violent felony or misdemeanor on City of Ogdensburg property.

(11) Any other act that a reasonable person would perceive as constituting a threat of violence.

E. Domestic Violence, while often originating in the home, can significantly impact workplace safety and the productivity of victims as well as co-workers. For the purposes of this document, “domestic violence” is defined as abuse committed against an adult or fully emancipated minor. Abuse is the intentional reckless attempt to cause bodily injury, sexual assault, threatening behavior, harassment, or stalking, or making annoying phone calls to a person who is in any of the following relationships:

- Spouse or former spouse;
- Domestic partner or former domestic partner;
- Cohabitant or former cohabitant and or other household members;
- A person with whom the victim is having, or has had, a dating or engagement relationship;
- A person with whom the victim has a child.

The City of Ogdensburg recognizes that domestic violence may occur in relationships regardless of the marital status, age, race, or sexual orientation of the parties.

F. REPORTING ACTS OR THREATS OF VIOLENCE: An employee who:

(1) is the victim of violence, or

(2) believes they have been threatened with violence, or

(3) witnesses an act or threat of violence towards anyone else shall take the following steps:

(a) If an emergency exists and the situation is one of immediate danger, the employee shall contact the local police department by dialing 9-1-1, and may take whatever emergency steps are available and appropriate to protect himself/herself from immediate harm, such as leaving the area.

(b) If the situation is not one of immediate danger, the employee shall report the incident to the appropriate supervisor or manager as soon as possible and complete the City of Ogdensburg Workplace Violence Incident Report Form.

G. PROCEDURES- FUTURE VIOLENCE: Employees who have reason to believe they, or others, may be victimized by a violent act sometime in the future, at the workplace or as a direct result of their employment with City of Ogdensburg shall inform their supervisor by immediately completing a Workplace Violence Incident Report Form so appropriate action may be taken. The supervisor shall inform the City Manager, the Personnel Aide and the Police Department.
ADMINISTRATIVE REGULATIONS

Employees who have signed and filed a restraining order, temporary or permanent, against an individual due to a potential act of violence, who would be in violation of the order by coming near them at work, shall immediately supply a copy of the signed order to their supervisor. The supervisor shall provide copies to the City Manager, the Personnel Aide and the police.

H. INCIDENT INVESTIGATION: Acts of violence or threats will be investigated immediately in order to protect employees from danger, unnecessary anxiety concerning their welfare, and the loss of productivity. The employee’s supervisor will cause to be initiated an investigation into potential violation of work rules/policies. Simultaneously, the City Manager will refer the matter to the police for their review of potential violation of civil and/or criminal law.

Procedures for investigating incidents of workplace violence include:

(1) Visiting the scene of an incident as soon as possible.

(2) Interviewing injured and threatened employees and witnesses.

(3) Examining the workplace for security risk factors associated with the incident, including any reports of inappropriate behavior by the perpetrator.

(4) Determining the cause of the incident.

(5) Taking mitigating action to prevent the incident from recurring.

(6) Recording the findings and mitigating actions taken.

In appropriate circumstances, the City Manager will inform the reporting individual of the results of the investigation. To the extent possible, the City Manager will maintain the confidentiality of the reporting employee and the investigation but may need to disclose results in appropriate circumstances; for example, in order to protect individual safety. The City will not tolerate retaliation against any employee who reports workplace violence.

I. MITIGATING MEASURES: Incidents which threaten the security of employees shall be mitigated as soon as possible following their discovery. Mitigating actions include:

(1) Notification of Police Department when a potential criminal act has occurred.

(2) Provision of emergency medical care in the event of any violent act upon an employee.

(3) Post-event trauma counseling for those employees desiring such assistance.

(4) Assurance that incidents are handled in accordance with the Workplace Violence Prevention policy.

(5) Requesting City of Ogdensburg’s attorney file a restraining order as appropriate.
J.  TRAINING AND INSTRUCTION: City of Ogdensburg Personnel Aide shall be responsible for ensuring that all employees, including managers and department heads, are provided training and instruction on general workplace security practices. The City Manager shall be responsible for ensuring that all employees and department heads, are provided training and instructions on job specific workplace security practices.

Training and instruction shall be provided as follows:

(1) To all current employees when the policy is first implemented.

(2) To all newly hired employees, department heads or employees given new job assignments for which specific workplace security training for that job assignment has not previously been provided.

(3) To affected employees whenever management is made aware of a new or previously unrecognized hazard.

Workplace security training and instruction includes, but is not limited to, the following:

(1) Preventive measures to reduce the threat of workplace violence, including procedures for reporting workplace security hazards.

(2) Methods to diffuse hostile or threatening situations.

(3) Escape routes.

(4) Explanation of this Workplace Violence Prevention Policy.

In addition, specific instructions shall be provided to all employees regarding workplace security hazards unique to their job assignment.

ARTICLE IV
Expenses; City-Owned Vehicles

§ AR-28. Travel expense reimbursement.

A. Policy. City employees shall be reimbursed for approved travel expenses in a fair and equitable manner, and City taxpayers shall not be burdened by excessive travel expenses.

B. Procedure.

(1) Prior to incurring any travel expense totaling over $50, a travel request form (see Appendix A)\(^\text{32}\) shall be completed by the employee and approved by the City Manager.

(2) An approved advance payment of the estimated total travel expense may be requisitioned and obtained from the City Comptroller no earlier than one workday prior to the first travel day.

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\(^{32}\) Editor's Note: The travel request form (Appendix A) is on file in the office of the City Manager.
(3) Employees should take care to obtain receipts for all travel-related expenses. It is recognized, however, that there will be times when it will be difficult, if not impossible, to obtain receipts (e.g., some taxi trips, group meals, etc.). In such cases the expense should be explained in detail on the voucher. Under no circumstances will alcohol be reimbursed. In no event will meal expenses in excess of $75.65 per day be reimbursed in 2019, unless included under an "American Plan." Each meal will be reimbursed based on the following schedule, with no allowance for the total $75.65 to be used at one meal. Rates for subsequent years will be established by the City Comptroller. [Last Amended 08-24-2018]

<table>
<thead>
<tr>
<th>Meal</th>
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<tbody>
<tr>
<td>Breakfast</td>
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<tr>
<td>Lunch</td>
<td>$21.60</td>
</tr>
<tr>
<td>Dinner</td>
<td>$43.25</td>
</tr>
</tbody>
</table>

(4) In January of each year, the City Comptroller is hereby authorized to adjust the above-mentioned figures by the consumer price index (CPI) as of the previous October [United States Bureau of Labor Statistics-Urban Wage Earners/Clerical Workers (CPI-W), National].

(5) Employees shall be expected to use the least expensive means of travel available, consistent with the need to minimize non-productive travel time.

(6) A mileage allowance for the use of privately owned automobiles will be paid at the per mile rate equal to the rate used by the Internal Revenue Service. City-owned cars should be used whenever possible. The rate will be $0.58 per mile for 2019. Rates for subsequent years will be established by the Internal Revenue Service and dictated by the City Comptroller.  

§ AR-29. Personal telephone calls.

A. Although personal calls during work hours are not encouraged, the City recognizes the need for these on an occasional basis. City employees should make every effort to keep personal calls to a minimum and to restrict their use for essential purposes only.

B. Telephone calls to radio talk shows, games and other recreational uses are strictly prohibited.

C. The City further recognizes the occasional need for long distance personal calls. However, all long distance personal calls must be paid for and accounted for by the employee. The department head has full responsibility to account for all non-work long distance calls.

D. The City Controller shall not pay for any non-work long distance calls until the attached form has been signed by the department head.

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33 Editor's Note: The IRS allowable mileage reimbursement rate for 2019 is $0.58 per mile.
34 Editor's Note: The non-work long distance telephone form is on file in the office of the City Manager.
§ AR-30. Payment of professional organization dues.

Employees may, with the approval of the City Manager, have professional organization dues payments made by the City, provided that:

A. The membership aids the employee in completing assigned duties and responsibilities.

B. The professional dues payment is not of a career licensing or certification nature, such as professional engineer, registered nurse, bar association and similar situations.

C. There is an existing budgetary appropriation.

§ AR-31. Use of City-owned vehicles.

A. Purpose. The purpose of this regulation is to save money by prohibiting the use of City-owned vehicles for personal use and to improve the City's public image and to increase the visibility of City-provided services.

B. City logo. All City-owned vehicles, except police cars and fire apparatus, will be clearly identified by the City logo, which shall be applied to both sides of the vehicle. Vehicles that may be used in police undercover work are exempted from this regulation.

C. Use of City-owned vehicles. [Amended 10-22-2012 by Ord. No. 8-2012]

(1) All City-owned vehicles shall remain at a City work site or garage facility at the close of the business day.

(2) Except as otherwise provided by Council-approved contractual terms, City-owned vehicles shall only be used for City work-related transportation, except as listed below:

(a) Personnel who are regularly assigned the use of a City-owned vehicle may use the vehicle to go on coffee or meal breaks, provided that they remain in contact with their offices or dispatcher for immediate recall, and provided that they do not travel 500 feet beyond the City limits.

(b) Subject to supervisory discretion and control, City-owned vehicles may be used to pick up coffee or food supplies for City employees who cannot leave their work site, provided that the vehicle is not used outside the City.
§ AR-32. Accidents involving City-owned vehicles.

A. Purpose. The purpose of this section is to ensure that all accidents involving City-owned vehicles are properly and thoroughly recorded.

B. All motor vehicle accidents involving City-owned vehicles shall be reported to the Ogdensburg Police Department, and a police accident report shall be taken. The department to which the vehicle is assigned shall be notified by the dispatcher as to the location of the accident and the vehicle involved.

C. On all accidents occurring outside the City, the operator shall notify the police agency having jurisdiction and file an accident report. As soon as possible, the Ogdensburg Police Department shall be notified as to the location, date and time of accident and the police agency which took the report.

D. In the event of extensive property damage or injury, measurements shall be taken and a not-to-scale drawing shall be submitted with the accident report. Copies of the accident report, photos and diagrams shall be submitted to the Chief's office for review and distribution.

E. In addition to the above, any police officer involved or the dispatcher shall notify the supervisor (on-duty Sergeant or officer in charge) that a police vehicle has been involved in a motor vehicle accident. The supervisor shall respond to the scene to ensure that the proper reports are made.

(1) The officer involved shall, as soon as possible, submit a written report to the Chief of Police concerning the circumstances of the accident, along with a complete file of all reports concerning the accident.

(2) The supervisor shall submit a written report to the Chief containing his observations of the accident scene and his opinion as to the preventability of the accident.

(3) Officers involved in preventable accidents may be subject to verbal or written reprimands and, if circumstances warrant, departmental charges.

ARTICLE V
Sale of City Property

§ AR-33. Surplus property.

Items of personal property (materials, supplies, parts and equipment) owned by the City may from time to time need to be disposed of due to obsolescence, wear and tear, partial destruction, etc. To protect the public interest, the disposition of such property shall be controlled by the following administrative procedures:

A. Procedure for declaring property surplus.

(1) Department heads shall periodically submit to the City Manager an inventory of all personal property and scrap material which has outlived its usefulness to their department.
(2) Periodically the Comptroller shall circulate to all department heads a list of all such surplus property to determine if there is any need for the City to retain such property.

B. Procedure for disposing of surplus personal property.

(1) After the Comptroller has determined that there is no need for the property, he shall cause to be advertised in the newspaper of record at least once each week for two weeks a notice listing or describing the property to be disposed of and the method of disposal.

(2) Surplus personal property so advertised shall be disposed of either at public auction or by sealed bid.

(3) These procedures are not intended to control the disposition of abandoned vehicles (regulated by the Vehicle and Traffic Law and regulations of the Department of Motor Vehicles) or real property.

(4) Surplus personal property may be sold directly to other governmental agencies without recourse to bidding or auction. Such sales shall only be subject to City Council approval.

ARTICLE VI
Risk Management

§ AR-34. Purpose.

This administrative regulation establishes uniform procedures for handling City liability, workers' compensation (see also § AR-12), property and fidelity risk exposures.

§ AR-35. Objectives.

It shall be the objective of the City to:

A. Provide and maintain safe physical conditions (safe places to work, safe vehicles, safe equipment, and safe municipal public facilities).

B. Conduct all municipal operations as safely and efficiently as possible.

C. Provide adequate insurance (either through outside carriers or through self-funded programs) to cover all significant potential risk exposures.


A. Department heads.

(1) The responsibility, authority and accountability for loss prevention is hereby assigned to all department heads within their individual operating areas.
ADMINISTRATIVE REGULATIONS

(2) Their responsibilities include:

(a) Matching employee skills and capabilities to job requirements.
(b) Training employees to perform operations in a safe and efficient manner.
(c) Motivating employees to work safely and efficiently.
(d) Continually observing operations for unsafe acts and conditions and taking immediate corrective action when required.
(e) Investigating all accidents in their department.
(f) Establishing safe and efficient departmental work rules and procedures.

B. Individual employees.

(1) Each City employee is responsible for performing his/her job in a safe and efficient manner.

(2) Every employee should:

(a) Report all unsafe acts and unsafe conditions to their supervisor.
(b) Report all accidents or injuries immediately.
(c) Perform all work in as safe a manner as possible.
(d) Be familiar with and abide by all safety rules and regulations.

C. Loss Prevention Coordinator.

(1) The City Comptroller is hereby appointed as Loss Prevention Coordinator. It shall be his responsibility to administer a total loss prevention effort at a staff level and to coordinate these efforts with all department heads to ensure that loss prevention standards are met throughout the City. [Amended 9-8-2014 by Ord. No. 11-2014]

(2) The Loss Prevention Coordinator shall:

(a) Coordinate the loss prevention activities of all departments.
(b) Determine that safe practices and conditions are established in all areas.
(c) Maintain and analyze accident records.
(d) Ensure that training programs are established for all employees.
(e) Review all City contracts to identify and reduce contractual liability and attempt to transfer such liability to the contractor.
OGDENSBURG CODE

(f) Provide staff support to the City's Safety Committee.

(g) Submit periodic reports to the City Manager on the status of the City's loss prevention program.

D. Safety Committee.

(1) The Safety Committee shall be chaired by the City Manager and shall in addition be composed of the Public Works Director, Fire Chief, Police Chief and Loss Prevention Coordinator.

(2) The Committee shall meet monthly to:

(a) Review all accident investigation reports to determine how the accident occurred, what unsafe acts and/or unsafe conditions were involved and what corrective action can be taken to prevent similar accidents.

(b) Make walk-through inspections of work places and observe City operations to discover unsafe physical conditions and unsafe acts so that they may be corrected before a loss occurs.

(c) Establish insurance and indemnification requirements for all City leases and contracts.

E. City Comptroller. The City Comptroller will maintain copies of all insurance policies and claims, and a perpetual inventory of current locations, descriptions and insurable values of all property owned or leased by the City (including buildings, contents, equipment, vehicles and supplies). Contractual requirements for bonds and insurance certificates will be continuously reviewed to ensure that the required bonds and certificates are current and in the quantity specified. The City Comptroller will process all accident and loss notices and will notify the insurance company concerned. [Amended 1-11-2010 by Ord. No. 1-2010]

§ AR-37. Accidents and claims reporting.

Prompt reporting of losses expedites claims handling, reduces loss time accidents and results in cost savings through settlement of justifiable claims. Therefore, all accidents resulting in bodily injury to any person, whether or not employed by the City, and all accidents resulting in property damage, destruction or illegal taking of City property, shall be reported immediately to the City Comptroller (who will provide copies to the Loss Prevention Coordinator). See Appendix 6.10A for copies of accident and incident reporting forms. In addition, appropriate insurance forms must be completed with the assistance of the City Comptroller (see Appendix 6.10B, auto and other liability accident notice, and 6.10C, property loss notice). Claims against insurance companies or persons damaging City property will be filed by the City Comptroller.
§ AR-38. Insurance coverage.

The following policies shall be observed in determining amounts of insurance and bonds:

A. Fire insurance; public buildings and contents.

   (1) It shall be the City's policy to insure with outside carriers fire losses on public buildings on a blanket basis, with an agreed amount. Insurance values shall be determined by independent professional appraisal at least once every three years.

   (2) It shall be the City's policy to insure with outside carriers the contents of public buildings under the same conditions as real property.

B. Public liability and property damage insurance on motor vehicles. Public liability and property damage insurance shall be carried on all motor vehicles. The policy limits of liability on such motor vehicles shall be established by the City Manager, subject to budgetary restrictions.

C. Comprehensive general liability insurance. The City shall provide general liability coverage for bodily injury and property damage for all City properties. The policy limits of liability for such coverage shall be established by the City Manager, subject to budgetary restrictions.

D. Catastrophic insurance. The City shall maintain umbrella liability insurance to protect against any major catastrophe. The limits of liability, coverages and retention shall be established by the City Manager, subject to budgetary restrictions.

E. Other insurance. Other insurance such as burglary, hold up, marine, boiler or any type of coverage deemed necessary shall be placed into effect. The policy limits of such coverage shall be determined by the City Manager, subject to budgetary restrictions.

F. Employee fidelity bond. An employee fidelity bond shall be secured for all City employees as required by the laws of the State of New York or the City Charter.

ARTICLE VII
Purchasing Policy

§ AR-39. Legislative authority.

Section 104-b of the General Municipal Law, effective January 1, 1992, required all municipalities and districts therein to adopt procurement policies for goods and services which are not required by law to be publicly bid. This regulation sets forth standard City-wide procedures for ordering and purchasing services and supplies.

§ AR-40. General policies.

A. It is and shall remain the policy of the City that all City purchases of goods and services shall be made without regard to the age, sex, race, religion, color, national origin, physical handicap or political affiliation of the vendor or provider of services.
B. Provided quality and service are at least comparable, it is and shall remain the policy of the City that all City purchases of goods and services shall be made at the lowest possible price available.

C. Provided quality, service and price are at least comparable, preference in purchases will be given to vendors who have a place of business within the City limits of Ogdensburg.

§ AR-41. Procedures.

A. Every purchase made will be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to § 103 of the General Municipal Law: purchase contracts under $20,000 and public works contracts under $35,000; emergency purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under state and county contracts; and surplus and secondhand purchases from another governmental entity.

B. The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt or a memo from the purchaser detailing the circumstances which led to an emergency purchase.

C. All goods and services, except those goods and services purchased through a county or state contract, from agencies for the blind or severely handicapped, from correctional institutions or purchases pursuant to Subsection G of this policy, will be secured by use of written requests for proposals, written quotations, verbal quotations or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided.

D. Method of purchase. [Amended 9-13-10 by Council resolution]

(1) The following method of purchase will be used in order to achieve the highest savings, except purchase contracts under $20,000 and public works contracts under $35,000; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under state and county contracts; or purchases pursuant to Subsection G of this policy:
### Estimated Amount of Purchase Contract

<table>
<thead>
<tr>
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<th>Method</th>
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</thead>
<tbody>
<tr>
<td>$250 to $2,999</td>
<td>2 verbal quotations</td>
</tr>
<tr>
<td>$3,000 to $19,999</td>
<td>3 written/fax quotations or</td>
</tr>
<tr>
<td></td>
<td>ADMINISTRATIVE REGULATIONS</td>
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</tbody>
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### Estimated Amount of Public Works Contract

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<thead>
<tr>
<th>Estimated Amount</th>
<th>Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>$250 to $2,999</td>
<td>2 verbal quotations</td>
</tr>
<tr>
<td>$3,000 to $4,999</td>
<td>2 written/fax quotations</td>
</tr>
<tr>
<td>$5,000 to $34,999</td>
<td>3 written/fax quotations or Written request for proposals</td>
</tr>
</tbody>
</table>

(2) A good faith effort shall be made to obtain the required number of alternate proposals. If the purchaser is unable to obtain the required number of alternate proposals, the purchaser will document the attempt made at obtaining the proposals. But, in no event shall the failure to obtain the proposals be a bar to the procurement.

E. Documentation is required of each quotation or proposal taken in connection with each procurement.

F. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings. The purchaser will be responsible for determining if the offeror is responsible.

G. In the following circumstances it is not in the best interests of the City of Ogdensburg to solicit quotations or document the basis for not accepting the lowest bid. In these circumstances, the individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, moral worth and the ability to have a close relationship with the governing body. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures. The citizens of the municipality deserve the benefit of expertise in these types of services as it may ultimately save the taxpayers money.

1. Service of an attorney.
2. Services of a physician.
3. Technical services of an engineer or architect engaged to prepare plans, maps, estimates or other technical consultant services.
4. Securing insurance coverage and/or services of an insurance broker.
5. Services of a certified public accountant.
6. Investment management services.
7. Printing services involving extensive writing, editing or art work.
(8) Management of municipally owned property.
(9) Computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packed software, planning and encoder consultants and grant preparation services.
(10) Planning and economic development consultants; grant preparation services.
(11) Services of a surveyor.

H. In addition, in the following situations it is not in the best interests of the municipality to secure alternate proposals because of the time required and type of purchase:

(1) Emergency purchases pursuant to § 103, Subdivision 4 of the General Municipal Law;
(2) Purchases of surplus and secondhand goods pursuant to § 103, Subdivision 6 of the General Municipal Law;
(3) Purchases under $250; and
(4) Goods and services with sole source vendors.

I. PIGGYBACKING - General Municipal Law §103(16) allows procurement of certain goods (including apparatus, materials, equipment and supplies) and services through contracts let by the United States or any agency thereof, any state or any other political subdivision or district therein, if such contract was let in a manner consistent with competitive bidding, and has been made available for use by other governmental agencies. Approval for the use of “piggybacking” will be through the City Manager in collaboration with the City Attorney.

J. BEST VALUE – Pursuant to General Municipal Law § 103(1) purchase contracts or public works contracts (except those subject to New York State Labor Law Article 8) may be awarded on the basis of the Best Value to the Offeror that optimizes quality, cost and efficiency, among responsive and responsible Offerors. Best Value solicitations shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted. The Basis of Award of the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by a Procuring Agency in its determination of Best Value. The evaluation may also identify a quantitative factor for small businesses or certified minority-or women-owned business enterprises, as defined in Executive Law §300 (1), (7), (15) and (20). The basis of Award shall reflect, wherever possible, objective and quantifiable analysis. Documentation in the Procurement Record shall, where practicable, include a quantification of the application of the evaluation criteria to the rating of proposals and the evaluation results, or, where not practicable, such other justification which demonstrates that Best Value will be achieved. If Best Value is authorized as a procurement method eligible for piggybacking consideration, then any potential piggyback contract should be evaluated for substantial compliance with the above. All procurements based upon Best Value are subject to review and/or approval by the City Manager or their designee.

K. This policy shall go into effect January 1, 1992, and will be reviewed annually.
§ AR-41.1. Credit card policy. [Added 6-16-2008 by Ord. No. 5-2008]

A. Subject to the approval of the City Attorney as to form and content, the City Manager is authorized to enter into contracts with banking institutions or credit card companies to secure the issuance of credit cards in the name of the City of Ogdensburg. Further, subject to the approval of the City Attorney as to form and content, the City Manager is authorized to take such incidental action as may be necessary to carry out the terms of this regulation, including the execution of any agreements or extension agreements or continuing agreements with a bank or credit card issuer that may be necessary. Said cards shall be available for use by designated persons as hereinbelow set forth.

B. The City Comptroller shall have control of any and all credit cards. All credit cards will be kept under the direct supervision of the City Comptroller and shall be made available to officials/employees deemed appropriate by the City Manager or the City Comptroller.

C. The City Manager of the City of Ogdensburg or the City Comptroller shall have the authority to authorize the use of credit cards for purchases and expenditures set forth herein and such other purchases and expenditures authorized by the City Council of the City of Ogdensburg.

D. Subject to the further authorization of the City Manager or the City Comptroller, City credit cards are approved for use to satisfy the expenses associated with the purchase of the following goods, supplies, services and expenditures:

(1) Office supplies and forms.
(2) Books and subscriptions.
(3) Computer supplies.
(4) Hardware tools.
(5) Spare parts.
(6) Maintenance, repair and operating expenses.
(7) Material expenses.
(8) Travel, travel reimbursement and meal/lodging expenses.
(9) Any other expenses authorized by the City Manager of the City of Ogdensburg not exceeding $1,500 per purchase.

E. The following are unauthorized credit card purchases:

(1) Any single transaction exceeding $1,500 in value.
(2) Aggregate monthly purchases exceeding $10,000 per billing cycle.
(3) Purchase of items for personal use.
(4) When used for any product or service inappropriate for purchase with City funds.

F. Use of City credit cards shall be subject to the following:

(1) City credit cards may only be used when there is no alternative method of payment available or when use of the credit card will result in a discounted purchase price.
(2) Officials/employees shall retain all receipts for the items purchased and, immediately upon purchase, provide the same to the City Comptroller.
(3) Officials/employees shall insure that all transactions are legitimate purchases made on behalf of the City of Ogdensburg.

(4) Officials/employees shall be required to complete all requests for authorization for expenditures and submit the same to the supervisor together with claims and adequate supporting documentation that the expenses were incurred in accordance with City policy.

(5) Any illegal, inappropriate, improper or unauthorized use of a credit card shall require payment by the official/employee incurring the expense and may result in disciplinary or other action against the official/employee.

(6) Purchases, payments, travel and other actual and necessary expenses for which a credit card is used shall be incurred in accordance with, and shall be subject to, all laws, rules, and regulations applicable to municipal charges incurred by the City of Ogdensburg, its officers and employees.

(7) If the City Comptroller determines that charges are appropriate as submitted, the credit card statement shall be processed for payment in a timely fashion so as to avoid any finance charges. If the City Comptroller shall determine that there are improper, illegal or unauthorized charges, he/she shall immediately notify the City Manager who shall investigate and take appropriate action.

(8) Officials/employees using City credit cards shall document each purchase with supporting receipts and a detailed itemization of all charges, noting the official/employee who has incurred said charges and the official/employee who authorized said charge.

(9) Any lost or stolen credit cards shall be reported immediately to the City Comptroller.

(10) For any orders placed by phone, fax, mail or e-mail, a receipt must be requested detailing the merchandise purchased, price, freight, shipping, etc., and must be included with the goods mailed or shipped.

ARTICLE VIII
Officers and Employees

§ AR-42. City Attorney. [Amended 3-9-2009 by Ord. No. 2-2009]

If an individual who is appointed is a member of a firm, the City Attorney could employ additional legal assistance from the firm or from the outside. The City Attorney may be removed with or without cause by recommendation of the City Manager with the approval of the City Council. Prior to appointment, the City Attorney shall have been admitted to practice law in the State of New York and practicing as such for at least five years previous to the appointment as City Attorney. The City Attorney shall be the legal advisor of and Attorney for the City, the City Council, the City Manager and all City departments, bureaus, boards and commissions thereof, in matters relating to their official duties, and when requested by either the City Council or City Manager, shall prosecute or defend all actions, suits and proceedings for and in behalf of the City.
A. Actions, suits and proceedings.

When required to do so by the City Manager or by ordinance, the City Attorney shall prosecute or defend for and in behalf of the City all actions, suits, proceedings and controversies to which the City is a party and in any rights or interests, including appearing for and protecting the rights and interests of any City officers, boards, commissions, arms length bodies owned by the City, or departments, and same shall not employ other counsel. The City Attorney shall have power to appeal from orders, decisions or judgments and shall, subject to the approval of the City Council, have power to enter into any agreement, compromise or settlement of any claims against the City.

B. Contracts, bonds and other instruments.

The City Attorney shall prepare or review all contracts, bonds and other instruments in which the City is concerned and, before execution thereof, shall endorse on each the approval of the form and correctness thereof when requested by the City Council or the City Manager.

C. Employment of counsel.

The City Attorney, when authorized or directed by the City Council or the City Manager, may employ counsel to assist the argument and conduct of cases or proceedings in which the City is interested or a party.

D. Special City Attorney(s).

In the event of the absence, disqualification or disability of the City Attorney, as determined by the City Manager, the City Manager shall have the power to appoint, with the approval of City Council, Special City Attorney to act during the period of absence, disqualification or disability of the City Attorney. In a special emergency, such action may be taken without the consent of the City Council but subject to its later approval.

§ AR-43. Appointment of City Clerk; duties.

A. The City Clerk shall be appointed by and serve at the will of the City Manager. He/she shall be under the direction and supervision of the City Manager. The City Clerk shall be a person who is a qualified voter of the City.

B. The City Clerk shall:

(1) Serve as Clerk of the City Council and shall perform such other duties of a similar nature as shall be required by that body.
(2) Be responsible for the recording, filing, indexing and safe keeping of all proceedings of the City Council.
(3) Record in full, uniformly and permanently, all ordinances and local laws, and authenticate the same.
(4) Publish all legal notices and all adopted ordinances and local laws as may be required by law.
(5) Keep and maintain all election records and have custody of all property used in connection with elections, except as otherwise provided by law.

(6) Receive, file, index and be the custodian of all City documents and records and other instruments required by law to be filed with the City.

(7) Be the custodian of the official Seal of the City and affix such Seal to such books, papers and documents as may be authorized pursuant to law.

(8) Have and take custody of all official books, papers and documents of the City for which no other repository is provided by these administrative regulations or by law.

(9) Provide secretarial and clerical services for the Councillors in the discharge of their official duties.

(10) Install procedures for filing, retrieval, report preparation and other operations of a specialized nature relating to City Council meetings.

§ AR-44. Division of Licenses and Permits.

A. Within the City Clerk's Department there shall be a Division of Licenses and Permits, the head of which is the City Clerk. He/she shall administer and sign or countersign all licenses and permits issued by the City as provided by ordinance or by local law except as otherwise provided by the City Charter. In cooperation with the departments of fire, police, buildings and law, the City Clerk shall be responsible for the enforcement of regulations in relation to licenses and permits and for the supervision of licensees pursuant to ordinance or local law. The City Clerk shall receive for the City all fees prescribed for licenses or permits, and monthly shall deposit such funds with the City Comptroller.

B. All monetary transactions shall include the issuance of a written receipt. Such receipts will be in two parts, one to be kept by the Clerk's office, the other being given to the customer.

C. No personal checks, other than for the exact amount of the transaction, shall be accepted by the Clerk's office.


Within the City Clerk's Department there shall be a Division of Vital Statistics, the head of which is the City Clerk appointed by the Mayor with the approval of the New York State Department of Health for a four-year term of office. The City Clerk shall keep and maintain all vital statistics of the City, and prepare, attest and report on such vital statistics.

§ AR-46. Division of Historical Records.

Within the City Clerk's Department there shall be a Division of Historical Records, the head of which shall be the City Historian. He/she shall be appointed by the Mayor for an indefinite term of office. Under the direction and supervision of the City Clerk, he/she shall collect and preserve material relating to the history of the City and perform such other functions as may be authorized by §§ 148 and 149 of the Education Law.39

§ AR-47. Director of Planning and Development.

The Director shall:
A. Act as executive secretary of the Planning Board.
B. Provide staff assistance to the Planning Board.
C. Provide staff assistance to the Board of Appeals in all matters under its jurisdiction.

D. Advise and assist the City Manager and the City Council in regard to the physical planning and public improvement aspects of all matters related to the planning and development of the City.

E. Conduct continuous studies and collect statistical and other data to serve as the basis for planning and development recommendations.

F. Administer the plan of land use controls within the City of Ogdensburg. Study the operation and effect of land use controls and their administration within the City of Ogdensburg. [Amended 12-11-2006 by Ord. No. 10-2006]

G. Develop and administer programs and activities for the rehabilitation of housing and conservation of neighborhoods.

H. Develop and administer programs and activities for urban renewal and redevelopment, and provide staff assistance to any agency created for such purposes.

I. Develop and administer programs and activities for the improvement of the social and cultural characteristics of the community.

J. Develop and administer programs and activities for the physical expansion, improvement and development of the City.

K. Prepare and submit, with such help as may be necessary from other appropriate departments, offices or agencies, all applications for federal, state or private grants in aid for construction, maintenance or operation of facilities or for programs or activities.


A. The City Assessor shall be appointed by and shall serve under the direction and supervision of the City Manager.

B. The powers and duties of the City Assessor shall be the following:[40]

   (1) Make all assessments for general tax or special assessment purposes in accordance with the provision of the Real Property Tax Law and shall perform such other functions as may be required by other law.

   (2) Be responsible for all other functions of the City Assessor as may be required by other laws. [Amended 12-11-2006 by Ord. No. 10-2006]
§ AR-49. Director of Parks and Recreation.

The Director of Parks and Recreation shall:

A. Conduct and supervise all recreational activities in all public parks, playfields, playgrounds and recreational areas and facilities.

B. Be responsible for planning and putting into operation measures for the prevention of delinquency, for promoting and conducting recreational activities in connection therewith and for coordinating constructive forces to aid in the development of the youth of the community.

C. Be responsible for planning and putting into operation programs providing leisure time activities of adults, including but not limited to programs for senior citizens.

D. Plan, promote, organize and supervise a comprehensive municipal recreation program and administer the same in the interests of the entire community.

E. Conduct and supervise any form of recreational, cultural or social activity that will employ the leisure time of the citizens of the City in a wholesome and constructive manner.

F. Be responsible for operation, maintenance and repair of all parks, playgrounds and recreational areas and facilities, and she/he shall operate, maintain and repair all landscaped areas, including the grounds of public buildings and appropriate areas within highway rights-of-way not otherwise required by law to be maintained by private owners. She/he shall act as the City forester, shall supervise all tree and shrubbery conservation programs and shall cut and trim or supervise the cutting and trimming of all trees and shrubbery upon all public lands or rights-of-way.


The powers and duties of the Comptroller shall include:

A. Fiscal supervision over officers and employees. The Comptroller shall exercise general supervision over all officers and employees of the City regarding the proper management of the fiscal affairs of their respective functions.

   (1) Examine books. The Comptroller shall examine the books of each officer, employee and department, and require that the books be kept in accordance with standard municipal accounting procedures.

   (2) Report delinquent payments and financial reports. The Comptroller shall confirm the deposit of all City moneys into the City treasury by all officers and employees receiving the same shall confirm that all necessary financial reports are made by all officers and employees and shall report all delinquencies in such payments or reports to the Manager.
B. Duty upon fiscal default of officer or employee. The Comptroller shall report the default of any officer or employee of the City to the Manager for appropriate action by the Manager and by the City Attorney.

C. Responsibility for proceeds of bonds or notes. The Comptroller shall deposit the proceeds of all sales of bonds or notes with the City Treasurer immediately after he shall have received the same, and until such deposit, he shall be responsible for the amount thereof.

D. Audit accounts. The Comptroller shall examine and audit the accounts of all officers and employees.

E. Prescribe form of accounts. The Comptroller shall prescribe the form of accounts and financial reports consistent with the uniform system of accounts prescribed by the State Department of Audit and Control.

F. Certify contracts. Certify according to law all contracts and agreements for the expenditure of public funds entered into by any official of the City government, and no such contract or agreement shall be valid until so certified by him.

G. Budget duties. The Comptroller shall confirm estimates of revenue submitted to him, prepare other estimates of revenue, prepare a statement of debt service requirements and give such other assistance in the preparation of the budget as may be required of him by the Manager.

H. Financial statements. The Comptroller shall transmit to the Manager at least monthly audited statements of cash on hand and of classified unencumbered appropriation balances for the City as a whole and such other financial statements as the Manager may from time to time require. He shall prepare and submit such financial reports to state agencies as may be required. He shall keep all departments, boards, commissions or other agencies currently informed of its classified unencumbered appropriation balances.

§ AR-51. Division of Treasury.
Within the Department of Finance and Control there shall be a Division of Treasury, the head of which shall be the City Comptroller. The City Comptroller shall:

A. Keep accounts of receipts and expenditures. Keep in proper books, a full and accurate account of all the moneys received and disbursed by him in behalf of the City, specifying the time of receipt and disbursement, from whom received and to whom disbursed, and on what account received or disbursed.

B. Cancel warrants. Cancel all warrants and other evidences of indebtedness of the City whenever paid by him by writing or stamping across the face thereof the words "paid by the City Treasurer" with the date of payment written or stamped thereon.

C. Receive and disburse moneys. Receive and have custody of all moneys paid to the City, and shall disburse City moneys upon warrant of the City Accountant.

D. Collect taxes and assessments. Collect and receive all taxes and assessments in the manner authorized and required by law.

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E. Collect moneys and fees due City. Demand and receive all moneys and fees owing to the City whenever any person is indebted to the City in any manner and where the means of collection of such debt is not otherwise provided for by law. When any claim shall not be collectible by other methods, he shall report the same to the City Attorney for collection.

F. Pay City employees upon presentation of the properly certified payroll.

G. Make a daily settlement with the City Accountant. Make a daily settlement of the amounts received and paid out during the day for which such settlement is being made; and upon such settlements shall deliver properly canceled, all warrants and other obligations of the City paid by him since his last settlement. Once each month he shall balance accounts with the Accountant, which monthly settlement shall show the balance to the credit of the several funds for which he/she is responsible.

H. Tax searches. Upon the request of any person and for a fee to be fixed by the Council, make a careful search of the books and records of the City for any unpaid taxes or assessments upon or against any parcel of land in the City, make a proper abstract thereof, showing the year in which each item was levied and the amount required to pay the tax or assessment, and certify such abstract. Also upon request and for a fee to be fixed by the Council, certify the amount due the City for any unpaid water bills, sewer rents, rubbish collection charges and any other special charges for municipal services.

§ AR-52. Division of Accounts.

Within the Department of Finance there shall be a Division of Accounts, the head of which shall be the City Comptroller. The City Comptroller shall be appointed by the Manager, for an indefinite term of office. The City Comptroller shall:

A. Keep the City accounts. Keep all general accounts of the City and of the respective departments, offices, boards, commissions and agencies thereof.

B. Be the custodian of bonds, contracts, etc. Be charged with the custody of the official fidelity bonds of all City employees except his own which shall be in the custody of the City Treasurer, and with the custody of all deeds, mortgages, contracts, judgments, notes, debts and other evidence of indebtedness. The City Comptroller shall keep and administer all securities, bonds and other forms of negotiable instruments owned by or belonging to the City.

C. Examine all accounts and claims against the City. Examine all accounts and claims against the City and of the respective departments, offices, boards, commissions and agencies thereof, and the City payrolls, and approve or disapprove the same by his written endorsement thereon. The City Comptroller shall issue all warrants for payment of money by the City, and of the respective departments, offices, boards, commissions and agencies thereof. Such warrants shall be directed to the City Treasurer and be accompanied by a schedule or detailed abstract, certified by him to be correct, of all claims and payrolls. The City Comptroller and his/her surety shall be personally liable to the City for the amount of any bill or claim against the City, or any part thereof or any item therein, payment of which
not authorized, or which is prohibited and which the City Comptroller shall willfully or negligently approve. No claim against the City, except for a fixed salary or for the principal of or interest on indebtedness shall be paid unless an itemized voucher therefor, verified or certified by or on behalf of the claimant, in such form as the Comptroller shall prescribe, shall have been presented to the Department of Audit and Control.

§ AR-53. Division of Purchase.

Within the Department of Finance there shall be a Division of Purchase, the head of which shall be the City Comptroller. The City Comptroller shall:

A. Contract for and purchase all supplies, materials, equipment and contractual services required by any department, office, board, commission or agency of the City, pursuant to such rules and regulations as may be established by the Council. All purchases made and contracts executed by the purchasing agent shall be pursuant to a signed requisition, from the head of the department, office, board, commission or agency whose appropriation is to be charged.

B. Establish and enforce, after consultation with the heads of all departments, standard specifications for all supplies, materials and equipment to be purchased by the City.

C. Prescribe the time of making requisitions for such supplies, materials and equipment and the future period which said requisitions are to cover.

D. Inspect all deliveries of such supplies, materials and equipment, and cause tests to be made when necessary to determine the quality, quantity and conformance with specifications.

E. Supervise and control and maintain any central storeroom or warehouse provided for by the Council.

F. Enter into cooperative purchasing agreements with other governmental agencies.

G. Transfer supplies to or between departments, offices, boards, commissions and agencies.

H. Sale of personal property. Determine, at least annually, what personal property in each office, department or agency is unserviceable or no longer required, and sell or otherwise dispose of such supplies, materials and equipment as may be determined to be surplus, obsolete or unused.

I. Contracts with public utilities. Make contracts with public utilities for supply to the City of power, communications or other utility services.

J. Inventory. Maintain an inventory of all personal property belonging to the City.

K. Fidelity bonds. Purchase at the expense of the City, fidelity bonds for all offices and employees of the City required to furnish bonds to the City.

L. Insurance. Obtain and pay for insurance for such types and in such amounts against liability, loss or damage to the City or its property as may be approved by the City Manager.

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M. Collection of insurance claims. Be responsible for the collection of insurance benefits and for all other matters relating to the administration of insurance.

N. Public works contracts. On the basis of plans and specifications prepared by the Division of Engineering of the Department of Public Works, solicit and award all contracts for any public work or improvement. Competitive bidding will be required in all situations where competitive bidding is required under the provisions of the General Municipal Law and in all other situations where required by the Council.


A. The Fire Chief shall be appointed by and shall be under the direction and supervision of the City Manager. The Fire Chief shall have jurisdiction and control of the administration, disposition and discipline of the Fire Department and the Division of Code Enforcement and of the fire fighters and employees within the Department and shall be the chief executive officer of the Department of Fire. The Chief shall be responsible for the operation, maintenance and repair of all fire vehicles, fire equipment, and vehicles of the Division of Code Enforcement. The Chief shall have sole and exclusive power and authority to extinguish fires at any place within the jurisdiction of the City and shall have power and control of the Division of Code Enforcement. It shall be the Chief's duty to take such measures as are deemed necessary to prevent fires, be the fire warden of the City and exercise the following duties:

1. Have jurisdiction over the approval of the installation of all containers for combustibles, chemicals, explosives, inflammables or those dangerous substances, articles, compounds or mixtures, except storage tanks for oil-burning equipment, which shall be under the jurisdiction of the Code Enforcement Office. [Amended 1-11-2010 by Ord. No. 1-2010]

2. Install or cause to be installed, operate, maintain and repair or cause to be repaired all fire alarm, telephone, electronic and radio equipment which shall be used in the operation of the Fire Department.

3. Enforce and prevent the violation of all federal, state and local laws and ordinances, rules and regulations in respect to the manufacture, storage, sale, transportation or use of combustibles, chemicals, explosives, inflammable or other dangerous substances, articles, compounds or mixtures.

4. Be responsible for the investigation of the cause, circumstances and origin of fires and the suppression of arson.

5. Be responsible for the prevention of fires and danger to life or property therefrom, including provisions relating to structural conditions of buildings, which shall be under the jurisdiction of the Division of Code Enforcement within the Department of Fire.

6. Cause any building, structure or place or premises to be inspected for fire hazards by any officer or employee of the department designated for such purpose, and cause the inspection and testing of any fire alarm system or fire-extinguishing equipment.

7. Cause the inspection and testing of any fire exits, and inspect the proper designation and marking thereof.

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(8) Be responsible to assure the training of personnel for emergency medical response and the operation of the Department's emergency medical response program.

(9) Appoint those persons authorized and permitted in the City of Ogdensburg to perform electrical inspections, and approve electrical and associated work.

(10) Enforce such state laws, local laws, ordinances, including Chapter 221 of the Municipal Code, rules and regulations as may govern the construction, alteration, maintenance, removal, demolition, use, occupancy, safety, sanitary conditions, mechanical equipment and inspection of buildings, structures or premises in the City.

B. There shall be a Division of Code Enforcement within the Department of Fire. The office shall be headed by the Code Enforcement Officer, who shall answer to the Fire Chief of the City of Ogdensburg. This office shall have the power to enforce such state laws, local laws, ordinances, rules and regulations as may govern the construction, alteration, maintenance, removal, demolition, use, occupancy, safety, sanitary conditions, mechanical equipment and inspection of buildings, structures or premises in the City and perform such other duties as may be prescribed by law, the Council, the City Manager or the Fire Chief. Said powers and duties shall include the following:

(1) The enforcement and administration of Chapter 97, the New York State Building Code (the Uniform Code), the New York State Residential Code, the New York State Fire Code, the New York State Energy Conservation Construction Code (the Energy Code), the New York State Property Maintenance Code and the New York State Mechanical and Plumbing Code; the enforcement of Chapter 221, Zoning; the enforcement of such other laws, codes or ordinances relating to building now in effect or hereinafter adopted.

(2) Sign all certificates or permits granted pursuant to the provisions of Chapter 97, the New York State Building Code (the Uniform Code), the New York State Residential Code, the New York State Fire Code, the New York State Energy Conservation Construction Code (the Energy Code), the New York State Property Maintenance Code and the New York State Mechanical and Plumbing Code; Chapter 222, Zoning; or such other laws, codes or ordinances relating to buildings now in effect or hereafter adopted.

(3) Recommend, subject to the approval and appointment by the Fire Chief, those persons authorized and permitted in the City of Ogdensburg to perform electrical inspections and approve electrical and associated work.

(4) Be responsible for all other functions of the Code Enforcement Officer and Building Inspector.

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41 Editor's Note: See Ch. 221, Zoning.
§ AR-54. Duties of applicants.

A. The applicant must own or be the spouse of the owner of a licensed handicapped car which has New York State handicapped license plates. The plate numbers must be given on the application.

B. The applicant must show that no other parking is available on a consistent basis. On residential streets the applicant must explain where he or she will park overnight during the winter. In other areas the applicant must show that the lack of handicapped parking hampers his or her ability to earn a living.

C. The applicant will pay a fee of $100 for the installation except in the case where the installation is at their place of work and except in any case where the applicant is on public assistance, SSD, retired or a veteran.

§ AR-55. Duties of City.

A. Additionally, prior to the signing of a handicapped parking area the City will do the following:

   (1) Request approval from the City Engineer indicating that the requested designation will not interfere with the delivery of City services in any way.

   (2) Verify the license with New York State Department of Motor Vehicles.

   (3) Refer the request to the Planning Board for consideration of area density and general impact on the traffic, aesthetics and use of the neighborhood and to allow area residents an opportunity to comment on the proposal.

B. Only after approval by the Engineer and the Planning Board and verification and meeting the three criteria listed should a handicapped parking space be signed.

C. Further, the City will have to adopt procedures for verifying that the original applicant still needs the space on an annual basis. We recommend this be done by mailing to each person whose application has been approved a form to be completed and returned to City Hall attesting that there is still a valid New York State Motor Vehicles handicapped license held by the original applicant and that the applicant still resides or works at the same place and that the applicant requests renewal. Moneys for this will need to be budgeted.

§ AR-56. Requests from institutions and businesses.

Separately, we recommend that requests from institutions and businesses include the number of handicapped clients who need the parking spaces and that these requests be dealt with on a case-by-case basis.
§ AR-57 Miscellaneous charges.

A. The following will establish a list of the miscellaneous items for which the City of Ogdensburg charges: [Amended 10-22-2007 by Ord. No. 10-2007]

<table>
<thead>
<tr>
<th>Item</th>
<th>Charge</th>
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<tr>
<td>Police reports</td>
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<td>Tax searches</td>
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<td>$5</td>
</tr>
<tr>
<td>Bank shipments</td>
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</table>

B. City Marriage Officer. Pursuant to § 11-c(1) of the New York Domestic Relations Law, the City Council may appoint one or more marriage officers who shall have the authority to solemnize a marriage, which marriage shall be valid if performed in accordance with other provisions of law. Such marriage officers shall be appointed by resolution of the City Council. Such marriage officers will not receive a salary or wage for his or her services. However, for each marriage at which he or she officiates, the City shall be paid, by or on behalf of the persons married, a marriage solemnization fee in the amount of $50, which fee shall be collected by the City Clerk. [Added 10-12-2004 by L.L. No. 2-2004]


This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

§ AR-59. Objectives.

The primary objectives of the local government's investment activities are, in priority order:

A. To conform with all applicable federal, state and other legal requirements (legal).

B. To adequately safeguard principal (safety).

C. To provide sufficient liquidity to meet all operating requirements (liquidity).

D. To obtain a reasonable rate of return (yield).
§ AR-60. Administration.

The governing board's responsibility for administration of the investment program is delegated to the City Comptroller, who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a database or records incorporating description and amounts of investments, transaction dates and other relevant information and regulate the activities of subordinate employees.

§ AR-61. Prudence.

A. All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the City of Ogdensburg to govern effectively.

B. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the safety of the principal as well as the probable income to be derived.

C. All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.


It is the policy of the City of Ogdensburg to diversify its deposits and investments by financial institution, by investment instrument and by maturity scheduling.

§ AR-63. Internal controls.

A. It is the policy of the City of Ogdensburg for all moneys collected by any officer or employee of the government to transfer those funds to the City Comptroller within 30 days of deposit, or within the time period specified in law, whichever is shorter.

B. The City Comptroller is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

§ AR-64. Designation of depositaries. [Amended 1-11-2010 by Ord. No. 1-2010]

The banks and trust companies authorized for the deposit of moneys are:
§ AR-65. Collateralizing of deposits.

In accordance with the provisions of General Municipal Law, § 10, all deposits of the City of Ogdensburg, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by:

A. A pledge of eligible securities with an aggregate market value as provided by General Municipal Law § 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy. \(^{42}\)

B. An eligible irrevocable letter of credit issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days, with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

C. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

§ AR-66. Safekeeping and collateralization.

A. Eligible securities used for collateralizing deposits shall be held by a third party bank or trust company subject to security and custodial agreements.

B. The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the City of Ogdensburg or its custodial bank.

\(^{42}\) Editor's Note: Said appendix is included at the end of this chapter.
C. The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.


A. As authorized by General Municipal Law, § 11, the City of Ogdensburg authorizes the City Comptroller to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in those investments allowed by NYS Law.

B. All investment obligations shall be payable or redeemable at the option of the City of Ogdensburg within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the City of Ogdensburg within two years of the date of purchase.

§ AR-68. Approved financial institutions and dealers.

The City of Ogdensburg shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be creditworthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the City of Ogdensburg. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York State Federal Reserve Bank, as primary dealers. The City Comptroller is responsible for evaluating the financial position and maintaining a listing of proposed depositaries, trading partners and custodians. Such listing shall be evaluated at least annually.

§ AR-69. Purchase of investments.

A. The City Comptroller is authorized to contract for the purpose of investments:

(1) Directly, including through a repurchase agreement, from an authorized trading partner.

(2) By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46 and the specific program has been authorized by the governing board.

(3) By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.
ADMINISTRATIVE REGULATIONS

B. All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the City of Ogdensburg by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written agreement as described in General Municipal Law § 10.

C. The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

§ AR-70. Repurchase agreements.

Repurchase agreements are authorized subject to the following restrictions:

A. All repurchase agreements must be entered into subject to a Master Repurchase Agreement.

B. Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.

C. Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.

D. No substitution of securities will be allowed.

E. The custodian shall be a party other than the trading partner.

ARTICLE XII
Sexual Harassment
[Added 9-11-1995]

ARTICLE XII
SEXUAL HARASSMENT

AR- 71. HARASSMENT PROHIBITED.
AR- 72. SEXUAL HARASSMENT DEFINED.
AR- 73. RESPONSIBILITIES OF CITY EMPLOYEES.
AR- 74. RESPONSIBILITIES OF THE CITY.

§AR-71 HARASSMENT PROHIBITED.

The City of Ogdensburg is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the City
of Ogdensburg’s commitment to a discrimination-free work environment. Sexual harassment is against the law\(^1\) and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with the appropriate designee as outlined in Policy, Section 3 below. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

A. The City of Ogdensburg’s policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the City. In the remainder of this document, the term “employees” refers to this collective group and the term “city” refers to the City of Ogdensburg.

B. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).

C. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The City will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the City who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees\(^2\) working in the workplace who believe they have been subject to such retaliation should inform their direct supervisor, department head, Safety Committee Chair or City Manager. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

D. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the City to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including department heads and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

E. The City will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The City will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including department heads and supervisors, are required to cooperate with any internal investigation of sexual harassment.

F. All employees are encouraged to report any harassment or behaviors that violate this policy. The City will provide all employees a complaint form for employees to report harassment and file complaints.

G. Department heads and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to the City Manager.

H. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and

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\(^1\) While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

\(^2\) A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.
§AR- 72. SEXUAL HARASSMENT DEFINED.

A. Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

B. Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

1. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;

2. Such conduct is made either explicitly or implicitly a term or condition of employment; or

3. Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.

4. A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual’s sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient’s job performance.

C. Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “quid pro quo” harassment.

D. Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

E. Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

1. Physical acts of a sexual nature, such as:
   a. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee’s body or poking another employee’s body;
   b. Rape, sexual battery, molestation or attempts to commit these assaults.

2. Unwanted sexual advances or propositions, such as:
   a. Requests for sexual favors accompanied by implied or overt threats concerning the target’s job performance evaluation, a promotion or other job benefits or detriments;
b. Subtle or obvious pressure for unwelcome sexual activities.

3. Sexually oriented gestures, noises, remarks or jokes, or comments about a person’s sexuality or sexual experience, which create a hostile work environment.

4. Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.

5. Sexual or discriminatory displays or publications anywhere in the workplace, such as:
   a. Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.

6. Hostile actions taken against an individual because of that individual’s sex, sexual orientation, gender identity and the status of being transgender, such as:
   a. Interfering with, destroying or damaging a person’s workstation, tools or equipment, or otherwise interfering with the individual’s ability to perform the job;
   b. Sabotaging an individual’s work;
   c. Bullying, yelling, name-calling.

F. Who can be a target of sexual harassment?

   Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

G. Where can sexual harassment occur?

   Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

§AR-73. RESPONSIBILITIES OF CITY EMPLOYEES.

Reporting Sexual Harassment

A. Preventing sexual harassment is everyone’s responsibility. The City cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to their direct supervisor, department head, Safety Committee Chair or City Manager. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to their direct supervisor, department head, Safety Committee Chair or City Manager.

B. Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this
complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee’s behalf.

C. Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

D. If you feel conduct is of a criminal nature, please notify the Police Department, see section H. Contact the Local Police Department.

§AR- 74. RESPONSIBILITIES OF THE CITY.

A. Retaliation

1. Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

2. Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:
   a. made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
   b. testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
   c. opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or department head of harassment;
   d. reported that another employee has been sexually harassed; or
   e. encouraged a fellow employee to report harassment.

3. Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

B. Supervisory Responsibilities

1. All supervisors and department heads who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the Safety Committee Chair and City Manager.

2. In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and department heads will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

3. Supervisors and department heads will also be subject to discipline for engaging in any retaliation.
C. Complaint and Investigation of Sexual Harassment

1. All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

2. An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

3. Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The City will not tolerate retaliation against employees who file complaints, support another’s complaint or participate in an investigation regarding a violation of this policy.

4. While the process may vary from case to case, investigations should be done in accordance with the following steps:

   a. Upon receipt of complaint, the direct supervisor, department head, Safety Committee Chair and/or City Manager will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the “Complaint Form” in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.

   b. If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.

   c. Request and review all relevant documents, including all electronic communications.

   d. Interview all parties involved, including any relevant witnesses;

   e. Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:

      i. A list of all documents reviewed, along with a detailed summary of relevant documents;

      ii. A list of names of those interviewed, along with a detailed summary of their statements;

      iii. A timeline of events;

      iv. A summary of prior relevant incidents, reported or unreported; and

      v. The basis for the decision and final resolution of the complaint, together with any corrective action(s).

   f. Keep the written documentation and associated documents in a secure and confidential location.

   g. Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
D. Legal Protections And External Remedies

1. Sexual harassment is not only prohibited by the City but is also prohibited by state, federal, and, where applicable, local law.

2. Aside from the internal process at the City, employees may also choose to pursue legal remedies with the governmental entities named in the following sections. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

3. In addition to those outlined below, employees in certain industries may have additional legal protections.

E. State Human Rights Law (HRL)

1. The Human Rights Law (HRL), codified as N.Y. Executive Law, Art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

2. Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

3. Complaining internally to the City does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

4. You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

5. DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney’s fees and civil fines.

6. DHR’s main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

7. Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR’s regional offices across New York State.

F. Civil Rights Act of 1964

1. The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is
no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

2. The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

3. An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

4. If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

G. Local Protections

1. Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

H. Contact the Local Police Department

1. If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department at (315) 393-1555.

§ AR-73. Responsibilities of City employees.

All City employees are responsible to help assure that we avoid harassment. If you feel that you have experienced or witnessed harassment, you are to notify your supervisor immediately.

If you feel uncomfortable reporting to your supervisor, you should report to the City Manager or the City Attorney.

§ AR-74. Responsibilities of the City.

The City forbids retaliation against anyone for reporting sexual harassment, assisting in making a sexual harassment complaint or cooperating in a sexual harassment investigation. The City's policy is to investigate all such complaints thoroughly and promptly. To the fullest extent practicable, the City will keep complaints and terms of their resolution confidential. If an investigation confirms that harassment has occurred, the City will take corrective action, including any discipline that is appropriate up to and including immediate termination of employment.
§ AR-75. Purpose and scope.

A. The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society.

B. These regulations provide information concerning the procedures by which records may be obtained.

C. Personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.

D. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.
§ AR-76. Designation of records access officer.

A. The City Council of the City of Ogdensburg is responsible for insuring compliance with the regulations herein, and designates the City Clerk of the City of Ogdensburg as records access officer. Demands for release of records shall be submitted to:

City Clerk, City of Ogdensburg
330 Ford Street
Ogdensburg, New York 13669
315-393-3540

B. As an alternative, demands for release of records may be submitted electronically to: recordsaccess@ogdensburg.org

C. The records access officer is responsible for insuring appropriate agency response to public requests for access to records. The designation of a records access officer shall not be construed to prohibit other officials from making records or information available to the public in the regular course of business of the public official or employee. The records access officer shall insure that agency personnel:

(1) Maintain an up-to-date subject matter list.

(2) Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.

(3) Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.

(4) Upon locating the records, take one of the following actions:

(a) Make records available for inspection; or

(b) Deny access to the records in whole or in part and explain in writing the reasons therefor.

(5) Upon request for copies of records:

(a) Make a copy available upon payment or offer to pay established fees, if any, in accordance with § AR-82; or

(b) As may be practical and reasonable, allow the requester to copy those records on copy equipment provided by the requester.

(6) Upon request, certify that a record is a true copy; and

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(7) Upon failure to locate records, certify that:

(a) The City of Ogdensburg is not the custodian for such records, or

(b) The records of which the City of Ogdensburg is a custodian cannot be found after
diligent search.

§ AR-77. Location.

Records shall be available for public inspection and copying at 330 Ford Street, Ogdensburg,
New York 13669, or at such other reasonable location as may be designated by the records
access officer.

§ AR-78. Hours for public inspection.

Requests for public access to records shall be accepted and records produced during all hours
regularly open for business. These hours are 8:00 a.m. until 4:00 p.m., Monday through Friday,
except legal holidays.

§ AR-79. Requests for public access to records.

A. A written request may be required but, in the discretion of the records access officer, oral
requests may be accepted when records are readily available. All requests must contain the
full name and address of the person or entity making the request. Requests submitted
electronically will not receive a response unless the necessary identifying information is
included.

B. If records are maintained on the Internet, the requester shall be informed that the records are
accessible via the Internet and in printed form either on paper or other information storage
medium.

C. A response shall be given within five business days of receipt of a request by:

(1) Informing a person requesting records that the request or portion of the request does not
reasonably describe the records sought, including direction, to the extent possible, that
would enable that person to request records reasonably described;

(2) Granting or denying access to records in whole or in part;

(3) Acknowledging the receipt of a request in writing, including an approximate date when
the request will be granted or denied in whole or in part, which shall be reasonable under
the circumstances of the request and shall not be more than 20 business days after the
date of the acknowledgment, or if it is known that circumstances prevent disclosure
within 20 business days from the date of such acknowledgment, providing a statement in
writing indicating the reason for inability to grant the request within that time and a date
certain, within a reasonable period under the circumstances of the request, when the
request will be granted in whole or in part; or
(4) If the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within 20 business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within 20 business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.

D. In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

E. A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:

(1) Fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;

(2) Acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;

(3) Furnishes an acknowledgment of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;

(4) Fails to respond to a request within a reasonable time after the approximate date given or within 20 business days after the date of the acknowledgment of the receipt of a request;

(5) Determines to grant a request in whole or in part within 20 business days of the acknowledgment of the receipt of a request, but fails to do so, unless the agency provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;

(6) Does not grant a request in whole or in part within 20 business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or

(7) Responds to a request, stating that more than 20 business days are needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

§ AR-80. Subject matter list.

A. The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to Subdivision 2 of § 87 of the Public Officers Law.
B. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.

§ AR-81. Denial of access to records; appeals.

A. Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the individual or body established to determine appeals, who or which shall be identified by name, title, business address and business phone number.

B. If requested records are not provided promptly, as required in § AR-79 of these regulations, such failure shall also be deemed a denial of access.

C. The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:

City Manager, City of Ogdensburg
330 Ford Street
Ogdensburg, New York 13669
315-393-6100

D. Any person denied access to records may appeal within 30 days of a denial.

E. The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:

(1) The date and location of requests for records;

(2) A description, to the extent possible, of the records that were denied; and

(3) The name and return address of the person denied access.

F. A failure to determine an appeal within 10 business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

G. The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government
Department of State
41 State Street
Albany, NY 12231

H. The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within 10 business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth Subsection F of this section.
§ AR-82. Fees.

A. Unless otherwise allowed by law, there shall be no fee charged for:

   (1) Inspection of records;

   (2) Search for records;

   (3) Personal inspection or search by requestor of those records which are available for
       search by a member of the public; or

   (4) Any certification pursuant to this part.

B. Copies may be provided without charging a fee.

C. Fees for copies may be charged, provided that:

   (1) Unless otherwise allowed by law, the fee for copying records shall not exceed $0.25 per
       page for photocopies not exceeding nine inches by 14 inches.

   (2) The fee for copies of records not covered by Subsection C(1) shall not exceed the actual
       reproduction cost, which is the average unit cost for copying a record, excluding fixed
       costs of the agency such as operator salaries.

§ AR-83. Public notice.

A notice containing the title or name and business address of the records access officer and
appeals person and the location where records can be seen or demanded shall be posted in a
conspicuous location wherever records are kept and/or published in a local newspaper of general
circulation.

§ AR-84. Severability.

If any provision of these regulations or the application thereof to any person or circumstances is
adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair
the validity of the other provisions of these regulations or the application thereof to other persons
and circumstances.
ARTICLE XIV
INTERNET TECHNOLOGY POLICIES

AR- 85. PURPOSE
AR- 86. EMAIL USE POLICY
AR- 87. NETWORK & INTERNET ACCEPTABLE USE POLICY
AR- 88. COMPUTER SYSTEM SECURITY BREACH NOTIFICATION POLICY
AR- 89. CYBER SECURITY POLICY (CSP)
AR- 90. TECHNOLOGY EQUIPMENT DISPOSAL POLICY
AR- 91. PURPOSE
AR- 91. NETWORK ACCESS FOR NON-CITY EMPLOYEES

§AR- 85. PURPOSE
Every officer, City employee, Non-City employee or contractor shall be subject to and abide by the Internet Technology Policies of the Code of the City of Ogdensburg.

§AR- 86. EMAIL USE POLICY

A. Purpose and Goals
E-mail is one of the City of Ogdensburg’s core internal and external communication methods. The purpose of this policy is to ensure that e-mail systems used by City staff support City business functions to their fullest capacity. This policy advises staff and management of their responsibilities and provides guidance in managing information communicated by e-mail. All City e-mail is the property of the City of Ogdensburg.

B. Access to E-mail Services
E-Mail services are provided to staff whose job functions require it and as resources allow. Access requests must be made by Department Heads for each employee to the Email Administrator. The Department Head must notify the Email Administrator immediately when an e-mail user separates employment (retirement, resignation, etc.) with the City. The Email Administrator will be responsible for removing user credentials immediately.

C. Use of E-Mail
E-mail services, like other means of communication, are to be used to support City business. Staff may use e-mail to communicate informally with others in the City so long as the communication meets professional standards of conduct. Staff may use e-mail to communicate outside of the City when such communications are related to legitimate business activities and are within their job assignments or responsibilities. Staff will not use e-mail for illegal, disruptive, unethical or unprofessional activities, or for personal matters or for any purpose that would jeopardize the legitimate interests of the City.

D. Privacy and Access
E-mail messages are not personal or private. E-mail system administrators will not routinely monitor individual staff member's e-mail and will take reasonable precautions to protect the privacy of e-mail. However, management and City network administrators may access an employee's e-mail:

(1) for a legitimate business purpose (e.g., the need to access information when an employee is absent for an extended period of time);
(2) to diagnose and resolve technical problems involving system hardware, software, or communications;
(3) to investigate possible misuse of e-mail when a reasonable suspicion of abuse exists or in conjunction with an approved investigation; and,
(4) of will for any reason.

AR:75
a. A staff member is prohibited from accessing another user's e-mail without his or her permission.

b. E-mail messages sent or received in conjunction with City business may:
   (1) be releasable to the public under the Freedom of Information Law
   (2) require special measures to comply with the Personal Privacy Protection Law

c. All e-mail messages including personal communications may be subject to discovery proceedings in legal actions.

E. Security
E-mail security is a joint responsibility of the Email Administrator and e-mail users. Users must take all reasonable precautions, including safeguarding passwords, to prevent the use of the account by unauthorized individuals.

F. Management and Retention of E-mail Communications
(1) Applicable to all e-mail messages and attachments
   a. E-mail is a communications system and messages should not be retained for extended periods of time. Users should remove all e-mail communications in a timely fashion. If a user needs to retain information in an e-mail message for an extended period, he or she should transfer it from the e-mail system to an appropriate electronic or other filing system (e.g. Microsoft Outlook).

(2) Applicable to records communicated via e-mail
   E-mail created in the normal course of official business or retained as evidence of official policies, actions, decisions or transactions are records subject to records management requirements. Examples of messages sent by e-mail that typically are records include:
   • policies and directives
   • correspondence or memoranda related to official business
   • work schedules and assignments
   • agendas and minutes of meetings
   • drafts of documents that are circulated for comment or approval
   • any document that initiates, authorizes or completes a business transaction
   • final reports or recommendations

(3) Some examples of messages that typically do not constitute records are:
   • copies or extracts of documents distributed for convenience or reference
   • phone message slips

G. Record Retention
(1) Records communicated using e-mail need to be identified, managed, protected and retained as long as they are needed to meet operational, legal, audit, research or other requirements. Records needed to support program functions should be retained, managed and accessible in an existing filing system outside the e-mail system in accordance with the appropriate program unit's standard practices.

(2) Records communicated via e-mail will be disposed of within the record keeping system in which they have been filed in accordance with a Records Disposition Authorization (RDA) approved by State Archives and Records Administration (SARA). Management should consult with the City Records AR:76
Management Officer concerning RDAs applicable to their program's records.

(3) Users should:
• dispose of copies of records in e-mail after they have been filed in a record keeping system; and,
• delete records of transitory or little value that are not normally retained in record keeping systems as evidence of City activity.

H. Roles and Responsibilities

(1) City management will insure that policies are implemented by program. Management will develop and/or publicize record keeping practices in their area of responsibility including the routing, format and filing of records communicated via e-mail. They will train staff in appropriate use and be responsible for ensuring the security of physical devices, passwords and proper usage.

(2) City network administrators and e-mail users are responsible for e-mail security, backup and disaster recovery.

(3) All e-mail users shall:
• Be courteous and follow accepted standards of etiquette
• Protect others' privacy and confidentiality
• Facilitate organizational access before sending, filing or destroying e-mail messages
• Protect their passwords
• Remove transient records and reference copies in a timely manner
• Comply with City policies, procedures and standards
• Not use e-mail for personal matters

I. Policy Review and Update

(1) The Email Administrator or designee will periodically review and update this policy as new technologies and organizational changes are planned and implemented. Questions concerning this policy should be directed to your Department Head.

(2) All City employees shall sign a City of Ogdensburg Email Use Policy User Agreement.

§ AR-87. NETWORK & INTERNET ACCEPTABLE USE POLICY

A. Purpose

(1) The City of Ogdensburg’s connection to the global Internet exists to facilitate the official work of the City of Ogdensburg. The Internet facilities and services will contribute broadly to the missions of the City of Ogdensburg.

(2) The Network and Internet connections and services are provided for employees and persons legitimately affiliated with the City of Ogdensburg for the efficient exchange of information and the completion of assigned responsibilities consistent with the City of Ogdensburg’s statutory purposes.
a. The Department Head must notify the IT Administrator immediately when a network and internet user separates employment (retirement, resignation, etc.) with the City. The IT Administrator will be responsible for removing user credentials immediately.

B. Ogdensburg Computer Network

(1) City owned computer systems and all information contained within is the property of the City of Ogdensburg. They are provided to enable City employees to work more efficiently and effectively and are not for personal use. When it improves an employee’s productivity and effectiveness, use of a PC is encouraged.

(2) Employees should not assume that any computer equipment or technologies, such as electronic mail and data are confidential or private. The City maintains the right and ability to enter these computer systems to access and review any information at any time without notice to the employees.

a. Department heads shall be responsible for ensuring that all computer users know and understand safe computing practices. This shall include, but is not limited to:

1. Performing frequent backups on data files.
2. Using anti-virus software to scan for viruses on all files that are downloaded from the Internet or any other outside source.
3. Don't click or download things that you didn't solicit. Even saying no thank you (by clicking) gives them information about you. If you click something and then suspect it was not legitimate, report it immediately to the IT Administrator.
4. Don't download "free" software. Nothing is free. Often these free applications come with spyware and other malware including viruses.
5. Instances of malfunctioning computer equipment shall be reported to the IT Administrator immediately.
6. In the event of a serious virus outbreak or in the case of a continued break of this policy by an employee, the employee will be disconnected from the Internet and the City’s other computer systems until such time as he/she again complies with the City’s computer policy.
7. Computer equipment (e.g. Non-City computers/equipment, USB/thumb drives, files on cd/dvd, external drives, etc.) installed, moved, changed or modified without the authorization of the Contracted IT Technician and/or the IT Administrator is prohibited.
8. Any unauthorized equipment or software not supported by the City that creates or causes technical problems or malfunctions of the City technology infrastructure shall be immediately removed by the Contracted IT Technician and/or the IT Administrator.

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b. The use of the Internet facilities by any employee or other person authorized by the department must be consistent with the Acceptable Use Policy and security policies.

C. Principles of Acceptable Use

(1) City of Ogdensburg Internet users are required:

- To respect the privacy of other users; for example, users shall not intentionally seek information on, obtain copies of or modify files or data belonging to other users unless explicit permission to do so has been obtained.
- To respect the legal protection provided to programs and data by copyright and license.
- To protect data from unauthorized use or disclosure as required by State and Federal laws and City of Ogdensburg regulations and policies.
- To respect the integrity of computing systems; for example, users shall not use or develop programs that harass other users or infiltrate a computer or computing system and/or damage or alter the software components of a computer or computing system.
- To safeguard their accounts and passwords. Any user changes of passwords must follow City of Ogdensburg guidelines for good passwords. Accounts and passwords are assigned to single users and are not to be shared with any other person without authorization. Users are expected to report any observations of attempted security violations.

D. Unacceptable Use:

(1) It is not acceptable to use City of Ogdensburg Internet facilities:

- For activities unrelated to the City of Ogdensburg’s mission
- For activities unrelated to office assignments and/or job responsibilities
- For any illegal purpose
- To transmit threatening, obscene or harassing materials or correspondence
- For unauthorized distribution of City of Ogdensburg data and information
- To interfere with or disrupt network users, services or equipment
- For private purposes such as marketing or business transactions
- For solicitation for religious and political causes
- For unauthorized not-for-profit business activities
- For private advertising of products or services
- For any activity meant to foster personal gain
- For personal use
The City of Ogdensburg reserves the right to remove a user account from the network.

**E. Web 2.0 and Social Networking**

Social networking (e.g. Facebook, Twitter, etc.) and other Web 2.0 technologies (blogs, wikis, Youtube, etc.) can help drive the City's mission and support professional development. However, improper uses of Web 2.0 technologies raise a number of security and reputational risks and the potential for widespread damage to the government entity. If use of Web 2.0 and other social networking technologies is permitted by the user's supervisor, users must adhere to the following guidelines when using such technologies on City IT resources:

- All policies and work rules apply when participating in a social network or using a Web 2.0 technology for business use. Users are responsible for all of their online activities that are: conducted with a City e-mail address; can be traced to the City's domain; and/or use City resources.
- Users must not discuss or post confidential information.
- Users should be transparent when participating in any online community by disclosing their identity and affiliation with the City.
- Users should communicate in a professional manner
  - Be direct, informative and brief
  - Fact-check posts and include links to source information
  - If possible, spell and grammar check everything and correct errors promptly
- Abide by copyright and other applicable laws. Participation online results in a user's comments being permanently available and open to being republished in other media. Users should be aware that libel, defamation, copyright and data protection laws apply.
- Ensure that the terms of service for social networking sites comply with State laws.
- When communicating on behalf of the City, obtain necessary authorizations from their supervisor.
- Obtain permission before publishing photographs, videos or quotes of others.

The City of Ogdensburg will not be responsible for any damages. This includes the loss of data resulting from delays, non-deliveries or service interruptions caused by negligence, errors or omissions. Use of any information obtained is at the user's risk. Any computer connected to a network should have anti-virus software installed. The City of Ogdensburg makes no warranties, either expressed or implied, with regard to software obtained from the system.
F. Personal communications

(1) When not representing the City or acting within the scope of their employment duties, users who publish personal or professional opinions must not invoke their City title nor make any representation on behalf of the City of Ogdensburg.

(2) The City of Ogdensburg reserves the right to change its policies and rules at any time. The City of Ogdensburg makes no warranties (expressed or implied) with respect to Internet service, and it specifically assumes no responsibilities for:

- The content of any advice or information received by a user outside City of Ogdensburg employment or any costs or charges incurred as a result of seeking or accepting such advice.
- Any costs, liabilities or damages caused by the way the user chooses to use his/her City of Ogdensburg Internet access.
- Any consequences of service interruptions or changes, even if these disruptions arise from circumstances under the control of the City of Ogdensburg. The City of Ogdensburg’s Internet services are provided on an as is, as available, basis.

G. Enforcement and Violations

(1) This policy is intended to be illustrative of the range of acceptable and unacceptable uses of the Internet facilities and is not necessarily exhaustive. Questions about specific uses related to security issues not enumerated in this policy statement and reports of specific unacceptable uses should be directed to the IT Administrator. Other questions about appropriate use should be directed to your Department Head.

(2) The City of Ogdensburg will review alleged violations of the Internet Acceptable Use Policy on a case-by-case basis. Clear violations of the policy, which are not promptly remedied, will result in termination of Internet services for the person(s) at fault and referral for disciplinary actions as appropriate.

(3) All City employees shall sign a City of Ogdensburg Network and Internet Acceptable Use Policy User Agreement.
A. Purpose

(1) The Computer System Security Breach Notification Policy is intended to establish procedures to follow in the event a person(s) has acquired without valid authorization, private information of individuals from the records of the City of Ogdensburg and to alert said individuals to any potential identify theft as quickly as possible so that they may take appropriate steps to protect themselves from and remedy any impacts of the potential identity theft or security breach.

(2) This policy is consistent with the State Technology Law, Section 208 as added by Chapters 442 and 491 of the laws of 2005. This policy requires notification to impacted New York residents and non-residents. The City of Ogdensburg values the protection of private information of individuals. The City of Ogdensburg is required to notify an individual when there has been or is reasonably believed to have been a compromise of the individual's private information in compliance with the Information Security Breach and Notification Act and this policy.

(3) The City of Ogdensburg, after consulting with NYS Office of Information Technology Services (ITS) to determine the scope of the breach and restoration measures, shall notify an individual when it has been determined that there has been, or is reasonably believed to have been, a compromise of private information through unauthorized disclosure.

(4) A compromise of private information shall mean the unauthorized acquisition of unencrypted computerized data with private information.

a. “Private information” means personal information in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

1. social security number
2. driver's license number or non-driver identification card number; or,
3. account number, credit or debit card number, in combination with any required security code, access code or password which would permit access to an individual's financial account.

b. "Private information" does not include publicly available information that is lawfully made available to the general public from City records.

c. This Policy also applies to information maintained on behalf of the City of Ogdensburg by a third party.
B. Permitted Delay

(1) Notification pursuant to this Policy may be delayed if a law enforcement agency determines that notification could impede a criminal investigation. The notification must be made after the law enforcement agency determines that notification would not compromise any criminal investigation.

C. Method of Notification

(1) The required notice must be directly provided to the affected individuals by one of the following methods:
   a. written notice;
   b. electronic notice, provided that the person to whom notice is required to be provided has expressly consented to receiving notice in electronic form and a log of each electronic notification is kept by the City; and provided further that no person or business may require a person to consent to accepting notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;
   c. telephone notification, provided that a log of each telephone notification is kept by the City; or,
   d. substitute notice, if the City demonstrates to the State Attorney General that the cost of providing notice would exceed $250,000 or that the number of individuals to be notified exceeds 500,000 or the City does not have sufficient contact information. Substitute notice must include all of the following:
      1) e-mail notice, when the City has an e-mail address for the subject persons;
      2) conspicuous posting of the notice on the City's Website page if the City maintains one; and,
      3) notification to major state-wide media.

D. Information Required

(1) Regardless of the method by which notice is provided, the notice must include contact information for the City and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information were, or are reasonably believed to have been, acquired.

E. Notification of Agencies

(1) Whenever any New York State residents are to be notified pursuant to this Policy, the City must notify the State Attorney General, the Consumer Protection Board and the NYS Office of Information Technology Services (ITS) as to the timing, content and distribution of the notices and the approximate number of affected people. Such notice must be made without delaying notice to affected individuals.
Whenever more than 5,000 New York State residents are to be notified at one time, the City must also notify consumer reporting agencies as to the timing, content and distribution of the notices and the approximate number of affected people. Such notice must be made without delaying notice to affected individuals.

§ AR-89. CYBER SECURITY POLICY (CSP)

A. Purpose

(1) The purpose of the cyber security program is to maintain the confidentiality, integrity and availability of City IT Resources and City data.

B. Chief Information Security Officer

(1) The IT Administrator is responsible for creating and maintaining a cyber security program. In addition, the IT Administrator, or a designee, is responsible for leading the investigation of and response to cyber security incidents. The response to any incident will be developed in collaboration with the Contracted IT Technician.

C. Users

(1) City IT Resource users are responsible for protecting the security of all data and IT Resources to which they have access. This includes implementing appropriate security measures on personally owned devices which access City IT Resources. In addition, users are required to keep their accounts and passwords secure in compliance with the City’s Network & Internet Acceptable Use Policy.

(2) City employees may request IT Resource guest access to third parties (e.g., vendors, presenters, etc.) by using the Request for Network Access for Non-City employees form.

D. Network Management

(1) The Contracted IT Technician and IT Administrator are responsible for planning, implementing and managing the City network, including wireless connections.

(2) The following network appliances cannot be implemented at the City without prior written approval by the Contracted IT Technician and IT Administrator:
E. System Administration

(1) The City’s expectation is that every City owned IT Resource will be professionally managed by the Contracted IT Technician.

(2) The Contracted IT Technician is responsible for proper maintenance of the system. Negligent management of a City owned IT Resource resulting in unauthorized user access or a data breach may result in the loss of system administration privileges.

(3) System administration responsibilities for all City owned IT Resources, including those that are self-administered, include the following:

- Complying with all applicable City IT policies and procedures
- Working with the IT Administrator to establish the following:
  - Performing an annual cyber security self-assessment for the set of IT Resources administered
  - Installing an appropriate endpoint security/management agent(s)
  - Establishing an appropriate backup strategy and performing regular system backups
  - Regularly updating the operating system and other applications installed on the machine
  - Using, where possible and practical, central City IT services for system login and account management (e.g. Active Directory)

F. Scope:

(1) All City IT Resource users and all City IT Resources are covered by this policy.

G. Policy Terms

Endpoint - Laptop computers, desktop computers, workstations, group access workstations, USB drives and personal network attached storage.

AR:85
City IT Resources – City owned computers, networks, devices, storage, applications, or other IT equipment. “City owned” is defined as equipment purchased with City funding (including sources such as grant funds, etc.)

H. Procedures

(1) Incident Reporting
   a. If a City IT Resource user suspects that a security incident has occurred or will occur, they should report the suspicion immediately to the IT Administrator.
   b. Any City IT Resource user who has identified any of the following security events should report the suspected security event to the City IT Administrator:
      • Any occurrence of a compromised user account
      • Any breach or exposure of sensitive data
      • Any occurrence of a server infected with malware
      • Three or more simultaneous occurrences of endpoints infected with malware
      • Any other instance of malware or suspected intrusion that seems abnormal

I. Enforcement

(1) Violations of this policy may result in loss of City system and network usage privileges, and/or disciplinary action, up to and including termination as outlined in applicable City policies.

(2) All City employees shall sign a City of Ogdensburg Cybersecurity Policy User Agreement.

§ AR-90. TECHNOLOGY EQUIPMENT DISPOSAL POLICY

A. Purpose

(1) The purpose of this policy is to define the guidelines for the disposal of technology equipment and components owned by the City of Ogdensburg (“City”). Technology equipment often contains parts which cannot simply be thrown away. Proper disposal of equipment is both environmentally responsible and in some instances required by law. In addition, hard drives, USB drives, CD-ROMs and other storage media contain various kinds of City data, some of which is considered sensitive. In order to protect the City’s data, all storage mediums must be properly erased before being disposed. However, simply deleting or even formatting data is not considered sufficient. When deleting files or formatting a device, data is marked for deletion but is still accessible until being overwritten by a new file. Therefore, special tools must be used to securely erase data prior to equipment disposal.
B. Scope

(1) This policy applies to any computer/technology equipment or peripheral devices that are no longer needed within the City including, but not limited to the following: personal computers, servers, hard drives, laptops, mainframes, smart phones or handheld computers (i.e., Windows Mobile, iOS or Android-based devices), peripherals (i.e., keyboards, mice, speakers), printers, scanners, typewriters, compact and floppy discs, portable storage devices (i.e., USB drives), backup tapes and printed materials.

(2) All City employees and affiliates must comply with this policy.

C. Policy - Technology Equipment Disposal

- When technology assets have reached the end of their useful life they should be sent to the IT Administrator for proper disposal.
- The IT Administrator or designee will securely erase all storage mediums in accordance with current industry best practices.
- All electronic drives must be removed and rendered unreadable (drilling, crushing or other demolition methods).
- All computer equipment should be disposed of properly according to current state disposal regulations.
- Computer equipment refers to desktop, laptop, tablet or netbook computers, printers, copiers, monitors, servers, handheld devices, telephones, cell phones, disc drives or any storage device, network switches, routers, wireless access points, batteries, backup tapes, etc.
- Prior to leaving City premises for disposal, all equipment must be removed from the Information Technology inventory system.
- No computer or technology equipment may be sold to anyone without prior approval of the City Manager and the IT Administrator, and then only through the process identified in the Ogdensburg Municipal Code Administrative Regulations, Article V, Sale of City Property, § AR-33, Surplus property.

D. Policy Compliance

(1) Compliance Measurement

- The IT Administrator will verify compliance to this policy through various methods, including but not limited to, business tool reports, internal and external audits and feedback to the policy owner.
- Exceptions - any exception to the policy must be approved by the City Manager and IT Administrator in advance.
- Non-Compliance - an employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.
(2) All City employees shall sign a City of Ogdensburg Technology Equipment Disposal Policy User Agreement.

§ AR-91. NETWORK ACCESS FOR NON-CITY EMPLOYEES

A. Purpose

(1) The purpose of this policy is to protect against unauthorized access to or use of the City of Ogdensburg’s information that could result in substantial harm or inconvenience, and to protect against any anticipated threats or hazards to the security and/or integrity of the City’s network information.

B. Policy

(1) The appropriate City department will complete a Request for City of Ogdensburg Network Access for Non-City Employees or Contractors and submit the completed form to Contracted IT Technician one week prior to request.

(2) Each Non-City Employee or Contractor shall be subject to and shall abide by the Internet Technology Policies of the Code of the City of Ogdensburg.

APPENDIX A

Schedule of Eligible Securities

<table>
<thead>
<tr>
<th>Security</th>
<th>Eligibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Obligations issued, or fully insured or guaranteed as to the payment</td>
<td>Yes</td>
</tr>
<tr>
<td>of principal and interest, by the United States of America, an agency</td>
<td></td>
</tr>
<tr>
<td>thereof or a United States government sponsored corporation.</td>
<td></td>
</tr>
<tr>
<td>Obligations issued or fully guaranteed by the International Bank for</td>
<td>No</td>
</tr>
<tr>
<td>Reconstruction and Development, the Inter-American Development Bank, the</td>
<td></td>
</tr>
<tr>
<td>Obligations partially insured or guaranteed by any agency of the United</td>
<td>No</td>
</tr>
<tr>
<td>States of America, at a proportion of the market value of the obligation</td>
<td></td>
</tr>
<tr>
<td>that represents the amount of the insurance or guaranty.</td>
<td></td>
</tr>
<tr>
<td>Security Eligibility</td>
<td>Description</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Yes</td>
<td>Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such state or obligations of any public benefit corporation which under a specific state statute may be accepted as security for deposit of public moneys.</td>
</tr>
<tr>
<td>No</td>
<td>Obligations issued by states (other than the State of New York) of the United States rated in 1 of the 3 highest rating categories by at least 1 nationally recognized statistical rating organization.</td>
</tr>
<tr>
<td>No</td>
<td>Obligations of Puerto Rico rated in 1 of the 3 highest rating categories by at least 1 nationally recognized statistical rating organization.</td>
</tr>
<tr>
<td>No</td>
<td>Obligations of countries, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in 1 of the 3 highest rating categories by at least 1 nationally recognized statistical rating organization.</td>
</tr>
<tr>
<td>No</td>
<td>Obligations of domestic corporations rated in 1 of the 2 highest rating categories by at least 1 nationally recognized statistical rating organization.</td>
</tr>
<tr>
<td>Yes</td>
<td>Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.</td>
</tr>
<tr>
<td>No</td>
<td>Commercial paper and bankers' acceptances issued by a bank, other than the Bank, rated in the highest short-term category by at least 1 nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.</td>
</tr>
<tr>
<td>No</td>
<td>Zero coupon obligations of the United States government marketed as &quot;Treasury strips.&quot;</td>
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ARTICLE I
Definitions and Word Usage; Penalties for Offenses
§ 1-1. Definitions.
A. As used in this Code, the following terms shall have the meanings indicated:

ASSESSOR OR CITY ASSESSOR -- The Director of Assessments all functioning in the capacity of a City Assessor of the City of Ogdensburg, New York.

ATTORNEY OR CITY ATTORNEY -- The chief legal advisor of the City of Ogdensburg, New York.

BINGO INSPECTOR -- The Bingo Inspector of the City of Ogdensburg, New York.

BOARD OF APPEALS OR ZONING BOARD OF APPEALS -- The Board of Appeals of the City of Ogdensburg, New York.
OGDENSBURG CODE

BOARD OF PLANNING AND DEVELOPMENT -- The Board of Planning and Development of the City of Ogdensburg, New York, and which has the powers of a Planning Board pursuant to the General City Law.

BOARD OF REVIEW -- The Board of Review of the City of Ogdensburg, New York, created pursuant to Article 15 of § 1524 of the Real Property Tax Law.

BUILDING INSPECTOR -- An officer or employee of the City of Ogdensburg, New York, who is appointed to assist the Chief of the Fire Department of the City of Ogdensburg, the Code Enforcement Officer, the City Engineer or the Director of Planning and Development in the performance of his duties. [Amended 10-22-2007 by Ord. No. 10-2007]

CHIEF OF POLICE, POLICE CHIEF OR CHIEF OF THE POLICE DEPARTMENT -- The head of the Department of Police of the City of Ogdensburg, New York.

CHIEF WASTEWATER TREATMENT PLANT OPERATOR -- The head of the Division of Water Pollution Control in the Department of Public Works and Engineering of the City of Ogdensburg, New York.

CHIEF WATER TREATMENT PLANT OPERATOR -- The head of the Division of Water Supply in the Department of Public Works and Engineering of the City of Ogdensburg, New York.

CITY OR CITY OF OGDENSBURG -- The City of Ogdensburg in the County of Saint Lawrence and State of New York.

CITY CLERK -- The City Clerk of the City of Ogdensburg, New York.

CITY COMPTROLLER OR COMPTROLLER -- The chief fiscal officer of the City of Ogdensburg, New York.

CITY COUNCIL OR COUNCIL -- The governing body of the City of Ogdensburg, New York.

CITY COURT -- The City Court of the City of Ogdensburg, New York.

CITY ENGINEER -- The Director of Public Utilities and City Engineer of the City of Ogdensburg, New York, or a consulting engineer retained by the City of Ogdensburg, New York, to perform any or all of the duties of the City Engineer.

CITY HISTORIAN -- The City Historian of the City of Ogdensburg, New York.

CITY JUDGE -- The City Judge of the City of Ogdensburg, New York.

CITY MANAGER OR MANAGER -- The chief executive officer and chief administrative officer of the City of Ogdensburg, New York.

43 Editor's Note: Section 1524 of the Real Property Tax Law was repealed by L. 1982, c. 714; for current provisions, see § 523. Board of Assessment Review, of the Real Property Tax Law.
GENERAL PROVISIONS

CODE ENFORCEMENT OFFICER -- An officer or employee of the City of Ogdensburg appointed pursuant to § 97-3B of this Code. Said Code Enforcement Officer may assist the City Engineer or Director of Planning and Development in the performance of his duties. [Added 10-22-2007 by Ord. No. 10-2007]

COUNCILLOR -- A member of the City Council of the City of Ogdensburg, New York, other than the Mayor.

COUNTY -- The County of Saint Lawrence in the State of New York.

COUNTY CLERK -- The County Clerk of the County of Saint Lawrence in the State of New York.

DEPARTMENT OF ASSESSMENTS -- The Department of Assessments of the City of Ogdensburg, New York.

DEPARTMENT OF FINANCE -- The Department of Finance of the City of Ogdensburg, New York.

DEPARTMENT OF FIRE OR FIRE DEPARTMENT -- The Department of Fire of the City of Ogdensburg, New York.

DEPARTMENT OF LAW -- The Department of Law of the City of Ogdensburg, New York, of which the City Attorney is the head.

DEPARTMENT OF PARKS AND RECREATION -- The Department of Parks and Recreation of the City of Ogdensburg, New York.

DEPARTMENT OF PLANNING AND DEVELOPMENT -- The Department of Planning and Development of the City of Ogdensburg, New York.

DEPARTMENT OF POLICE OR POLICE DEPARTMENT -- The Department of Police of the City of Ogdensburg, New York.

DEPARTMENT OF PUBLIC WORKS -- The Department of Public Works of the City of Ogdensburg, New York.

DIRECTOR OF ASSESSMENTS -- The head of the Department of Assessments of the City of Ogdensburg, New York, who is responsible for assessments in the City of Ogdensburg, New York.

DIRECTOR OF PARKS AND RECREATION -- The Director of Parks and Recreation of the City of Ogdensburg, New York.

DIRECTOR OF PLANNING AND DEVELOPMENT -- The Director of Planning and Development of the City of Ogdensburg, New York.

DIRECTOR OF PUBLIC WORKS -- The head of the Department of Public Works of the City of Ogdensburg, New York.
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FIRE CHIEF OR CHIEF OF THE FIRE DEPARTMENT -- The head of the Department of
Fire of the City of Ogdensburg, New York.

HEALTH OFFICER -- The duly appointed local Health Officer who is authorized to
exercise all the functions and duties of a Health Officer of the City of Ogdensburg in the
County of Saint Lawrence and State of New York.

MAYOR -- The Mayor of the City of Ogdensburg, New York, who is a member of the City
Council and is the head of the city government but shall have no administrative or executive
duties unless otherwise provided by Charter or by law.

OFFICIAL MAP -- The map of the City of Ogdensburg, New York, established pursuant to
§ 26 of the General City Law.

OWNER -- A person who has the legal title, alone or with others, or exercises dominion or
control of the property, both real and personal.

PERSON -- One or more persons of either sex, natural person, corporations, partnerships,
associations, joint-stock companies, societies and all other entities capable of being sued.

RECREATION COMMISSION -- The Recreation Commission of the City of Ogdensburg,
New York, who acts in an advisory capacity to the Director of Parks and Recreation.

STATE -- The State of New York.

TENANT -- A person occupying real property under an oral or written lease or who is in
possession of real property under the actual or tacit consent of the owner. Whenever a
person, not the owner, occupies real property, it shall be presumed that he occupies the same
as a tenant.

VESSEL -- Any craft designed to navigate on water. [Added 9-8-1992 by Ord. No. 15-
1992]

B. Other words. All other words used in this Code and not otherwise specifically defined shall
be construed in the manner that they are normally used unless the context or subject matter
requires otherwise; but words that have acquired a technical meaning in law and are so used
shall be construed and understood in accordance with such meaning.

§ 1-2. Word usage.

A. Words used in the present tense include the future tense.

B. The singular number includes the plural.

C. A word importing the masculine gender only shall also be construed to include females,
corporations, partnerships, associations, joint-stock companies, societies and all other entities
capable of being sued.
GENERAL PROVISIONS

§ 1-3. Penalties for offenses.

Unless otherwise specifically provided, the violation of any ordinance, rule or regulation or any specific provision or provisions thereof adopted by the City Council as a part of this Code shall be deemed an offense against such ordinance, rule or regulation or provision thereof punishable by a fine of not less than $50 nor more than $250 or imprisonment of not more than 14 days, or both such fine and imprisonment.

ARTICLE II
Adoption of Code
[Adopted 12-7-1992 by L.L. No. 3-1992]

§ 1-4. Legislative intent.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the City of Ogdensburg, as codified by General Code Publishers Corp., and consisting of the Charter and Chapters 1 through 221, together with an Appendix, shall be known collectively as the "Code of the City of Ogdensburg," hereafter termed the "Code." Wherever reference is made in any of the local laws, ordinances and resolutions contained in the "Code of the City of Ogdensburg" to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, Article number or section number where such legislation appears in the Code, as if such local law, ordinance or resolution had been formally amended to so read.

§ 1-5. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances 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, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the City Council of the City of Ogdensburg, and it is the intention of said Council that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-6 below.

§ 1-6. Repeal of enactments not included in Code.

All local laws and ordinances of a general and permanent nature of the City of Ogdensburg in force on the date of the adoption of this local law and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this local law. The 1975 Ogdensburg Municipal Code, adopted December 15, 1975, is specifically repealed.
§ 1-7. Enactments saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in § 1-6 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

A. Any right or liability established, accrued or incurred under any legislative provision of the City of Ogdensburg 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 the City of Ogdensburg 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 the City of Ogdensburg.

D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the City of Ogdensburg.

E. Any local law or ordinance of the City of Ogdensburg 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 the City of Ogdensburg or any portion thereof.

F. Any local law or ordinance of the City of Ogdensburg appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the City of Ogdensburg or other instruments or evidence of the city's indebtedness.

G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.

H. The levy or imposition of special assessments or charges.

I. The annexation or dedication of property.

J. Any legislation relating to salaries or employee benefits.

K. Any local law or ordinance amending the Zoning Map.

L. Any legislation adopted subsequent to April 1, 1992.

M. Legislation dealing with vehicles and traffic.

N. Legislation dealing with street festivals (Ord. No. 8-1989, as amended).

O. Legislation dealing with amendments to the Charter.

P. Legislation dealing with amendments to the Administrative Regulations.
§ 1-8. Severability.

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law, ordinance or resolution included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, Article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.


A copy of the Code, in loose-leaf form, has been filed in the office of the City Clerk of the City of Ogdensburg and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be certified to by the City Clerk of the City of Ogdensburg by impressing thereon the Seal of the City of Ogdensburg, and such certified copy shall remain on file in the office of said City Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication 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.

§ 1-10. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the "Code of the City of Ogdensburg" or any new local laws, ordinances or resolutions, when enacted or adopted in such form as to indicate the intention of the City Council to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the City Council deems desirable.

§ 1-11. Code book to be kept up-to-date.

It shall be the duty of the City Clerk to keep up-to-date the certified copy of the book containing the Code of the City of Ogdensburg required to be filed in the office of the City Clerk for use by the public. All changes in said Code and all local laws, ordinances and resolutions adopted by the City Council subsequent to the enactment of this local law in such form as to indicate the intention of said City Council to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes, local laws, ordinances or resolutions until such changes, local laws, ordinances or resolutions are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

Copies of the Code may be purchased from the City Clerk of the City of Ogdensburg upon the payment of a fee to be set by resolution of the City Council, which Council may also arrange by resolution for procedures for the periodic supplementation thereof.

§ 1-13. Penalties for tampering with Code.

Any person who, without authorization from the City Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the City of Ogdensburg or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the City of Ogdensburg 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.


A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the City of Ogdensburg, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor non-substantive changes were made in one or more of said pieces of legislation. It is the intention of the City Council that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.

B. In addition, the following amendments and/or additions are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)

(1) The following nomenclature changes shall be made throughout the Code of the City of Ogdensburg:

(a) "Councilman" will be changed to refer to "Councillor."

(b) "Superintendent of Water" will be changed to "Chief Water Treatment Plant Operator."

(c) "Superintendent of Water Pollution Control" will be replaced by "Chief Wastewater Treatment Plant Operator."

(d) "Board of Health" will be changed to "Health Officer."

(e) "Local Economic Development Zone Administrator" will be changed to "Local Economic Development Zone Certification Officer."
GENERAL PROVISIONS

(2) In addition, the following amendments and/or additions are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)

§ 1-15. Incorporation of provisions into Code.

The provisions of this local law are hereby made Article II of Chapter 1 of the Code of the City of Ogdensburg, such local law to be entitled "General Provisions, Article I, Adoption of Code," and the sections of this local law shall be numbered §§ 1-4 to 1-16, inclusive.

§ 1-16. When effective.

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

ARTICLE III
Legislation Enacted During Codification

[During the process of codification, certain new pieces of legislation or changes and/or additions to various existing pieces of legislation were approved by the City Council for inclusion in the Code of the City of Ogdensburg. Such amendments and new enactments are noted in the histories of individual chapters and sections as "... amended (adopted) during codification; see Ch. 1, General Provisions, Art. III." Upon final enactment, a complete enumeration of all chapters and sections in the Code involved in such enactments will be included in this Article, along with specific dates of adoption.]

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Editor's Note: Pursuant to § 1-14B(2), the following chapters or sections were added or amended: Art. I of Ch. 1, §§ 27-3A, 33-3, 69-5, 73-3B, 79-19, 83-3, 88-1A and E, 91-6, 97-37B, 105-4B, 117-20E(4), 117-43D(2), 117-60B, 149-2, 149-3C, 149-3E, 149-4, 149-8A, 157-12, 161-3C, 167-1, Art. III of Ch. 181, §§ 189-4A, 189-12, 189-17, 203-11, 203-12, 203-14G and H, 206-4, 221-6, 221-37D(4), 221-39, 221-40A(6), 221-42D(6) The following original sections were deleted: Sec. 19.3 of Ch. 19, Art. I of the 1975 Code; Subsection D of Sec. 26.100 of Ord. No. 89-17; Sec. 17.2B of Ch. 17 of the 1975 Code; Subsection a(2) of Sec. 30.30D1 of an ordinance of 9-10-1990. A complete description of each change may be found in L.L. No. 3-1992, on file in the City Clerk's office.
§ 7-1. Service charge established

The City Council authorizes the imposition of a service charge of $20 on all checks returned for insufficient funds.

§ 7-2. Collection; future payments.

Such service charge shall be collected in the same manner prescribed by laws for the collection of the account for which the check was tendered. In addition, the city may require future payments to be made in cash or by certified or cashier's check.
§ 11-1. Purpose.

This chapter is enacted for the purpose of establishing regulations for the sale of City real estate and franchises.

§ 11-2. Sale or lease procedure; restrictions. [Amended 2-12-2001 by L.L. No. 1-2001]

Sale or lease of City real estate or of a franchise shall be done in accordance with the following:

A. Unless otherwise provided by this section, the sale or lease of City real estate or of a franchise shall be at public auction to the highest bidder.

   (1) Vote required. No sale or lease shall be made or authorized except by vote of ¾ of all the members of the City Council.

   (2) Public notice. No sale or lease shall be made until after public notice to be published at least once each week for three weeks in the official paper of the City.

   (3) Deposit required. No bid shall be accepted unless the successful bidder shall pay a deposit of 10% thereof.

   (4) Payment. Notice of the sale or lease shall specify that the purchase price shall be paid in cash at such time and place as shall be designated in the resolution authorizing the sale or lease.

[HISTORY: Adopted by the City Council of the City of Ogdensburg 12-15-1975 as Ch. 9 of the 1975 Ogdensburg Municipal Code. Amendments noted where applicable.]
(5) Restriction on use. The City Council shall have the power to establish restrictions, limitations and conditions on the use of the City real estate offered for sale or lease.

(6) Other restrictions. The City Council shall have the power to establish by resolution such other terms or conditions in connection with the sale or lease of real estate or of a franchise as it deems to be in the best interests of the City.

(7) Term of franchise. No franchise shall be granted or be operated for a period longer than 50 years.

(8) Extension of franchise. The City Council may, however, grant to the owner or lessees of an existing franchise, under which operations are actually being carried on, such additional rights or extensions in the street or streets in which said franchise exists, upon such terms as the interests of the City may require, with or without any advertisement, as the City Council may determine.

B. A lease of City-owned property may, at the election of the City Council of the City of Ogdensburg, be done in accordance with the following regulations:

(1) Negotiation. The City Manager may present to the City Council, for its consideration, the terms of a negotiated lease of City-owned property.

(2) Vote required. No lease shall be made or authorized except by vote of ¾ of all the members of the City Council.

(3) Procedure. The City Council shall be presented with the proposed lease of City property and shall call for a public hearing on the proposed lease. Action on said proposed lease shall be by ordinance after said public hearing.

§ 11-3. Submission to voters.

Upon a demand being filed as set forth in § 23, Subdivision 2b, of the General City Law as amended, the question whether any proposed sale or lease of City real estate or of any franchise belonging to or under the control of the City shall be approved, shall be submitted to the voters as specified in said § 23, Subdivision 2b, of the General City Law, as amended.

§ 11-3.1. Purchase money mortgage to secure payment of purchase price. [Added 3-8-2004 by L.L. No. 1-2004]

The City Council of the City of Ogdensburg is hereby granted the authority to take back a purchase money mortgage so as to secure all or a portion of the purchase price of real property sold pursuant to this chapter or any other provision of law. Said authority may be exercised in accordance with the following conditions and regulations:

A. The City Manager may present to the City Council, for its consideration, the terms of a negotiated sale of real property acquired by the City by reason of nonpayment of real property taxes, assessments or other charges.
CITY REAL ESTATE & FRANCHISES

B. All or a portion of the purchase price of said property may be paid pursuant to a purchase money mortgage, the terms of which are to be negotiated by the City Manager and presented to the City Council.

C. Said negotiated sale and purchase money mortgage shall not be binding on the City of Ogdensburg until approved by the City Council of the City of Ogdensburg.

D. No sale where part of the purchase price is to be secured by the taking back of a purchase money mortgage shall be made or authorized except by a vote of 3/4 of all the member of the City Council.

E. The City Council shall be presented with the proposed terms of sale and may approve said sale and the taking of a purchase money mortgage by resolution.

§ 11-4. Intent.

It is the intention of this chapter to establish a method for the sale or lease of City real estate or of a franchise and that this chapter is not intended to restrict the exercise of any power now vested in the City.
Chapter 17
DEFENSE AND INDEMNIFICATION

§ 17-1. Purpose and intent.

The purpose of this chapter is to provide legal and financial protection for those individuals serving the City of Ogdensburg, from suits which may be brought against them in their individual capacity for acts taken while in the performance of their official duties and responsibilities. In enacting this chapter, the City Council finds that the State of New York has enacted similar provisions for the legal and financial security of its officers and employees and further finds that such security is also required for local personnel. By enactment of this chapter, the City Council does not intend to limit or otherwise abrogate any existing right or responsibility of the City or its employees with regard to indemnification or legal defense. It is solely the intent of this chapter to provide similar coverage for local employees as is presently provided for state employees, so as to continue to attract qualified individuals to local government service.

§ 17-2. Definitions.

As used in this chapter, unless the context otherwise requires, the following terms shall have the meanings indicated:

EMPLOYEE -- Any person holding a position by election, appointment or employment in the service of the City of Ogdensburg, whether or not compensated, or a volunteer expressly authorized to participate in a municipally sponsored volunteer program, but shall not include an independent contractor. The term "employee" shall include a former employee, his estate or judicially appointed personal representative.
§ 17-3. Defense to be provided; conditions.

A. Upon compliance by the employee with the provisions of § 17-5 of this chapter, the City shall provide for the defense of the employee in any civil action or proceeding in any state or federal court arising out of any alleged act or omission which occurred or is alleged in the complaint to have occurred while the employee was acting within the scope of his public employment or duties or which is brought to enforce a provision of 42 U.S.C. § 1981 or 1983. This duty to provide for a defense shall not arise where such civil action or proceeding is brought by or on behalf of the City of Ogdensburg.

B. Subject to the conditions set forth in Subsection A of this section, the employee shall be entitled to be represented by the City Attorney; provided, however, that the employee shall be entitled to representation by private counsel of his choice in any civil judicial proceeding whenever the City Attorney determines, based upon his investigation and review of the facts and circumstances of the case, that representation by the City Attorney would be inappropriate, or whenever a court of competent jurisdiction upon appropriate motion or by a special proceeding, determines that a conflict of interest exists and that the employee is entitled to be represented by private counsel of his choice. The City Attorney shall notify the employee in writing of such determination that the employee is entitled to be represented by private counsel of his choice. The City Attorney may require, as a condition to payment of the fees and expenses of such representation, that appropriate groups of such employees be represented by the same counsel. If the employee or group of employees is entitled to representation by private counsel under the provisions of this section, the City Attorney shall so certify to the City Council. Reasonable attorneys' fees and litigation expenses shall be paid by the City to such private counsel from time to time during the pendency of the civil action or proceeding subject to certification that the employee is entitled to representation under the terms and conditions of this section by the head of the department, commission, division, office or agency in which such employee is employed and upon the audit and warrant of the City Treasurer. Any dispute with respect to representation of multiple employees by a single counsel or the amount of litigation expenses or the reasonableness of attorneys' fees shall be resolved by the court upon motion.

C. Where the employee delivers process and a request for a defense to the City Attorney as required by § 17-5 of this chapter, the Attorney shall take the necessary steps, including the retention of private counsel under the terms and conditions provided in Subsection B of this section on behalf of the employee to avoid entry of a default judgment pending resolution of any question pertaining to the obligation to provide for a defense.

§ 17-4. Indemnification of City employees; exceptions.

A. The City shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in any state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or settlement arose occurred while the employee was acting within the scope of his public employment or duties; the duty to indemnify and save harmless prescribed by this section shall not arise where the injury or damage resulted from intentional wrongdoing or recklessness on the part of the employee.
DEFENSE AND INDEMNIFICATION

B. An employee represented by private counsel shall cause to be submitted to the City Council any proposed settlement which may be subject to indemnification by the City and if not inconsistent with the provisions of this section, the Mayor shall certify such settlement, and submit such settlement and certification to the City Attorney. The Attorney shall review such proposed settlement as to form and amount, and shall give his approval if in his judgment the settlement is in the best interest of the City. Nothing in this section shall be construed to authorize the City to indemnify or save harmless an employee with respect to a settlement not so reviewed and approved by the City Attorney.

C. Upon entry of a final judgment against the employee or upon the settlement of the claim, the employee shall cause to be served a copy of such judgment or settlement, personally or by certified or registered mail, within thirty (30) days of the date of entry or settlement, upon the Mayor; and if not inconsistent with the provisions of this section, such judgment or settlement shall be certified for payment by such Mayor. If the Attorney concurs in such certification, the judgment or settlement shall be paid upon the audit and warrant of the City Treasurer.

D. Nothing in this chapter shall authorize the City to indemnify or save harmless the employee with respect to punitive or exemplary fines or penalties.

§ 17-5. Employee's responsibilities.

The duty to defend or indemnify and save harmless provided by this chapter shall be conditioned upon delivery to the corporation counsel or his assistant, at his office, by the employee of the original or a copy of any summons, complaint, process, notice, demand or pleading within five (5) days after he is served with such document; and the full cooperation of the employee in the defense of such action or proceeding and in defense of any action or proceeding against the City based upon the same act or omission, and in the prosecution of any appeal. Such delivery shall be deemed a request by the employee that the City provide for his defense pursuant to this chapter.

§ 17-6. Applicability limited.

The benefits of this chapter shall inure only to employees as defined herein, and shall not enlarge or diminish the rights of any other party, nor shall any provision of this chapter be construed to affect, alter or repeal any provision of the Workers' Compensation Law.

§ 17-7. Rights of insurers.

The provisions of this chapter shall not be construed to impair, alter, limit or modify the rights and obligations of any insurer under any policy of insurance.

§ 17-8. Pending actions and proceedings.

The provisions of this chapter shall apply to all actions and proceedings pending upon the effective date thereof or thereafter instituted.

Except as otherwise specifically provided in this chapter, the provisions of this chapter shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon any unit, entity, officer or employee of the City, or any right to defense and/or indemnification provided for any governmental officer or employee by, in accordance with or by reason of any other provision of state or federal statutory or common law.
§23-1. Local Economic Development Zone Certification Officer designated

§23-2. Economic Development Zone Administrative Board

§22-3. Boundary changes.

[HISTORY: Adopted by the City Council of the City of Ogdensburg 4-11-1988 as L.L. No. 3-1988. Amendments noted where applicable.]

§ 23-1. Local Economic Development Zone Certification Officer designated.

The City Council designates the City Comptroller as the Local Economic Development Zone Certification Officer.

§ 23-2. Economic Development Zone Administrative Board.

The City Council designates the Board of Directors of the Ogdensburg Growth Fund Development Corporation to serve as the Economic Development Zone Administrative Board.


The City Council wishes to amend the designated boundaries of the Economic Development Zone as shown on the attached map45, pending approval of the Economic Development Zone Designation Board.

45 Editor's Note: This map is on file and available for inspection in the office of the City Manager.
Chapter 27
ETHICS, CODE OF

§ 27-1. Purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the City Council of the City of Ogdensburg recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers and employees of the City of Ogdensburg. These rules shall serve as a guide for official conduct of the officers and employees of the City of Ogdensburg. The rules of ethical conduct of this chapter, as adopted, shall not conflict with, but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.


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

INTEREST -- A pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

MUNICIPAL OFFICER OR EMPLOYEE -- An officer or employee of the City of Ogdensburg, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a "municipal officer or employee" solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer.
OGDENSBURG CODE


Every officer or employee of the City of Ogdensburg shall be subject to and abide by the following standards of conduct:

A. Gifts. He shall not directly or indirectly, solicit any gift; or accept or receive any gift having a value of seventy-five dollars ($75.) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.⁴⁶

B. Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.

C. Representation before one's own agency. He shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.

D. Representation before any agency for a contingent fee. He shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

E. Disclosure of interest in legislation. To the extent that he knows thereof, a member of the City Council and any officer or employee of the City of Ogdensburg, whether paid or unpaid, who participates in the discussion or gives official opinion to the City Council on any legislation before the City Council shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.

F. Investments in conflict with official duties. He shall not invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction, which creates a conflict with his official duties.

G. Private employment. He shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties.

⁴⁶ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art.II.
H. Future employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the City of Ogdensburg in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

§ 27-4. Suits against City.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the City of Ogdensburg, or any agency thereof, on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 27-5. Distribution of provisions.

The City Manager of the City of Ogdensburg shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the city within ten (10) days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

§ 27-6. Penalties for offenses.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.
Chapter 33

HEALTH OFFICER; BOARD OF HEALTH

§33-1. Board of Health abolished.

§33-2. Duties of Health Officer.

§33-3. Appointment and removal of Health Officer.

[HISTORY: Adopted by the City Council of the City of Ogdensburg 4-12-1976 as L.L. No. 1-1976 (Ch. 103 of the 1975 Ogdensburg Municipal Code). Amendments noted where applicable.]

§ 33-1. Board of Health abolished.

The Ogdensburg Board of Health shall be hereby abolished.

§ 33-2. Duties of Health Officer. [Amended 1-25-2016 by L.L. No. 1-2016]

The Health Officer of the City of Ogdensburg shall be hereby abolished.

§ 33-3. Countywide Health District and County Health Director. [Amended 1-25-2016 by L.L. No. 1-2016]

The Countywide Health District and County Health Director of St. Lawrence County shall be responsible for all the duties of the former Board of Health and Health Officer.
Chapter 44

MUTUAL SHARING PLAN

§ 44-1. Authorization of City Manager to implement plan.
A. The City Manager of the City of Ogdensburg is hereby authorized to implement a mutual sharing plan with any municipality which has similarly adopted a mutual sharing plan.
B. The terms of said mutual sharing plan and the corresponding agreement shall be as follows.

§ 44-2. Definitions.
For the purposes of this mutual sharing plan, the following terms shall be defined as indicated:

CONTRACT -- The text of this plan which is identical in terms and effect with similar plans or agreements, notwithstanding that each such contract is signed only by the chief executive officer of each participating municipality filing the same, and upon such filing each filing municipality accepts the terms of the contract to the same degree and effect as if each chief executive officer had signed each individual contract.

DESIGNATED FILING AGENT -- The central place where the participating municipalities file all similar plans or contracts for shared services.

MUNICIPALITY -- Any city, county, town or village which has agreed to be bound by a contract of shared services identical in terms and effect with this plan and has filed a certified copy of a resolution to that effect with the designated filing agent as defined herein.
SHARED SERVICE -- Any service provided by one municipality for another municipality that is consistent with the purposes and intent of this contract and shall include but shall not be limited to:

A. The renting, exchanging, or lending of highway machinery, tools and equipment, with or without operators;

B. The borrowing or lending of supplies between municipalities on a temporary basis conditioned upon the replacement of such supplies or conditioned upon the obtaining of equal value through the provision of a service by the borrower or by the lending of equipment by the borrower, the value of which is equal to the borrowed supplies;

C. The providing of specific service for another municipality, conditioned on such other municipality providing a similar service, or a service of equal value, in exchange.

SUPERINTENDENT --

A. In the case of a county, the County Superintendent of Highways, or the person having the power and authority to perform the duties generally performed by County Superintendents of Highways.

B. In the case of a town, the Town Superintendent of Highways.

C. In the case of a village, the Superintendent of Public Works.

D. In the case of the City, Director of Public Works.


The City Manager shall execute a contract incorporating the terms hereof and he/she will consider this contract to be applicable to any municipality which has filed a similar contract in the office of the designated filing agent and which has sent a notice of such filing to the officer signing this agreement and the Director of Public Works of the City of Ogdensburg.

§ 44-4. Authority of Director of Public Works; terms of agreements.

The Director of Public Works is granted the authority to enter into any shared service agreement with any other municipality or other municipalities subject to the following terms and conditions:

A. The City of Ogdensburg agrees to rent, exchange or borrow from any municipality any and all materials, machinery and equipment, with or without operators, which it may need for the purposes of the City of Ogdensburg. The determination as to whether such machinery, with or without operators, is needed by the City of Ogdensburg shall be made by the Director of Public Works. The value of materials or supplies borrowed from another municipality under this agreement may be returned in the form of similar types and amounts of materials or supplies, or by the supply of equipment or the giving of services of equal value, to be determined by mutual agreement of the respective Superintendents.
B. The City of Ogdensburg agrees to rent, exchange or lend to any municipality any and all materials, machinery and equipment, with or without operators, which such municipality may need for its purposes. The determination as to whether such machinery or material is available for renting, exchanging or lending shall be made by the Director of Public Works. In the event the Director of Public Works determines that it will be in the interests of the City of Ogdensburg to lend to any other municipality, the Director of Public Works is hereby authorized to lend to another municipality. The value of supplies or materials loaned to another municipality may be returned to the City of Ogdensburg by the borrowing municipality in the form of similar types and amounts of materials or supplies, or by the use of equipment or receipt of services of equal value, to be determined by mutual agreement of the respective superintendents.

C. An operator of equipment rented or loaned to another municipality, when operating such equipment for the borrowing municipality, shall be subject to the direction and control of the superintendent of the borrowing municipality in relation to the manner in which the work is to be completed. However, the method by which the machine is to be operated shall be determined by the operator.

D. When receiving the services of an operator with a machine or equipment, the receiving superintendent shall make no request of any operator which would be inconsistent with any labor agreement that exists for the benefit of the operator in the municipality by which the operator is employed.

E. The lending municipality shall be liable for any negligent act resulting from the operation of its machinery or equipment by its own operator. In the event damages are caused as a result of directions given to perform work, then the lending municipality shall be held harmless by the borrowing municipality.

F. Each municipality shall remain fully responsible for its own employees, including salary, benefits and workers compensation.

§ 44-5. Written memorandum; delivery methods; acceptance.

The renting, borrowing or leasing of any particular piece of machinery or equipment, or the exchanging or borrowing of materials or supplies, or the providing of a specific service shall be evidenced by the signing of a memorandum by the superintendent. Such memorandum may be delivered to the other party via regular mail, electronic mail, personal delivery or by facsimile machine. In the event there is no written acceptance of the memorandum, the using of the machinery, the receipt of the material or supplies or the acceptance of a service shall be evidence of the acceptance of the offer to rent, exchange or lend.

§ 44-6. Value of rental or service.

In the event a municipality wishes to rent machinery or equipment from another municipality or in the event a municipality wishes to determine the value of such renting for purposes of exchanging shared services of a comparable value, it is agreed that the value of the shared service shall be as set forth by the superintendent authorizing the lease of machinery or equipment.
§ 44-7. Responsibility for machinery and operator during loan.

All machinery and the operator, for the purpose of workers compensation, liability and any other relationship with third parties, except as provided in § 44-4E of this chapter, shall be considered the machinery of and the employee of the municipality owning the machinery and equipment.

§ 44-8. Repairs to loaned equipment.

In the event machinery or equipment being operated by an employee of the owning municipality is damaged or otherwise in need of repair while working for another municipality, the municipality owning the machinery or equipment shall be responsible to make or pay for such repairs. In the event an employee of the borrowing, receiving or renting municipality operates machinery or equipment, such municipality shall be responsible for such repairs.


Records shall be maintained by each municipality setting forth all machinery rentals, exchanges, borrowings or other shared services. Such records will be available for inspection by any municipality that has shared services with such municipality.

§ 44-10. Dispute resolution.

In the event any dispute arises relating to any shared service, and in the event such dispute cannot be resolved between the parties, such dispute shall be subject to mediation.


Any party to a mutual sharing contract may revoke such contract by sending a notice of such revocation to the designated filing agent and a copy thereof to each participating municipality filing as required by § 44-2 of this chapter, within the definition of "municipality." Upon the revocation of such contract, any outstanding obligations shall be settled within 30 days of such revocation unless the parties with whom an obligation is due agree in writing to extend such date of settlement.

§ 44-12. Actions by Director of Public Works; limit on expenditures.

Any action taken by the Director of Public Works pursuant to the provisions of this contract shall be consistent with the duties of such official, and expenditures incurred shall not exceed the amounts set forth in the City of Ogdensburg's budget for highway purposes.


A record of all transactions that have taken place as a result of the City of Ogdensburg participating in a Mutual Services Plan shall be kept by the Director of Public Works and a statement thereof shall be provided to the City Manager on or before January 31 and July 31 of each calendar year.

If any provision of this chapter and subsequent agreement is deemed to be invalid or inoperative for any reason, that part shall be deemed modified to the extent necessary to make it valid and operative or, if it cannot be so modified, then severed, and the remainder of the contract shall continue in full force and effect as if the contract had been signed or filed with the designated filing agent with the invalid portion so modified or eliminated.

§ 44-15. Review; extension; renewal; expiration.

This plan and any contracts entered into pursuant to this plan shall be reviewed every five years by the City of Ogdensburg City Council and shall expire five years from the date of its signing by the City Manager. The City of Ogdensburg City Council may extend or renew this plan and the contracts thereunder for another five-year period.
§ 53-1. Board designated as Site Selection/Review Committee.

[HISTORY: Adopted by the City Council of the City of Ogdensburg 11-13-1990. Amendments noted where applicable.]

CHARTER REFERENCES

Department of Planning and Development - See Art. VIII.

GENERAL REFERENCES

Subdivision of land - See Ch. 193.
Zoning - See Ch. 221

§ 53-1. Board designated as Site Selection/Review Committee.

The City of Ogdensburg does hereby designate the City of Ogdensburg Planning Board as the Site Selection/Review Committee according to the New York Site Selection Law, § 41.34 of the New York State Mental Hygiene Law.
§ 58-1. Creation; membership. 47

A. There is hereby created a Pride and Beautification Commission for the City of Ogdensburg.

B. It shall consist of eleven (11) formal members, called “Commissioners”, who shall be appointed by the Mayor and City Council for terms of three (3) years, except that, of those first appointed, two (2) shall serve for one (1) year, two (2) for two (2) years and three (3) for three (3) years. In addition and at the time of appointment, one (1) of the members shall be designated as Chairman by a majority vote of the appointed Commissioners. The term of the Chairman shall be for two (2) years. Vacancies shall be filled for the unexpired term. [Amended 11-10-2014 by Ord. No. 16-2014]

C. In addition to the formal members, any resident of the City of Ogdensburg, or other interested person, is encouraged to attend Commission meetings and to participate in Commission activities and discussions.


The Commission is created for the following purposes:

A. To encourage beautification of the City of Ogdensburg.

B. To work with businesses and residents to encourage new plantings, beautification projects and to engender civic pride.

C. To organize work groups and to encourage contributions to be used to improve the aesthetic quality of the City. All such contributions are to be paid to the City and shall be restricted for

47 Commission created by resolution of City Council on 4-10-2000 to consist of seven members. Membership increased to nine members by City Council resolution on 3-10-2003. Increased to eleven members with the adoption of Ordinance 1-2014 on 2-13-2014.
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beautification projects approved by the City Council.

D. To encourage the beautification of buildings and structures and the preservation of historic structures.

E. To advise the City Council on all matters involving beautification of the City and to make recommendations to the City Council for making public property, streets and ways more attractive and aesthetically pleasing.

F. To exercise such other and further powers as may, from time to time, be delegated to it by law or resolution of the City Council.

§ 58-3. Expenditures; quorum.

A. The City Council may, based on the recommendations of the Commission, budget and expend moneys for beautification projects on the public property of the City.

B. At least six (6) of the appointed members must be present to constitute a quorum; adoption of any resolution or action shall be by majority of all appointed members.

[HISTORY: Adopted by the City Council of the City of Ogdensburg 9-13-1999. Amendments noted where applicable.]

GENERAL REFERENCES

Trees - See Ch. 206


The City officially establishes a Tree Commission, to be appointed by the Mayor and City Council, consisting of up to seven volunteer citizens to work with city staff on the implementation of our comprehensive tree management program. [Amended 11-10-2014 by Ord. No. 16-2014]
PART III

GENERAL LEGISLATION
Chapter 66

ALARM SYSTEMS

§66-1. Definitions

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

ALARM SYSTEM -- A device or an assembly of equipment which emits an audible response which is intended to alert persons outside the premises to the existence of a hazard or emergency or which is intended to alert emergency agencies by automatically dialing an emergency agency or which is connected to a private answering point for the purposes of reporting such alarms to the emergency agencies or which is directly connected to the emergency communications center or other emergency agency.

ALARM USER -- Any person who owns, leases or uses an alarm system in the City of Ogdensburg, except for a person whose alarm is on a mobile vehicle or is a proprietary system.

AVOIDABLE ALARM -- The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner, user, custodian or lessee of an alarm system or of his employees or agency or through any other cause which, through direct connection through an emergency agency, or which, through notification of any emergency via a private answering point or an automatic dialing service, or which, through notification to an emergency agency by any other second party or means, indicates that emergency situations exist requiring an emergency response within the City of Ogdensburg when, in fact, an emergency situation does not exist. An "avoidable alarm" also includes the knowing or intentional activation of an alarm to an emergency agency and the activator knows that an emergency situation does not exist. "Avoidable alarm" does not include alarms activated by violent conditions of nature, such as hurricanes, tornadoes, earthquakes or any...
other similar cause beyond the control of the user of an alarm system. Activation of alarm systems under any circumstances in which the activator reasonably believes that emergency situations exist is not an "avoidable alarm."

EMERGENCY AGENCY -- The Police Department or Fire Department, when summoned to respond to an emergency situation by the fire/police dispatch center.

LOCAL ALARM SYSTEM -- A signaling system which, when activated, causes an audible signaling device to be activated outside the premises within which the system is installed.

PRIVATE ANSWERING POINT -- A business which offers the services of receiving emergency signals, monitoring said signals and relaying them to an emergency agency.

PROPRIETARY SYSTEM -- An alarm, sounding and/or recording alarm and supervisory signals at a control center located within the premises protected by the alarm which is not intended to alert persons outside the premises on which the alarm system is located of a possible hazard and not intended to alert an emergency agency, the control center being under the supervision of the proprietor of the protected premises. If a "proprietary system" includes a signal line connected directly to or by means of an automatic dialing device to an emergency or to a private answering point or to a local alarm system, it thereby becomes an alarm system as defined in this section.

§ 66-2. Proprietary alarm systems; new systems.

The provisions of this chapter shall not apply to proprietary alarm systems. Additionally, a thirty-day grace period will be allowed for new alarm systems.

§ 66-3. Avoidable alarms; excessive use fees.

A. The City shall notify an alarm user, in writing, by means of first class mail sent to the home address listed at the dispatch center of all avoidable alarms during the calendar year. Such notice shall inform the alarm user that if the alarm user has three (3) avoidable alarms within a calendar year, then he will be subject to an excessive use fee. The excess use fee shall be as follows:

<table>
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<tr>
<th>Number of Avoidable Alarms</th>
<th>Excessive Use Fee</th>
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<tr>
<td>4 or 5</td>
<td>$ 50.00</td>
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<tr>
<td>6 or 7</td>
<td>100.00</td>
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<tr>
<td>8 or more</td>
<td>250.00</td>
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</table>

B. The City shall notify each alarm user, in writing, by means of first class mail of each avoidable alarm incurred and the amount to be charged. Should the City not receive prompt payment within thirty (30) days of the date of the invoice, the City reserves the right to disconnect the user from the emergency control center panels for excessive abuse.
§ 66-4. Classification of alarms; review.

The Chief of Police and the Fire Chief shall establish policy and procedures whereby an alarm user who has been notified of an avoidable alarm may present evidence as to why any such alarm should not be classified as an avoidable alarm. The Chief of Police and the Fire Chief shall designate members of their Departments to collect such evidence and make a recommendation and findings of fact concerning such classification. The Chief of Police or Fire Chief shall make the final determination concerning a classification, which determination shall be reviewable only pursuant to procedures established under Article 78 of the Civil Service Practice Law and Rules. In order to challenge the classification of an alarm as an avoidable alarm, an alarm user must notify the Chief of Police, in writing, within twenty (20) days after the notification to the alarm user of the avoidable alarm. The failure to give timely notice shall be deemed a waiver of the right to challenge the classification.

§ 66-5. Disconnection.

The decision to disconnect users from the fire control center shall be at the sole and absolute discretion of the Fire Chief of the Fire Department. The decision to disconnect users from the intrusion alarm system shall be at the sole and absolute discretion of the Police Chief of the Police Department.

§ 66-6. Rules and regulations.

The Chief of Police and Fire Chief shall have the authority to promulgate rules and regulations concerning alarm systems. The Ogdensburg Police and Fire Departments will monitor both telephone and direct alarms, as long as the owner's alarm is compatible with the present equipment and resources.
ARTICLE I
Open Containers

§69-1. Findings; purpose.
A. The City Council finds that the unrestricted consumption of alcoholic beverages in certain public places often leads to disorders and related problems as well as the littering of such public places and is disturbing to the public and threatens peace and good order.

B. The purpose of this Article is to prohibit the consumption of alcoholic beverages in certain public places in order to prevent disorderly behavior and the littering of public places; and to protect the public health, safety and welfare and to promote the public good.

§69-2. Possession and consumption restricted.
A. Public consumption prohibited. Except as provided in Chapter 149, Parks, of this Code, no person shall within the City of Ogdensburg drink or otherwise consume liquor, wine, beer or other alcoholic beverages when such person is in or upon any public sidewalk, street, highway, parking lot, bathing beach, public park or such other public place as defined by §240.00 of the Penal Law of the State of New York.
B. Possession of open containers. Except as provided in Chapter 149, Parks, of this Code, no person shall carry or have in his or her possession, within the City of Ogdensburg any open bottle or open container containing liquor, wine, beer or other alcoholic beverage with the intent of the possessor or another to consume the same in any of the public places described in Subsection A of this section.


A. The possession of an open bottle or open container unwrapped or with the top exposed in a public place as herein defined shall be presumptive evidence that such open bottle or open container is intended to be consumed in a public place.

B. An open bottle or open container in any vehicle while in or on any public sidewalk, street, highway, parking lot, bathing beach, public park or other public place as defined by § 240.00 of the Penal Law of the State of New York, shall be presumptive evidence that the same is in the possession of all the occupants thereof.

§ 69-4. Exceptions.

A. The provisions of § 69-2 shall not apply to any public park described in Chapter 149, Parks, of this Code when allowance therein is made for the consumption of alcohol in public places.

B. The provisions of § 69-2 shall not apply to any activity sponsored by an organization having proper license to dispense alcoholic beverages upon public property in the city, said license having been issued by the Alcoholic Beverage Control Board of Saint Lawrence County and such organization having obtained permission from the City Manager for the granting of this exception. No fee shall be charged for the granting of this permission. This exception shall apply only to the public property in the city upon which the alcoholic beverages are dispensed.

§ 69-5. Penalties for offenses.48

Any person who shall violate any provisions of this chapter, shall be punished by a fine of not less than fifty dollars ($50.) nor more than two hundred fifty dollars ($250.) or imprisonment for not more than fourteen (14) days, or by both such fine and imprisonment.

48 Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. II.
# Chapter 71
## AMUSEMENT DEVICES

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[HISTORY: Adopted by the City Council of the City of Ogdensburg as indicated in article histories. Amendments noted where applicable.]

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**GENERAL REFERENCES**

Alcoholic beverages -- See Ch.69.  
Games of chance -- See Ch. 111.  
Zoning -- See Ch. 221.
OGDENSBURG CODE

ARTICLE I
Coin-Operated Devices; Shuffleboard

§ 71-1. Definitions.

As used in this article, the following words shall have the following respective meanings:

COIN-OPERATED AMUSEMENT DEVICE -- Includes any mechanical device used or designated to be operated for amusement by the insertion of a coin.

SHUFFLEBOARD -- Includes any board, surface, floor, table or structure on which a game is played by pushing or moving pieces or articles to reach certain marks or areas.

§ 71-2. Construal of provisions.

The definitions as hereinabove stated shall not be deemed to include any device, the possession or use of which is otherwise prohibited by law, and nothing in this article shall be construed to authorize, license or permit any gambling device or any mechanism which is otherwise prohibited by law.

§ 71-3. License required.

No person shall place or deliver for use any shuffleboard or any coin-operated amusement device on any premises in the City or permit the use thereof in any place under his control without a license so to do, said license having been first obtained from the City Clerk as hereinafter set forth.

§ 71-4. License application.

The owner, conditional vendee or lessee of any such shuffleboard or coin-operated amusement device or their duly authorized agent, who desires to distribute or place any such shuffleboard or coin-operated amusement device for use, shall make application to the City Clerk for such permission upon blanks to be furnished by the City Clerk giving the name and address of the applicant, date and place of birth, a detailed description of the mechanical or other features of the device, the name and address of the person having charge of the premises upon which the device is proposed to be located for use, and the location of said premises by street and number.

§ 71-5. Investigation of applicants.

Said application shall be referred by the City Clerk to the Chief of Police for his investigation and recommendation. The Chief of Police shall return the application within a reasonable time to the City Clerk with his recommendation as to approval or disapproval.
AMUSEMENT DEVICES

§ 71-6. License issuance; card.

The City Clerk, upon receipt of such application approved by the Chief of Police, may issue a license to the applicant to place and permit the use upon the premises designated in the application of the shuffleboard or coin-operated amusement device as placed, and a suitable card bearing a number and expiration date shall be obtained from the City Clerk and securely attached to the licensed article.

§ 71-7. Transferability of licenses and cards.

Any such license and card may be transferred from one shuffleboard or coin-operated amusement device to another similar juke box, shuffleboard or device at the same premises. Not more than one such shuffleboard or coin-operated amusement device shall be operated under one license and card. All licenses and cards shall be restricted in use to the premises designated in the application for such licensee.


The City Clerk shall not issue any license hereunder for any shuffleboard or coin-operated device until the appropriate fee for each device is paid. The fee for each shuffleboard or coin-operated device shall be $25 per annum. The fee for such licenses granted after June 30 of each year shall be 1/2 of the annual fee. No fee shall be charged for juke boxes.

§ 71-9. Expiration of licenses; renewal.

Every license and card issued under this article shall expire on December 31 following date of issue. Licenses may be renewed during the month of December of each year for the following calendar year.

§ 71-10. Revocation of licenses.

A. Every license and card issued under this article is subject to the right, which is hereby expressly reserved, to revoke the same should the licensee, directly or indirectly, permit the operation of any shuffleboard or coin-operated amusement device contrary to the provisions of this article, any other provisions of this Code, or rule or regulation of the City or the laws of the State of New York.

B. The City Manager may revoke a license issued under this article for cause as stated in Subsection A herein. Prior to revoking a license, however, the City Manager shall:

(1) Give or cause notice in writing to be served on the licensee specifying the violation or violations with which the licensee is charged and a time, date and place at which a hearing will be held, which hearing shall be at least 10 days after the date of service of the notice.

(2) Hold the hearing as specified in the notice. The licensee may be represented by counsel. Failure of the licensee to appear at the hearing shall be sufficient grounds to revoke the license.
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(3) After the hearing, make his determination in writing and cause a copy of the same to be served on the licensee and if he has appeared by an attorney, a copy of the same shall also be served on the attorney.

ARTICLE II
Game Rooms
[Adopted 5-14-1984 by Ord. No. 4-1984
(Ch. 19, Art. IV, of the 1975 Ogdensburg Municipal Code)]

§ 71-11. Title.

This article shall be known and may be cited as the "Licensing of Coin-Operated Amusement Devices Law of the City of Ogdensburg, New York."

§ 71-12. Policy; findings.

A. It is hereby declared as the policy of the City of Ogdensburg that it is necessary to regulate and control the operation of coin-operated amusement devices for the purpose of fostering and promoting the public order, including but not limited to the public interests hereinafter set forth.

B. The City Council has been made aware of crowd congestion in and near establishments which have as their principal source of business the playing of coin-operated amusement devices, including electronic and computerized game machines, and the City Council hereby determines that such crowded conditions tend to threaten the orderly conduct of business in such establishments as well as in other nearby businesses. Such crowded and noisy conditions also disturb persons passing by on the sidewalks, as well as adjacent and nearby residences.

C. Further, the City Council determines that, because of the number of persons who frequent establishments which have as their principal source of business the playing of such amusement devices, it is in the interest of the public good to determine whether premises containing game rooms comply with all fire, health, sanitary and building codes and other applicable state and local laws and to adopt rules and regulations governing the occupancy and use of such game rooms. The City Council further determines that a particularly large segment of those playing the machines are teenagers, some of whom patronize such establishments during school hours rather than attend required school classes and thereby undermine their health and welfare as well as place an unnecessary financial and social cost on the taxpayers of the City of Ogdensburg.

D. The City Council thus declares that the above-stated policy will best be carried out by establishing the licensing procedure set forth in this article and that such licensing procedure is necessary and will enhance the public's health, safety and order by reasonably providing safeguards for the community in the conduct of such businesses. It is further determined that the hereinafter imposed license fee is reasonably related to the City's cost of implementing and enforcing the license requirements. The City Council determines that the concerns set forth above are increased as the number of devices in a location is increased. The City Council further determines that the concerns addressed by this legislation are likely to be magnified and increased as the number of amusement devices is increased in a particular location.

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

AMUSEMENT DEVICE -- Any mechanical, electrical or electronic device used or designed to be operated for entertainment or as a game of skill by the insertion of a piece of money, coin, token or other article or by paying money to have it activated. This definition does not include a jukebox, amusement rides, bowling lanes, any device maintained within a private residence for use of the occupants thereof and their guests or pool tables.

GAME ROOM -- A room or place on any premises containing four or more amusement games.

PREMISES -- Any room, building or place to which the general public has access or to which individuals have access with the permission of the person in control thereof.

PROPRIETOR OR PERSON -- Any person, firm, corporation, partnership, association or club, having under his, her or its control any establishment, place or premises in or at which four or more amusement devices are placed for use or play or on exhibition for the purpose of use or play.

§ 71-14. License required.

No person or proprietor shall place or permit to be placed, installed, operated or maintained four or more amusement devices without having first obtained a license therefor pursuant to this article.

§ 71-15. License application.

Any person desiring to procure a license so as to operate a game room or so as to cause to be placed on certain premises four or more amusement devices shall file with the City Clerk an application, in duplicate and in writing on a form to be furnished by the City Clerk, together with the required application fee. Said application shall contain the following information:

A. The name, address, social security number and telephone number of the applicant, and, if a firm, corporation, partnership or association, the principal officers thereof and their addresses, social security numbers and telephone numbers.

B. The address of the premises where the amusement devices are to be operated, together with the character of the business carried on at such place.

C. The name, address and social security number of the registered agent of the applicant upon whom service of process is authorized to be made.

D. The name, address, social security number and telephone number of the manager, if any, of the applicant who shall be in charge of the applicant's business in the City of Ogdensburg.
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E. With respect to each person whose name appears on the application:

(1) Any conviction in any jurisdiction of any offense which under the laws of the State of New York is designated a felony, misdemeanor or an offense involving moral turpitude, with a full disclosure of the nature of the offense, time and place of commission, legal proceedings and penalty imposed.

(2) Each such person shall voluntarily submit to the taking of his or her fingerprints so that a proper investigation can be expedited.

F. The trade name and general description of the device or devices to be licensed, the name of the manufacturer and the serial number of each such device.

G. The application shall contain a certification under oath, made by the applicant, that the information contained in the application is complete, accurate and truthful to the best of his or her knowledge and belief.

H. A diagram and description of the size and location of said premises and parking facilities.

I. Such further information as the City Clerk shall require in order to more fully explain any of the above subsections.

§ 71-16. Referral of applications.

A. Within three days from the receipt of an application for a license, the City Clerk shall refer said application to: [Amended 10-22-2007 by Ord. No. 10-2007]

(1) The Director of Planning and Development, to determine whether the premises comply with all applicable laws, local laws, rules and regulations. For that purpose, the Director of Planning and Development shall have the right to enter upon and inspect the premises during normal business hours.

(2) The Code Enforcement Officer or Building Inspector, to determine whether the premises in which the game room is to be situated meets all requirements of fire, housing, building, sanitary, electrical and plumbing codes of the City and any other applicable City or state laws, rules and regulations, ordinances or local laws.

(3) The Code Enforcement Officer or Building Inspector, to determine whether any construction, reconstruction, alteration or remodeling of a premises is being accomplished or is anticipated so as to require a building permit.

(4) The Police Chief of the City of Ogdensburg, to cause an investigation to be made of the background of the applicant.

B. Each of the above officers shall issue his or her report to the City Clerk within 10 days of referral.
§ 71-17. License issuance.

If after a result of the investigation of the appropriate City officials it is found by the City Clerk that the character and business responsibility of the applicant is satisfactory and that the premises to be licensed meet all requirements of fire, building, sanitary, zoning and other applicable local and state codes, the City Clerk shall endorse on the application his/her approval and execute a license for the carrying on of the business as applied for. The City Clerk, upon payment of the fees prescribed in this article, shall issue and deliver to the applicant such license or licenses.

§ 71-18. Refusal of license; appeals.

A. If, as the result of the investigation of City officials, the applicant's character or business responsibility is found to be unsatisfactory, the City Clerk shall endorse on such application his or her disapproval and his or her reasons for the same, and shall notify the applicant that his or her application is disapproved and that no license will be issued.

B. The applicant may appeal to the City Manager from the determination of the City Clerk by the filing with the City Manager a written notice of appeal within 30 days from the date of the denial of the City Clerk. The City Manager shall, on notice to City officials, the applicant and the public, conduct a hearing on the appeal, and his or her written decision shall constitute final City action on the appeal.

§ 71-19. License contents.

The licenses issued by the City Clerk under this article shall be numbered in the order issued and shall state clearly and legibly thereon the date of issuance, date of expiration, the signature of the City Clerk, the name and address of the licensee, the number of amusement devices permitted on the premises or in the game room, the maximum number of persons permitted in the amusement center at any time, any other conditions or restrictions imposed and the amount of the fee.

§ 71-20. Display of licenses.

Every licensee under this article shall immediately publicly display such license and keep the same in the place of business plainly visible to the public at all times while the license remains in force.

§ 71-21. Lost or destroyed licenses.

A. Destruction. No person shall deface, mutilate, destroy or in any way alter such license.

B. Replacement of lost or destroyed license. Whenever a license under this article shall be lost, destroyed, defaced or mutilated beyond legibility, without fault on the part of the licensee, his agents or employees, a duplicate in lieu thereof under the original application may be issued by the City Clerk.

§ 71-22. Licenses nontransferable.

No license issued under the provisions of this article shall be issued at any time by any person other than the one to whom it was issued. No license may be assigned or transferred.
§ 71-23. Revocation of license; appeals.

If it shall appear at any time that the application is in any material respect false or misleading or that the proprietor of the operation of the device is in violation of any provision of this section or any other law of the State of New York or local laws or ordinances relating to the premises or activities being conducted therein, the City Clerk may, after notice and informal hearing, revoke said license. The licensee may appeal to the City Manager from the determination by the City Clerk by filing with the City Manager a written notice of appeal within 30 days of the City Clerk's revocation. The City Manager shall conduct an informal hearing on the appeal and his or her written decision shall constitute final City action on the appeal.


A. No person or proprietor of any premises in which is contained a game room shall permit a greater number of persons on the premises at any time than the capacity set forth in the license.

B. The proprietor of any game room and the members, officers, directors and holders of the stock of any privately held corporation, partnership or association owning or operating an amusement center shall be of good moral character.

C. The proprietor of any game room shall maintain good order on and about the premises at all times. The lack of good order on and about the premises of a game room shall include but not be limited to the following:

   (1) Fighting and rowdy behavior.
   
   (2) Possession or consumption of alcoholic beverages, except within Class 1 premises licensed by the state for on-premises consumption of those beverages.
   
   (3) Gambling.
   
   (4) Permitting the use of marijuana or any controlled substance, possession of which is prohibited by the New York Penal Law.
   
D. The owner or operator of any amusement center shall not permit an amusement game therein to be played or operated after 10:00 p.m. by a person under the age of 16, unless accompanied by and under the supervision of a parent or guardian over the age of 21.

E. The owner or operator of an amusement center shall not allow it to be open or used unless it is under the control of and supervision by a person at least 18 years of age who shall ensure that it is operated in compliance with this article.

F. All premises containing a game room must contain a suitable and clean rest room.

G. No game room may have more than one machine per 18 square feet of open floor space.

H. Youths under the age of 16 shall not be allowed in the amusement center before 2:00 p.m. on school days.
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I. No cash rewards shall be offered or given in any contest, tournament, league or individual play on any amusement device, and no such device shall be permitted to operate if said game delivers or may readily be converted to deliver to the player any piece of money, coin, slug or token.

J. No credit, allowance, check, slug, token or anything of value shall be offered or given to any player of any amusement device as a result of plays made thereon.

K. Every person who maintains, operates or conducts an amusement center shall comply with all applicable sections of the Code of the City of Ogdensburg.

L. The premises shall provide clear windows through which activities in the premises may be viewed from a point outside the premises accessible to the public and sufficient to view such activities.

M. No amusement device shall be moved from one location to another within the City without written permission from the City Clerk.

§ 71-25. Fees.

A. Investigation and application. At the time of filing an application for an amusement center license pursuant to this article, a fee of $50 shall be paid to defray the cost of the investigation required. This fee shall be nonrefundable.

B. License for game room. The fees for a license to operate a game shall be $25 per license year per machine maintained on the premises containing a game room. There shall be no proration of fees.

C. Renewal. The license year shall be from January 1 to December 31 of each year and all licenses issued for amusement devices within game rooms shall expire on the 31st day of December of each year. The license may be renewed on certification to the City Clerk and on inspection by the Building Inspector that there has been no change of circumstances since the issuance of the original license.

§ 71-26. Substitution, deletion or addition of devices.

A. Any amusement device may be substituted or deleted by the owner or operator without additional fee under the license then in existence, provided that the City Clerk received the information required by § 71-15 regarding any such amusement device proposed to be substituted or deleted.

B. Amusement devices may be added by the owner or operator of the amusement center upon payment of the annual fee per additional amusement device, provided that the City Clerk receives the information required by § 71-15 regarding any such amusement device proposed to be added.
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§ 71-27. Existing game rooms.

If any person shall have on premises under his control four or more amusement devices on the effective date of this article, the person shall apply for a license required by this article within 30 days after such effective date. The utilization of the amusement devices by such person shall be permissible without a license pending a final determination by City officials on the application in accordance with the procedure prescribed in this article.


Any person who shall violate any provision of this article shall, upon conviction, be subject to a fine of not more than $250 for each such violation. Each day that a violation of this article shall continue constitutes a separate violation hereof.

§ 71-29. Applicability; effect on other provisions.

This Article shall apply only to those persons who maintain premises containing or housing a game room. It shall not be deemed to effect, in any manner, the existing provisions of Article I of this chapter, as amended, as they apply to the ownership and operation of fewer than four amusement devices or as they apply to the maintenance of premises other than a game room, notwithstanding the provision of Article I of this chapter, this article shall be the only Article by which licensing or fees may be required or collected by reason of any operation of a game room. No additional fees will be collected by reason of the provisions of Article I of this chapter.
ARTICLE I
Animals and Fowl

§ 73-1. Running at large unlawful

No person shall permit, allow or cause any cattle, horses, mules, donkeys, ponies, swine, pigs, goats, chickens, turkeys, geese, ducks or other fowl to run at large or to be driven over any public street, alley or lane in this City.
§ 73-2. Breeding and keeping certain animals restricted.

A. No person shall breed, raise, harbor, keep or maintain any bees, cattle, horses, mules, donkeys, ponies, swine, pigs, goats, chicken, turkeys, geese, ducks or any other animals, fowl or reptiles within the City except customary household pets unless otherwise specifically permitted in this Code.

B. "Customary household pets" are hereby defined to mean any animals, birds, reptiles or fish customarily kept in the home or place of residence which are not vicious, dangerous or otherwise obnoxious, objectionable or offensive. Customary household pets shall not include alligators, arachnids, bears, boa constrictors, undomesticated or vicious animals of the cat and dog family, coyotes, crocodiles, falcons, foxes, hawks, opossums, pythons, raccoons, wolves, reptiles in excess of 12 inches in length, snakes in excess of 12 inches in length, or any animal, bird or reptile of a species dangerous to human beings or savage in nature living ordinarily at large and not customarily made tame or gentle by long-continued association with man, without regard to whether a specific animal or reptile is considered a pet or domesticated by its keeper or possessor. [Amended 6-11-2007 by Ord. No. 3-2007]

ARTICLE II
Dog Licensing
[Amended 3-28-2016 by Ord. No. 6-2016]

§ 73-3. Definitions.

As used in this article, the following words shall have the following respective meanings, unless otherwise expressly stated or unless the context or subject matter requires otherwise:

D. "Detection dog" means any dog that is trained to and works at using its senses to detect substances such as explosives, illegal drugs, wildlife scat, or blood.

E. "Dog" means any member of the species canis familiaris.

F. "Dog control officer" means an individual appointed by the City of Ogdensburg to assist in the enforcement of this article under contract with the City to assist in the enforcement of this article.

G. "Euthanize" means to bring about death by a humane method.

H. "Guide dog" means any dog that is trained to aid a person who is blind and is actually used for such purpose, or any dog owned by a recognized guide dog training center located within the state during the period such dog is being trained or bred for such purpose.

I. "Harbor" means to provide food or shelter to any dog.

J. "Identification tag" means a tag issued by the licensing municipality which sets forth an identification number, together with the name of the municipality, the state of New York, contact information, including telephone number, for the municipality and such other information as the licensing municipality deems appropriate.
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K. "Municipality" means City of Ogdensburg.

L. "Owner" means any person who harbors or keeps any dog.

M. "Hearing dog" means any dog that is trained to aid a person with a hearing impairment and is actually used for such purpose, or any dog owned by a recognized training center located within the state during the period such dog is being trained or bred for such purpose.

N. "Service dog" means any dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability, provided that the dog is or will be owned by such person or that person's parent, guardian or other legal representative.

O. "Dangerous dog" means any dog which without justification attacks a person or companion animal, and causes physical injury or death, or behaves in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to one or more persons or companion animals.

P. “Run at Large” means to be in a public place or on private land without the knowledge, consent and approval of the owner of such lands.

Q. “Dog Enumeration” means an individual authorized and paid by the City to go door by door within the City counting the number of dogs domiciled in the City and determining if they are licensed or not. If a dog is not licensed, a notice is issued to the owner explaining that a license must be secured within 10 days. If not, a summons is issued for the owner to appear in court. Before a dog license can be issued, proof that the animal has an up-to-date rabies vaccination is required. Dog licensing is done through the City Clerk's office. There is a $5.00 fee added for dogs licensed as a result of enumeration.

§ 73-4. Licensing of dogs. [Amended 3-28-2016 by Ord. No. 6-2016]

A. No person shall own or possess a dog within the City unless such dog is licensed and identified as provided in Article 7 of the Agriculture and Markets Law and laws of the City.

B. All dogs in the City of Ogdensburg must be licensed with the City Clerk by the age of 4 months and are required to present a current Certificate of Rabies at the time of licensing or the renewal of an existing license.

C. All dog licenses will be for a period of one year and will expire at the end of the month one year from the date of issue.

D. The City of Ogdensburg will issue exempt license(s) for any guide dog, service dog, hearing dog or detection dog upon presentation of a current certificate of rabies.

E. The City of Ogdensburg does not allow the licensing of dogs by a shelter. The shelter MUST send the adoptive dog owners who reside in the City of Ogdensburg to the City Clerk for licensing and for adoption purposes.

F. All dog licenses may be purchased by visiting the City Clerk’s office or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be NO refund of fees.
G. All fees will be used in funding the administration of the Dog Control Law of the City of Ogdensburg.

§ 73-5. Issuance of license; identification tag.

A. Upon validation by the City Clerk of the City, a dog license shall be issued and a record of its issuance retained in the office of the City Clerk of the City. Such record shall be made available upon request to the State Commissioner of Agriculture and Markets, or successor thereof.

B. No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately apply for a new license for the dog. A license cannot be transferred to another dog.

C. Change of Ownership, Lost or Stolen Dogs

(1) Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog. The original issued identification tag shall remain the same for the life of the dog.

(2) In the event of a change in ownership of any dog which has been assigned an official identification number or in the event of a change of address of the owner of record of any such dog, the owner of record shall, within ten days of such change, notify the City Clerk.

(3) If any dog which has been assigned an official identification number is lost or stolen, the owner of record shall, within ten days of the discovery of such loss or theft, notify the City Clerk.

(4) In the case of a dog’s death, the owner of record shall so notify the City Clerk either prior to renewal of license or upon the time of such renewal.

D. Identification Tag

(1) The City Clerk shall assign a City permanent official identification number to a dog when it is first licensed. Such identification number shall be carried by the dog on an identification tag which shall be affixed to the collar of the dog at all times.

(2) An identification tag is not required to be worn while the dog is participating in a dog show.
The official permanent identification number shall constitute the official identification of
the dog to which it is assigned, regardless of changes of ownership, and the number shall
not be reassigned to any other dog during the lifetime of the dog to which it is assigned.

No tag carrying an identification number shall be affixed to the collar of any dog other
than the one to which the number has been assigned.

At the time a dog is first licensed, one identification tag shall be furnished to the owner
at no additional charge. Any replacement tag shall be obtained by the owner at the
owner’s expense. Any person wishing to replace a tag previously issued shall pay the
sum of $3.00 to the City Clerk for a replacement tag.

§ 73-6. Fees for licensing of dogs.
A. The following license fees shall be charged
   (1) Spayed female dog: ten dollars ($10.00)
   (2) Neutered male dog: ten dollars ($10.00)
   (3) Unspayed female dog over 4 months: eighteen dollars ($18.00)
   (4) Unneutered male dog over 4 months: eighteen dollars ($18.00)

B. A late fee of $10. Will be charged if dog license is not renewed within sixty (60) days of
license expiration date.

C. Dog license fees will be reviewed by the City Council periodically and may be changed by a
resolution of the City Council, if deemed necessary.

§ 73-7. Enumeration fee.
A. When the City Council determines the need for a dog enumeration, a fee of $5.00 will be
   assessed to all dogs found unlicensed or renewed at the time the enumeration is conducted.

B. Dog enumeration fees will be reviewed by the City Council periodically and may be changed
   by a resolution of the City Council, if deemed necessary.

§ 73-8. Purebred license.
The City of Ogdensburg will not be issuing Purebred or Kennel Licenses. All dogs must be
licensed individually as per fee system stated above.

A. Impoundment Fees: [Amended 9-26-2011 by Ord. 3-201149]
   (1) twenty-five dollars for the first impoundment of any dog owned by that person; or
   (2) fifty dollars for the second impoundment, within one year of the first impoundment, of
       any dog owned by that person; or
   (3) seventy-five dollars for the third and subsequent impoundments, within one year of the
       first impoundment, of any dog owned by that person.

49 Editor’s Note: Effective 1/1/12
B. Dog seizure fees will be reviewed by the City Council periodically and may be changed by a resolution of the City Council, if deemed necessary.

§ 73-10. Adoption fee.

A. A $5.00 adoption fee must be paid to the City Clerk's office by all new dog owners for all dogs brought to the shelter by the Ogdensburg Police Department whether or not they are to be released within the City limits.

B. Dog adoption fees will be reviewed by the City Council periodically and may be changed by a resolution of the City Council, if deemed necessary.

§ 73-11. Maximum impoundment; euthanasia.

A. The City of Ogdensburg grants the Society for the Prevention of Cruelty to Animals permission to retain unclaimed dogs for a maximum period of seven days beyond the period as defined by Agriculture and Markets Law § 118.

B. The City of Ogdensburg delegates the responsibility of euthanization of any dog not redeemed or adopted within the time frame as defined herein to the Society for the Prevention of Cruelty to Animals.

C. Under certain conditions (defined by § 374 of the Agriculture and Markets Law) and upon the recommendation of the Ogdensburg Police Department a dog will be euthanized at the expiration of the time period as defined by § 118 of the Agriculture and Markets Law.

ARTICLE III
Control of Dogs
[Amended 3-28-2016 by Ord. No. 6-2016]

§ 73-12. Running at large; leashing.

Any person owning or harboring a dog shall not suffer or allow it to run at large in any of the streets or public places of the City, or upon premises of anyone other than the owner or keeper, unless the owner or occupant of such premises grants permission; and no dog shall be permitted in any public place or street within the City, unless it be effectively and actually restrained by a chain or leash not exceeding six feet in length and be attended by a person of adequate ability to properly control it's actions.


Dogs are prohibited in any grocery store or restaurant where food or perishable goods are sold except a guide dog, service dog, hearing dog or detection dog when serving as such.

§ 73-14. Owners' responsibilities; nuisances; dangerous dogs.

A. Owner's responsibility. An owner of a dog or dogs shall not permit such dog or dogs to become a public nuisance.
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B. Acts which constitute a public nuisance. A dog shall be considered a public nuisance if it shall:

(1) Consistently or persistently bark or howl.
(2) Cause personal injury.
(3) Cause damage to personal property.
(4) Transport trash or create impairment of lawns, hedges, flower beds and gardens on property other than that of the owner or anyone having the dog in custody.
(5) Persistently bark or chase pedestrians who are using the sidewalks while the dog is on the property of the owner or harborer.

C. Removal of defecations; responsibility of owner to remove defecation. It shall be the responsibility of every person owning, boarding or otherwise keeping or having in his custody a dog within the City of Ogdensburg to immediately remove from any street, sidewalk or other public place or privately owned property (other than the dog owner's property) any defecation made by such dog.

D. Dangerous dog. A dog shall be considered a dangerous dog if it is capable of inflicting death or serious injury on a person or another animal and which:

(1) Has, without provocation, bitten a person engaged in a lawful activity;
(2) Has, while off the property of its owner and without provocation, killed or seriously injured another animal.
(3) Has, without provocation, chased, confronted, threatened or approached a person off the property of its owner in a menacing fashion such as would put a reasonable person in fear of attack; or
(4) Has exhibited a propensity, tendency or disposition to attack while off the property of its owner, to cause injury or to threaten the safety of persons or other animals without provocation.

E. Complaints. Any person may make a verbal or written complaint to the Dog Control Officer of a dog which the complainant believes to be dangerous. The Dog Control Officer shall immediately inform the complainant of his/her right to commence a proceeding under this section. The Dog Control Officer shall follow the procedures set forth in Subdivisions 4 through 13 of § 121 of the New York State Agriculture and Markets Law and, if there is reason to believe the dog is a dangerous dog, the officer shall forthwith commence such proceeding himself.

§ 73-15. Care of dogs.

It shall be unlawful for any owner of a dog or dogs to fail to provide such dog or dogs with adequate food, water and shelter at all times.
§ 73-16. Conditions to be sanitary.

Every person, who owns or harbors a dog or dogs, shall, at all times, keep the area wherein the dog or dogs are kept, possessed or harbored, in a neat, clean and sanitary condition and in accordance with the regulations of the Board of Health and Public Health Laws of the State of New York and such area shall be open to inspection by the proper City and health officials at all reasonable times.

§ 73-17. Dog Control Officer.

Pursuant to § 113 of the Agriculture and Markets Law, the position of Dog Control Officer is hereby created, who shall be appointed by the City Manager and shall be removed at the pleasure of the City Manager. The Dog Control Officer, in addition to all other powers and duties prescribed by law, shall have the authority to issue an appearance ticket in accordance with Article 150 of the Criminal Procedure Law.

§ 73-18. Exceptions. [Amended 3-28-2016 by Ord. No. 6-2016]

A. Nonresidents and exhibitors. This article shall not apply to a dog owned by a nonresident, while passing through the City of Ogdensburg, nor to dogs brought into the City of Ogdensburg for a period not exceeding 15 days, if entered in any exhibition at any dog show therein, and confined and in immediate charge of the exhibitor.

B. Societies and hospitals. This article shall not apply to dogs actually confined to the premises of incorporated societies devoted to the care or hospital treatment of lost, strayed or homeless animals, or confined to the premises of public or private hospitals devoted to the treatment of sick animals.

ARTICLE IV
Penalties for Offenses
[Amended 3-28-2016 by Ord. No. 6-2016]

§ 73-19. Penalties for offenses.

A. Any person who shall violate any provision of this chapter shall be guilty of a violation and shall, upon conviction thereof, be subject to:

(1) A fine of not less than $50 nor more than $350, and must provide proof of a valid dog license. Each day of continued violation is a separate and distinct offense.

B. Additionally, any dog may be ordered by the court to be permanently removed from the City of Ogdensburg after a third violation of this chapter within a six-month period.
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[HISTORY: Adopted by the City Council of the City of Ogdensburg 12-15-1975 as Ch. 112 of the 1975 Ogdensburg Municipal Code. Amendments noted where applicable.]
serving one (1) or more of the lawful purposes as defined in the Bingo Licensing Law, Article 14-H of the General Municipal Law, for a period of one (1) year immediately prior to applying for a license under the Licensing Law.

BINGO or GAME -- Includes a specific game of chance, commonly known as "bingo" or "lotto" in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random.

COMMISSION – New York State Gaming Commission.

LICENSE -- A license issued pursuant to the provisions of this chapter.

§ 79-2. Conduct authorized.

It shall be lawful for any organization, upon obtaining a license therefor as hereinafter provided, to conduct the game of bingo within the territorial limits of the City of Ogdensburg, subject to the provisions of this chapter, the provisions of Article 14-H (§§ 475 through 499) of the General Municipal Law and the provisions of the State Bingo Control Law.51

§ 79-3. License applications. (Amended 4-13-2015 by LL No. 2-2015)

A. Each applicant shall file with the City Clerk of the City of Ogdensburg a written application in the form prescribed in the rules and regulations of the New York State Gaming Commission duly executed and verified.

B. In each application there shall be designated an active member or members of the applicant organization under whom the game or games of chance described in the application are to be held, operated and conducted, and there shall be appended to the application a statement executed and verified by the applicant and by the member or members so designated that he, she or they will be responsible for the holding, operation and conduct of such games of chance in accordance with the terms of the license and the provisions of this chapter, the Bingo Licensing Law and the rules and regulations of the New York State Gaming Commission, if such license is granted.

C. In the event that any premises upon which any such game of chance is to be held, operated or conducted or which is to be used for any other purpose in connection with the holding, operation or conduct thereof is to be leased or rented from any person, persons or corporations, the application shall be accompanied by a written statement signed and verified under oath by such person or persons or on behalf of such corporation, stating his or its address, the amount of rent to be paid for such premises and stating that such lessor, lessors or, if a corporation, all of its officers and each of its stockholders who hold ten percent (10%) or more of its stock issued and outstanding, are of good moral character and have not been convicted of a crime.

51 Editor's Note: See § 430 et seq. of the Executive Law.

Any game or games licensed hereunder shall be subject to the following restrictions in addition to such other restrictions as may be provided herein contained in the rules and regulations of the New York State Gaming Commission:

A. No person, firm, association, corporation or organization other than a licensee under the provisions of Article 14-H of the General Municipal Law shall conduct such game or shall lease or otherwise make available for conducting bingo, a hall or other premises for any consideration whatsoever, direct or indirect.

B. No bingo games shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid, wholly or in part, on the basis of a percentage of the receipts or net profits derived from the operation of such game.

C. No authorized organization licensed under the provisions of Article 14-H of the General Municipal Law shall purchase or receive any supplies or equipment specifically designed or adapted for use in the conduct of bingo games from other than a supplier licensed under the Bingo Control Law52 or from another authorized organization.

D. The entire net proceeds of any game of bingo and of any rental shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same.

E. The aggregate of the tiered prizes awarded in any single game shall not exceed $1,000 and the aggregate of tiered bingo games shall not cause the series of prizes to exceed $3,000 in prizes during any occasion.

F. No person except a bona fide member of any such organization shall participate in the management or operation of such game.

G. No person shall receive any remuneration for participating in the management or operation of any game of bingo.

H. The unauthorized conduct of a bingo game and any willful violation of any provisions of this chapter shall constitute and be punishable as a misdemeanor.

I. Limited period bingo shall be conducted in accordance with the provisions of Article 14-H of the General Municipal Law and the rules and regulations of the New York State Gaming Commission.

§ 79-5. License issuance; duration; fees. [Amended 6-27-1983 by LL No. 6-1983]

A. The Police Department of the City of Ogdensburg shall cause to be investigated the qualifications of each applicant and the merits of each application with due expedition after the filing of the application.

52 Editor's Note: See § 430 et seq. of the Executive Law.
B. If the Police Department shall determine that the requisite conditions have been met by the applicant, there shall be issued to the applicant for the holding, operation and conduct of the specific kinds of games of chance applied for, a license upon payment of a license fee or fees of eighteen dollars and seventy-five cents ($18.75) for each date upon which any games of chance are to be conducted under such license, which fees are to be paid to the City Clerk of the City of Ogdensburg.

C. On or before the 30th day of each month the City Clerk transmits such funds to the City Comptroller's office who in turn transmits to the State Comptroller a sum equal to fifty percent (50%) of all license fees collected by the City of Ogdensburg pursuant to this section during the preceding calendar month.

D. No license shall be issued under this chapter which shall be effective for a period of more than one (1) year.


A. No application for a license hereunder shall be denied by the Police Department until after a hearing, held on due notice to the applicant, at which the applicant shall be entitled to be heard upon the qualifications of the applicant and the merits of the application.

B. Any license issued under this chapter may be amended upon application to the City Clerk, if the subject matter of the proposed amendment could lawfully and properly have been included in the original license, and upon the payment of such additional fee, if any, as would have been payable if it had been so included.

§ 79-7. Form of license. (Amended 4-13-2015 by LL No. 2-2015)

Each license shall be in such form as shall be prescribed in the rules and regulations promulgated by the New York State Gaming Commission.

§ 79-8. Supervision; suspension or revocation; inspections. (Amended 4-13-2015 by LL No. 2-2015)

The Police Department shall exercise control and supervision over all games of chance held, operated or conducted under such license, and shall have the power and authority to suspend any such license, and, after notice and hearing, to revoke the same for violation of any provision of such license, this chapter, §475 to §499 of the General Municipal Law or the rules and regulations of the New York State Gaming Commission. The premises where any game of bingo is conducted, or where it is intended that any game of bingo shall be conducted or where it is intended that any equipment be used, shall, at all reasonable times, be open to inspection by the commission and the municipal governing body, and the officers, agents and employees thereof.


Such games may be held on any day provided for in such license.
§ 79-10. Participation by minors restricted.

No person under the age of eighteen (18) years shall be permitted to participate in any game or games of chance held, operated or conducted pursuant to any license issued under this chapter unless accompanied by an adult.

§ 79-11. Additional restrictions.

No game or games of chance shall be held, operated or conducted under any license issued under this chapter more often than on six (6) days in any one (1) calendar month, or in any room or outdoor area where alcoholic beverages are sold or served during the progress of the game or games.

§ 79-12. Persons operating games; equipment; compensation. (Amended 4-13-2015 by LL No. 2-2015)

No person shall hold, operate or conduct any game or games of chance under any license issued under this chapter except an active member of the authorized organization to which the license is issued, and no person shall assist in the holding, operating or conducting of any game or games of chance under such license except such an active member or a member of an organization or association which is an auxiliary to the licensee or a member of an organization or association of which such licensee is an auxiliary or a member of an organization or association which is affiliated with the licensee by being, with it, auxiliary to another organization or association and except bookkeepers or accountants as hereinafter provided, and no such game of chance shall be conducted with any equipment except such as shall be owned absolutely or used without payment of any compensation therefor by the licensee, and no item of expense shall be incurred or paid in connection with the holding, operating or conducting of any game of chance held, operated or conducted pursuant to any license issued under this chapter, except such as are bona fide items of reasonable amount for goods, wares and merchandise furnished or services rendered which are reasonably necessary to be purchased or furnished for the holding, operating or conducting thereof under any circumstances whatsoever; no rental shall be paid for the use of any premises for holding, operating or conducting thereof under any circumstances whatsoever; no rental shall be paid for the use of any premises for holding, operating or conducting any such game of chance thereon or for any other purpose in connection with the holding, operating or conducting thereof unless the amount of such rental is stated in a statement annexed to the application for the license as provided in § 79-3 of this chapter or which is in excess of the sum stated as the rental to be charged therefor in such statement; and no commission, salary, compensation, reward or recompense whatever shall be paid or given, directly or indirectly, to any person holding, operating or conducting, or assisting in the holding, operation or conduct of any game of chance so held, operated or conducted, except that reasonable compensation may be paid to bookkeepers or accountants for bookkeeping or accounting services rendered according to a schedule of compensation prescribed by the rules of the New York State Gaming Commission.

A. Not more than five dollars ($5.) shall be charged by any licensee for admission to any room or place in which any game or games of chance are to be held, operated and conducted under any license issued under this chapter, which admission fee, upon payment thereof, shall entitle the person paying the same to a card entitling him to participate without additional charge, in all regular games of chance to be played under such license on such occasion, and no charge in excess of one dollar ($1.) shall be made for a single opportunity to participate in all special games to be played under such license on such occasion. An admission card may be offered as part of a package that includes extra regular cards and special cards provided such admission card is readily distinguishable from all other bingo opportunities sold and provided identical admission cards are also offered for sale separately by the licensee for a price not to exceed $5. No person shall be permitted entry into any room or place in which any bingo game is to be conducted without purchasing at least an admission card, except a person licensed to manage or assist in the conduct of bingo or licensed games of chance, a person authorized to operate the food concession, security personnel or, when present solely to effect repairs on the premises of a lessor, the licensed lessor or an agent thereof. No person shall be permitted to participate in any bingo game without purchasing at least an admission card. No person shall be required to purchase any bingo opportunity other than an admission card or cards to gain entry, and no person shall be sold or shall be permitted to play more than one admission card or package per bingo occasion.

B. No prize greater in amount or value than one thousand dollars ($1,000.) shall be offered or given in any single game conducted under any such license and the aggregate amount or value of all prizes offered or given in all games played on a single occasion shall not exceed three thousand dollars ($3,000.), and all winners shall be determined and all prizes shall be awarded in any game played on any occasion within the same calendar day as that upon which the game was played. No alcoholic beverages shall be offered or given as a prize in any such game.


A licensee may advertise the conduct of an occasion of bingo to the general public by means of newspaper, radio, circular, handbill and poster, and by one sign not exceeding 60 square feet in area, which may be displayed on or adjacent to the premises owned or occupied by a licensed authorized organization; and when an organization is licensed to conduct bingo occasions on the premises of another licensed organization or of a licensed commercial lessor, one additional such sign may be displayed on or adjacent to the premises in which the occasions are to be conducted. Additional signs may be displayed upon any fire-fighting equipment belonging to any licensed authorized organization which is a volunteer fire company, or upon any equipment of a first-aid or rescue squad in and throughout the community served by such volunteer fire company or such first-aid or rescue squad, as the case may be. All advertisements shall be limited to the description of such event as bingo, the name of the licensed authorized organization conducting such occasions, the license number of the authorized organization as assigned by the clerk, and the date, location and time of the bingo occasion, and shall not include any misleading information or representations.


Within seven (7) days after the conclusion of any occasion of bingo, the authorized organization which conducted the same, and its members who were in charge thereof, and when applicable the authorized organization which rented its premises therefor, shall each furnish to the New
York State Gaming Commission and a copy to the Clerk of the City of Ogdensburg a statement subscribed by the member in charge and affirmed by him as true, under the penalties of perjury, showing the amount of the gross receipts derived therefrom and each item of expense incurred, or paid, and each item of expenditure made or to be made, the name and address of each person to whom each such item has been paid, or is to be paid, with a detailed description of the merchandise purchased or the services rendered therefor, the net proceeds derived from such game or rental, as the case may be, and the use to which such proceeds have been or are to be applied and a list of prizes offered and given, with the respective values thereof, and it shall be the duty of each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such statement.

§ 79-16. Examination of books and records. (Amended 4-13-2015 by LL No. 2-2015)

The New York State Gaming Commission or the municipal governing body or their representatives shall have power to examine or cause to be examined the books and records of any authorized organization to which any such license is issued so far as they may relate to any transactions connected with the holding, operating and conducting of any game of chance thereunder and to examine any manager, officer, director, agent, member or employee thereof under oath, in relation to the conduct of any such game of chance under any such license, but any information so received shall not be disclosed except so far as may be necessary for the purpose of carrying out the provisions of this chapter.

§ 79-17. Appeals. (Amended 4-13-2015 by LL No. 2-2015)

Any applicant for or holder of any license issued or to be issued under this chapter aggrieved by any action of the city, its officers or agents, concerning an application which has been made or a license which has been issued, may appeal to the New York State Gaming Commission from the determination of the city, its officers or agents, by filing with the City Council a written notice of appeal within thirty (30) days after the determination or action appealed from, and, upon the hearing of such appeal, the evidence, if any, taken before the City Council, and any additional evidence may be produced and shall be considered in arriving at a determination of the matters in issue, and the action of the New York State Gaming Commission upon said appeal shall be binding upon the city and all parties to said appeal.

§ 79-18. Immunity from prosecution.

No person or corporation lawfully conducting or participating in the conduct of possessing, selling or in any manner disposing of any shares, tickets or rights to participate in or permitting the conduct upon any premises owned by him or it of any game of chance conducted or to be conducted under any license lawfully issued pursuant to this chapter shall be liable to prosecution or conviction for violation of any provision of Article 225 of the Penal Law or any other law or ordinance to the extent that such conduct is specifically authorized by this chapter, but this immunity shall not extend to any person or corporation knowingly conducting or participating in the conduct of any game of chance under any license obtained by any false pretense or statement made in any application for such license or otherwise, or possessing, selling or disposing of shares, tickets or rights to participate in, or permitting the conduct upon any premises owned by him or it of any game of chance conducted under any license known to him or it to have been obtained by any such false pretense or statement.
§ 79-19. Unlawful acts; penalties for offenses.53

Any person, association or corporation who or which shall make any false statement in any application for any license authorized to be issued under this chapter; pay or receive, for the use of any premises for conducting bingo, a rental in excess of the amount specified as the permissible rent in the license provided for in Subdivision 2 of § 480 of Article 14-H of the General Municipal Law; fail to keep such books and records as shall fully and truly record all transactions connected with the conducting of bingo or the leasing of premises to be used for the conduct of bingo; falsify or make any false entry in any books or records so far as they relate in any manner to the conduct of bingo, to the disposition of the proceeds thereof and to the application of the rents received by any authorized organization; divert or pay any portion of the net proceeds of any game of bingo to any person, association or corporation, except in furtherance of one (1) or more of the lawful purposes defined in this chapter; or violate any of the provisions of this chapter or of any term of any license issued under this chapter shall be punishable by a fine of not less than fifty dollars ($50.), nor more than two hundred fifty dollars ($250.) or by a period of imprisonment of not more than fourteen (14) days, or by both such fine and imprisonment, and shall forfeit any license issued under this chapter and be ineligible to apply for a license under this chapter for one (1) year thereafter.

§ 79-20. Amendments.

This chapter may be amended, from time to time, or repealed by the City Council, and such amendment or repeal, as the case may be, may be made effective and operative not earlier than thirty (30) days following the date of enactment thereof affecting such amendment or repeal, as the case may be; and the approval of a majority of the electors shall not be a condition prerequisite to the taking effect of such enactment.

53 Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. II.
§ 83-1. Procedures.

It shall be unlawful for any owner, lessee or occupant or any agent or employee of any such owner, lessee or occupant having control of any occupied or unoccupied developed lot, or developed land or undeveloped land defined as "waterfront area" by Chapter 135 of this Code or any part thereof in the City of Ogdensburg to permit or maintain on any such lot or land, or on or along the sidewalk, street or alley adjacent to the same, between the property line and the edge of the roadway, any growth of weeds, grass, or other rank vegetation to a greater height than 10 inches on the average or any accumulation of dead weeds, grass or brush. It shall also be unlawful for any such person to cause, suffer or allow poison ivy, ragweed or other poisonous plants or plants detrimental to health to grow on any such lot or land in such manner that any part of such poison ivy, ragweed or other poisonous or harmful weed shall extend upon, overhang or border any public place or allow the seed, pollen or other poisonous particles or emanation therefrom to be carried through the air into any public place.  

[Amended 05-14-2018 by Ord. No. 9-2018]

§ 83-2. Duties of owners and occupants.

It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove or cause to be cut and removed all such weeds, grass or other rank, poisonous or harmful vegetation as often as may be necessary to comply with the provision in § 83-1, between April 15 and October 15.  

[Amended 05-14-2018 by Ord. No. 9-2018]
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§ 83-3. Failure to comply; work by City; costs.

If the provisions of the foregoing sections are not complied with, the Director of Public Works shall serve written notice, upon the owner, lessee or occupant or any person having the care or control of any such lot or land to comply with the provisions of this chapter. If the person upon whom the notice is served fails, neglects or refuses to cut and remove or to cause to be cut and removed such weeds, grass or other vegetation within five business days from the date of mailing of such notice, the Director of Public Works shall cause such weeds, grass and other vegetation on such land or lands to be cut and may be removed by City staff or private contractor. The Director of Public Works will determine, through his/her inspection and if necessary, records from the appropriate agencies, whether a property can be safely entered and the work safely performed, either by City staff or private contractor. The actual cost of such cutting and removal, plus a one-hundred dollar civil penalty for the first violation, two-hundred dollars for the second violation and four-hundred dollars for all subsequent violations (in the same calendar year) and a 10% inspection fee (based upon the sum of actual costs and civil penalty not to exceed fifty dollars), shall be certified by the Director of Public Works to the City Comptroller and shall thereupon become and be a lien upon the property on which such weeds, grass and other vegetation were located and shall be added to and become and form part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer in the same manner as taxes.

[Amended 05-14-2018 by Ord. No. 9-2018]
§ 85-1. Title.

This chapter shall be known and may be cited as the "City of Ogdensburg Open Burning and Recreational Fires Ordinance."

§ 85-2. Purpose.

The purpose of this chapter is to provide for enforcement procedures in the City of Ogdensburg regarding open burning and recreational fires.


The following words and terms shall, for the purposes of this chapter, have the meanings shown herein.

BONFIRE -- An outdoor fire utilized for ceremonial purposes.

OPEN BURNING -- The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudgepots and similar devices associated with safety or occupational uses typically considered open flames or recreational fires. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

[HISTORY: Adopted by the City Council of the City of Ogdensburg 11-22-1993 as Ord. No. 14-1993. Former Chapter 85, Burning, Open, as amended, was repealed 7-13-2009 by Ord. No. 8-2009 and replaced with Chapter 85, Open Burning and Recreational Fires. Amendments noted where applicable.]
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RECREATIONAL FIRE -- An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

§ 85-4. General

A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this section.

§ 85-5. Authorization

Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

§ 85-6. Prohibited Open Burning

Open burning that will be offensive or objectionable because of smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

§ 85-7. Location

The location for open burning shall not be less than 50 feet (15240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15240 mm) of any structure.

§ 85-8. Exceptions

1. Fires in approved containers that are not less than 15 feet (4572 mm) from a structure.

2. The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

§ 85-9. Bonfires

A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.

§ 85-10. Recreational Fires

Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.
§ 85-11. Attendance

Open burning, bonfires or recreational fires shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906\textsuperscript{54} with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

\textsuperscript{54} Editor’s Note: Section 906 of the Fire Code of NYS.
## Child Protection Act

### §87-1. Title.

The title of this chapter shall be the "Child Protection Act."

### §87-2. Legislative findings and intent.

A. It is the intent of this chapter to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders are prohibited from establishing temporary or permanent residence.

B. The City Council of the City of Ogdensburg finds that one of the highest priorities of local government is the protection of the health and safety of its citizens. This is especially true for children and other vulnerable members of society. The City Council further finds that Level 3 convicted sex offenders pose a significant continuing risk to society.

C. The City Council finds that the protection of the victims and potential victims of sexual offenders in Ogdensburg is a matter of unique local concern not fully and adequately addressed by state law. The City Council finds that the disclosures required and the limitations contained herein will protect the citizens of Ogdensburg and in protecting children who may come into proximity with a sex offender in the scope of employment with the City.

D. The City Council finds that the City of Ogdensburg agrees with the New York State Division of Criminal Justice Services risk assessment of sex offenders and has made no determination that conflicts with restrictions placed on any particular sex offender or level of sex offenders. Rather, the Council finds that this chapter is remedial in nature and designed to fill certain gaps in state law as well as to provide protections for residents of the City who receive certain services from the City. The Council further finds this chapter to be the most narrowly

### §87-6. Background searches of employees and contractors; employment of sex offenders.

- §87-7. Exceptions.
- §87-8. Liability of City.
- §87-10. Penalties for offenses.

### [HISTORY: Adopted by the City Council of the City of Ogdensburg 6-25-2007 by Ord. No. 5-2007. Amendments noted where applicable.]

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tailored means of fulfilling its compelling interest in the safety of its citizens. Finally, the Council does not intend for any person to use the information required by this chapter to harm or injure any registrant under the law.

§ 87-3. Definitions.

For purposes of this chapter, the following shall apply unless the context clearly indicates a different meaning:

BACKGROUND SEARCH -- A search of the records of the Police Department of the City of Ogdensburg and a search to determine if a person is listed or registered on the New York State Sex Offender Registry.

CHILD OR CHILDREN -- Persons under 18 years of age. The singular and plural shall include one another. If the applicable statute defining a crime against a child refers to a child younger than 18, the younger age shall control.

CONTRACTOR -- An individual, a business enterprise, including a sole proprietorship, a partnership, a corporation, a not-for-profit corporation, or any other party to a City contract, or a bidder in conjunction with the award of a City contract or a proposed party to a City contract.

DCJS -- The New York State Division of Criminal Justice Services.

EMPLOYER -- Any individual, partnership, association, corporation, business trust, legal representative or organized group of persons paying wages or any form of compensation to any person for services that directly or indirectly benefit the individual, partnership, association, corporation, business trust, legal representative or organized group of persons.

HIS -- His or her.

MINOR -- Any person under the age of 18 years.

OPD -- The Ogdensburg Police Department.

PARK, PLAYGROUND or RECREATIONAL AREA -- The grounds and buildings thereon, waters therein and any other property necessary for the operation thereof and constituting a part thereof, which is now or may hereafter be maintained, operated and controlled for public park, playground or recreational purposes. "Park, playground or recreational area" shall include the following locations: Greenbelt as the same is defined in § 149-2 of the Municipal Code of the City of Ogdensburg, Hamilton Street Park, Grove Street Park, Father Martin Park, New York Avenue Park, Lockwood Arena and the associated real property, Maple City Trail, Park Street Field, Montroy Park and Jefferson Avenue Ball park.

REGISTRANT -- Any person required to register under Article 6-C of the Corrections Law of the State of New York (Sex Offender Registration Act).

REGISTRATION YEAR -- One year from the date of first registration under this chapter.
CHILD PROTECTION ACT

RESIDENCE -- Any building, structure, or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied, as place of one's domicile, home, or sleeping place of human beings.

RESIDENT -- Any person who lives in the City of Ogdensburg in any apartment or home, has a usual place of abode in the City, is domiciled in the City or temporarily present in the City and staying at a homeless shelter or an extended-stay establishment.

SCHOOL -- A licensed or accredited public, charter, private or religious school that offers instruction to students in kindergarten through any grade up to Grade 12.

SCHOOL GROUND -- Any building, structure, athletic playing field, playground or land contained within the real property boundary line of a public or private elementary, parochial, intermediate, junior high, vocational, or high school.

SEX OFFENDER -- Shall have the same meaning as the term is defined in § 168-a, Subdivision 1, of the Corrections Law of the State of New York.

TEMPORARY RESIDENCE -- Any hotel, motel, boarding house, inn, rooming unit, bed-and-breakfast, residence inn, country inn, motor court, R-V park or motor lodge that lets or provides any space for occupancy by any person. Any place of business that provides services or utilities to motor homes, recreational vehicles, and trucks with campers or any other motor vehicle in which an individual does or may sleep overnight is a temporary residence under this chapter.

§ 87-4. Sex offender residency.

A. After the effective date of this chapter, it shall be unlawful for any Level 3 sex offender to establish a permanent or temporary residence within 200 feet of any school ground, park, playground or recreational area.

B. For purposes of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer property line of a school ground, park, playground or other recreational area.

§ 87-5. Restriction of sex offenders in parks, playgrounds or recreational areas.

After the effective date of this chapter, it shall be unlawful for any Level 3 sex offender to enter, stop, sit, or stand within any park, playground or recreational area.

§ 87-6. Background searches of employees and contractors; employment of sex offenders.

A. City employees. Ogdensburg City will conduct a background search of any and all employees that may be alone with a child within the scope of the performance of their duties. No person convicted of a sex offense will be allowed to work alone with or supervise any child.
B. City contractors. All persons or entities that enter into contracts with the City and are the employer of any person that may be alone with a child within the scope of the performance of the contract shall conduct a background search of any and all such employees and compare the background search to any applicable registration information available on the state's website and/or the sex offender hotline maintained by the State of New York. No person convicted of a sex offense will work alone with or supervise any child. Any failure by the contractor to comply is a material breach of the contract and entitles the City to terminate the contract. This subsection includes, but is not limited to, 501(c)(3) entities and charitable entities. Any person or entity to which this subsection applies shall notify OPD immediately if that person or entity has or obtains any information about any registrant that does not conform with the information the registrant provided to the DCJS.

§ 87-7. Exceptions.

A person residing within 200 feet of a school ground, city park or city playground does not commit a violation of this section if any of the following apply:

A. The person established the permanent residence prior to the effective date of this chapter.

B. The person was a minor when he/she committed the offense and was not convicted as an adult.

C. The person is a minor.

D. The school ground, city park or city playground within 200 feet of the person's permanent residence was opened after the person established permanent residence.

E. The provisions of this chapter shall not be applicable to persons incarcerated in any facilities owned, maintained and/or operated by Ogdensburg City, St. Lawrence County, or New York State.

§ 87-8. Liability of City.

Nothing in this chapter creates or shall create a cause of action against the City of Ogdensburg not already authorized under existing law. Without limitation, the City is not liable to any person harmed who claims that conditions under this chapter may have prevented the harm.


This chapter shall be enforced by the OPD. The Chief of Police shall cause a copy of this chapter and the Prohibited Area Map to be provided to each registered sex offender who has registered under Megan's Law and who is residing within the City limits.

§ 87-10. Penalties for offenses.

Each violation of this chapter shall be punishable by a fine of $250 and/or 10 days in jail. The City shall also be entitled to injunctive relief to enforce the provisions of this chapter.
§ 88-1. Use of dock; penalties for offenses.

A. In the event that it is desired to hold race meets and use the municipal dock, permission shall be obtained from the City Council, and such events shall be conducted under the supervision of the Director of Parks and Recreation. [Amended 12-7-1992 by L.L. No. 3-1992]

B. All vessels are forbidden to work their main engine or engines in dock trials while moored at the municipal dock.

C. No pleasure watercraft exceeding forty (40) feet in length shall use the municipal dock for mooring or any other purpose unless prior permission is obtained from the Harbor Master under such conditions as he may prescribe.

D. The municipal dock of the City of Ogdensburg shall not be used by any commercial vessels except for the following circumstances:

   (1) In the event of an emergency situation wherein serious personal injury or property damage is imminent.

   (2) Where the commercial vessel is a tourist passenger boat limited to local short voyages or is a regularly scheduled commercial passenger boat operated through the Saint Lawrence or Great Lakes Region.
E.  Any violation of Subsection D shall be punishable as follows:

(1) For the first offense, by a fine not less than thirty-five dollars ($35.).

(2) For the second offense, by a fine not less than fifty dollars ($50.).

(3) For the third offense, by a fine of not less than the sum of one hundred dollars ($100.) and not more than five hundred dollars ($500.).

§ 88-2. Priority of use.

Passenger vessels and naval units desiring to use the municipal dock on any specific date or days must apply in writing to the Director of Parks and Recreation advising the dates desired. The vessel or unit making prior application as shown by date of application shall be granted priority, thereby avoiding any possible confusion.

§ 88-3. Injuring dock; costs.

Any master, owner, agent or other person in charge of any type watercraft who shall operate the same carelessly, willfully or negligently into the municipal dock in the City of Ogdensburg, causing the same to said dock or any of its appurtenances, shall be caused to pay the full cost of repairing all damages.

55 Editor's Note: Amended at time of adoption of Code; See Ch. 1, General Provisions, Art. II.
§ 91-1. License required.

No person shall conduct or exhibit or cause to be conducted or exhibited any circus, carnival, exhibition, show or performance for which an admission charge is made within the limits of the City of Ogdensburg without a license being obtained for that purpose except amateur entertainments for local benefits.

§ 91-2. License issuance.

The City Manager, through the Chief of Police, shall issue all licenses required in § 91-1.

§ 91-3. Application.

Any person desiring a license shall file a written application therefor with the Chief of Police which shall state:

A. The name and address of the applicant.
B. The period of time for which the license is required.
C. The kind and character of the exhibition or show.
D. The place where the exhibition or show is to be conducted.
E. Such other information as may be required by the City Manager or Chief of Police.

§ 91-4. Refusal of licenses.

The City Manager may refuse to issue a license when in his judgment, the exhibition or show is likely to disturb the peace and order of the City or is immoral or improper.
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§ 91-5. License fees.

The license fees which shall be paid prior to issuance of the license shall be as follows:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circuses</td>
<td>$50.00 for each show or exhibition</td>
</tr>
<tr>
<td>Carnivals, exhibitions, shows and performances</td>
<td>$25.00 per day^56</td>
</tr>
</tbody>
</table>

§ 91-6. Penalties for offenses.\(^57\)

Any person who shall violate any provisions of this chapter shall be punished as provided in Chapter 1, General Provisions, § 1-3.

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^56 Editor's Note: Original Section 19.3, entitled "Places of amusement," which immediately followed this section, was deleted at time of adoption of Code; See Ch. 1, General Provisions, Art. II.

^57 Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. II.
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§ 97-18. Fees .......................................................... .................................97:29

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GENERAL REFERENCES

Flood damage prevention – See Ch. 105.
Sewers – See Ch. 177.
Subdivision of land – See Ch. 193.

Water – See Ch. 215.
Zoning – See Ch. 221.

§ 97-1. Purpose and intent.

This chapter provides for the administration and enforcement of the New York State Building Code, the New York State Residential Code, the New York State Fire Code, the New York State Energy Code, the New York State Property Maintenance Code and the New York State Mechanical and Plumbing Code in the City of Ogdensburg. This chapter is adopted pursuant to § 10 of the Municipal Home Rule Law. Except as otherwise provided in the codes of the State of New York, other state law, other section of this chapter or the Municipal Code of the City of Ogdensburg, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this chapter.

58 Editor's Note: This local law also repealed former Ch. 97, Fire Prevention and Building Construction, adopted 12-12-1989 by Ord. No. 89-17 as Ch. 26 of the 1975 Ogdensburg Municipal Code, as amended.
§ 97-2. Definitions.

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

BUILDING PERMIT -- A permit required and issued pursuant to § 97-4A of this chapter. The term "building permit" shall also include a building permit which is issued, renewed, amended or extended pursuant to any provision of this chapter or any provision of the Municipal Code of the City of Ogdensburg. [Amended 10-22-2007 by Ord. No. 10-2007]

CERTIFICATE OF COMPLIANCE -- A certificate issued pursuant to § 97-8A of this chapter.

CERTIFICATE OF OCCUPANCY -- A certificate issued pursuant to § 97-8B of this chapter.

CITY -- The City of Ogdensburg.

CODE ENFORCEMENT OFFICER -- The Code Enforcement Officer appointed pursuant to § 97-3B of this chapter.

CODE ENFORCEMENT PERSONNEL -- Shall include the Code Enforcement Officer and all inspectors.

COMPLIANCE ORDER -- An order issued by the Code Enforcement Officer pursuant to § 97-17A of this chapter.

DEMOLITION -- The decimating, razing, ruining, tearing down or wrecking of any facility, structure or building covered by this chapter. As used herein, the word "demolition" shall include any partial demolition and any interior demolition affecting more than 10% of the replacement value of the structure as determined by the Building Official.

ENERGY CODE -- The State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

INSPECTOR -- An inspector appointed pursuant to § 97-3D of this chapter.

MULTIPLE DWELLING -- A dwelling which is either rented, leased, let or hired out, to be occupied, or is occupied as the temporary or permanent residence or home of three or more families living independently of each other.

OPERATING PERMIT -- A permit issued pursuant to § 97-11 of this chapter. The term "operating permit" shall also include an operating permit which is renewed, amended or extended pursuant to any provision of this chapter.

PERMIT HOLDER -- The person to whom a building permit has been issued.

PERSON -- Shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.
§ 97-3. Code Enforcement Officer and inspectors.

A. The Division of Code Enforcement is hereby created within the Fire Department of the City of Ogdensburg. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and all other laws, ordinances and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures and the installation and use of materials and equipment therein and the location, use, occupancy and maintenance thereof. Additionally, the Code Enforcement Officer shall enforce all of the provisions of Chapter 221 of this Code.59 The Code Enforcement Officer shall have the following powers and duties: [Amended 10-22-2007 by Ord. No. 10-2007]

(1) To receive, review, and approve or disapprove applications for building permits, sign permits, demolition permits, certificates of occupancy, certificates of compliance, temporary certificates and operating permits and the plans, specifications and construction documents submitted with such applications pursuant to this chapter and Chapter 221 of this Code;

(2) Upon approval of such applications, to issue building permits, certificates of occupancy, certificates of compliance, demolition permits, temporary certificates and operating permits and to include in building permits, certificates of occupancy, certificates of compliance, demolition permits, temporary certificates and operating permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate pursuant to this chapter and Chapter 221 of this Code;

(3) To conduct construction inspections; inspections to be made prior to the issuance of certificates of occupancy, Certificates of Compliance, demolition permits, temporary certificates and operating permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this chapter or which are necessary or

59 Editor's Note: See Ch. 221, Zoning.
proper for the carrying out of his duties. The Code Enforcement Officer may, in his
discretion, accept written reports of inspection from building inspectors or other
employees of the City of Ogdensburg or from generally recognized and authoritative
service and inspection bureaus, provided that the same are certified by a responsible
official thereof;

(4) Whenever the same may be necessary or appropriate to assure compliance with the
provisions of the Uniform Code, applicable law, ordinances, rules or regulations
covering building construction, he may require the performance of tests in the field by
experienced, professional persons or by accredited and authoritative testing laboratories
or service bureaus or agencies;

(5) To request and shall receive, so far as may be necessary in the discharge of his duties,
the assistance and cooperation of the Police, Fire and Health Departments or officers
and of all other municipal officials exercising any jurisdiction over the construction, use
or occupancy of buildings or the installation of equipment therein;

(6) To issue stop-work orders;

(7) To review and investigate complaints;

(8) To issue orders pursuant to subdivision § 97-17A, Enforcement; penalties for offenses,
of this chapter;

(9) To maintain records;

(10) To charge fees as set by the City Council of the City of Ogdensburg;

(11) To pursue administrative enforcement actions and proceedings;

(12) In consultation with the City Attorney, to pursue such legal actions and proceedings as
may be necessary to enforce the Uniform Code, the Energy Code and this chapter, or to
abate or correct conditions not in compliance with the Uniform Code, the Energy Code
or this chapter; and

(13) To exercise all other powers and fulfill all other duties conferred upon the Code
Enforcement Officer by the Charter of the City of Ogdensburg, this chapter and the

B. The Code Enforcement Officer shall be appointed by the Fire Chief subject to the approval of
the City Manager. The Code Enforcement Officer shall possess background experience
related to building construction or fire prevention and shall, within the time prescribed by
law, obtain such basic training, in-service training, advanced in-service training and other
training as the State of New York shall require for code enforcement personnel, and the Code
Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to
the Executive Law and the regulations promulgated thereunder.
C. In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Fire Chief, subject to the approval of the City Manager, to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this chapter.

D. One or more inspectors may be appointed by the Fire Chief subject to the approval of the City Manager to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this chapter. Each inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

E. The Code Enforcement Officer shall not engage in any activity inconsistent with his duties or with the interests of the Division of Code Enforcement, nor shall be, during the term of his employment, be engaged directly or indirectly in any building business, in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans or specification thereof within the City of Ogdensburg, excepting only that this provision shall not prohibit any employee from such activities in connection with the construction of a building or structure owned by him and not constructed for sale. Except as otherwise provided, the Code Enforcement Officer shall be the only person who shall inspect the work of an inspector who is engaged directly or indirectly in any building business, in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans or specification thereof within the City of Ogdensburg.

F. No official or employee of the City of Ogdensburg shall, while acting pursuant to the provisions of this chapter, be personally liable for any damage that may accrue to persons or property as the result of any act required or permitted in the discharge of his official duties, provided that such acts are performed in good faith and without gross negligence.

§ 97-4. Building permits.

A. Building permits required. Except as otherwise provided in Subsection B of this section, a building permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, installation, placement, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Code Enforcement Officer.

B. Exemptions. No building permit shall be required for work in any of the following categories:

(i) Installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings;
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(2) Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings where such pools are designed for a water depth of less than 24 inches and are installed entirely above the ground;

(3) Construction of retaining walls less than 24 inches in height unless such walls support a surcharge or impound Class I, II or IIIA liquids;

(4) Construction of temporary motion picture, television and theater stage sets and scenery;

(5) Installation of partitions or movable cases less than five feet nine inches in height;

(6) Painting, wallpapering, tiling, carpeting, or other similar finish work;

(7) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(8) Repairs, provided that such repairs do not involve:
   (a) The removal or cutting away of a load-bearing wall, partition, or portion thereof, or of any structural beam or load-bearing component;
   (b) The removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;
   (c) The enlargement, alteration, replacement or relocation of any building system; or
   (d) The removal from service of all or part of a fire-protection system for any period of time; and [Amended 9-26-2011 by L.L. 1-2011]
   (e) Any work which does not exceed the aggregate cost of $2,500. [Added 9-26-2011 by L.L. 1-2011]

(9) Erection of a freestanding structure that is no more than 150 square feet in area and is no higher than six feet in height.

C. Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in Subsection B of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code, the Energy Code, this chapter or any provision of the Municipal Code of the City of Ogdensburg.

D. Applications for building permits. Applications for a building permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Applications shall be made by the owner or lessee, or agent of either, or by the architect, engineer or builder employed in connection with the proposed work. Where a person other than the owner makes such application, it shall be accompanied by an affidavit of the owner or applicant stating that the owner authorizes the proposed work and that the applicant is authorized to make such application. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code, the Energy Code, this chapter and the Municipal Code of the City of Ogdensburg. The application shall include or be accompanied by the following information and documentation:
(1) A description of the proposed work;

(2) The full name and address of the owner and of the applicant, and the names and addresses of their responsible officers, if any of them are a corporation or other business entity;

(3) The Tax Map number and the street address of the premises where the work is to be performed;

(4) A description of the land on which the proposed work is to be done, including a plot plan of the affected parcel showing boundary lines and the placement of improvements;

(5) The occupancy classification of any affected building or structure;

(6) A statement of the valuation of the proposed work;

(7) Unless contained in other supporting documentation, a plot plan as specified in Chapter 221, Zoning, § 221-62, of the Municipal Code of the City of Ogdensburg;

(8) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code;

(9) At least two sets of construction documents (drawings and/or specifications) which:

   (a) Define the scope of the proposed work;

   (b) Are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;

   (c) Indicate with sufficient clarity and detail the nature and extent of the work proposed;

   (d) Substantiate that the proposed work will comply with the Uniform Code, the Energy Code this chapter and the Municipal Code of the City of Ogdensburg; and

   (e) Where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines;

(10) Whenever the plans accompanying an application are for a structure which, in the opinion of the Code Enforcement Officer, is of complex design, the Code Enforcement Officer shall require the applicant to file an affidavit signed by a licensed architect or engineer certifying that the plans and specifications comply with the provisions of this chapter as in force on the date of the application. In such case, the Code Enforcement Officer, in his discretion, shall employ a licensed architect or engineer to examine the plans, in which event the cost of examination shall be added to such permit fee and paid by the applicant, before the permit shall be issued. In the alternative, the Code Enforcement Officer, in his sole discretion, may accept the affidavit signed by a licensed
architect or engineer furnished by the applicant at his own expense. In the event that the Code Enforcement Officer employs a licensed engineer or architect under this subsection, the Code Enforcement Officer may rely upon the advice of such architect or engineer as to whether such plans and specifications comply with this chapter.

(11) Whenever the plans accompanying an application are for a structure which, in the opinion of the Code Enforcement Officer, is of complex design, the Code Enforcement Officer may, in his discretion, issue the permit subject to the condition that an architect and/or engineer, whose qualifications are acceptable to him and who is employed by the owner or builder to supervise all work done under the permit, forthwith, upon its completion, make and file with the Code Enforcement Officer an affidavit or affidavits that he or they have complied with all inspection requirements of this chapter and that the work has been carried out according to the approved plans and specifications and in accordance with the requirements of the Uniform Code, this chapter and other pertinent laws and ordinances.

(12) The Code Enforcement Officer shall provide for the review and approval of the building permit application by the Director of Planning and Development whenever the plans accompanying an application encompass or propose a change or enlargement of use in the subject property; a change in the placement, position or square footage of the improvements on the subject property; a change in the number of or configuration of parking spaces; a change in the percentage of green space; and/or a change in lot area saturation. Further, nothing in this chapter shall be deemed to limit the power or scope of review of the Director of Planning and Development and/or the Planning Board of the City of Ogdensburg pursuant to this Code. [Added 10-22-2007 by Ord. No. 10-2007]

E. Construction documents. Construction documents will not be accepted as part of an application for a building permit unless they satisfy the requirements set forth in Subsection D(9) of this section. Construction documents which are accepted as part of the application for a building permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the code enforcement personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a building permit will be issued. Work shall not be commenced until and unless a building permit is issued.

F. Issuance of building permits. The Code Enforcement Officer shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith to ascertain whether the proposed work is in compliance with the Uniform Code, the Energy Code, this chapter, Chapter 221 of this Code and the Municipal Code of the City of Ogdensburg. On said examination he shall approve or disapprove the application within a reasonable time and, as appropriate, take the following action:

(I) Upon approval of the application and upon receipt of the legal fees therefor, he shall issue a building permit to the applicant upon the form prescribed by him and shall affix his signature or cause his signature to be affixed thereto.
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(2) Upon the approval of the application, both sets of plans and specifications shall be endorsed with the word "approved." One set of such approved plans and specifications shall be retained in the files of the Code Enforcement Officer, and the other set shall be returned to the applicant, together with the building permit, and shall be kept at the building site open to inspection by the Code Enforcement Officer or his authorized representative at all reasonable times.

(3) If the application, together with plans, specifications and other documents filed therewith, describes proposed work that does not conform to all the requirements of the applicable building regulations, the Code Enforcement Officer shall disapprove the same and shall return the plans and specifications to the applicant. Upon the request of the applicant, the Code Enforcement Officer shall cause such refusal, together with the reasons therefor, to be transmitted to the applicant in writing.

G. Building permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

H. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents that were submitted with and accepted as part of the application for the building permit. The building permit shall contain such a directive. The permit holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The building permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended building permit, such change shall not be made until and unless a new or amended building permit reflecting such change is issued.

I. Time limits. Building permits shall become invalid unless the authorized work is commenced within six months following the date of issuance. Building permits shall expire 12 months after the date of issuance. A building permit which has become invalid or which has expired pursuant to this subsection may be renewed upon application by the permit holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

J. Revocation or suspension of building permits.

(1) The Code Enforcement Officer or the Director of Planning and Development may revoke or suspend a building permit when he determines:

   (a) That a building permit was issued in error because of incorrect, inaccurate or incomplete information; or

   (b) That the work for which a building permit was issued violates the Uniform Code, the Energy Code, this chapter or the Municipal Code of the City of Ogdensburg; or

   (c) That the person to whom a building permit has been issued fails or refuses to comply with the plans and specifications on the basis of which a building permit was issued.

(2) Said suspension or revocation shall continue until such time as the permit holder demonstrates that:
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(a) All work then completed is in compliance with all applicable provisions of the Uniform Code, the Energy Code, this chapter and the Municipal Code of the City of Ogdensburg applicable laws; and

(b) All work then proposed to be performed shall be in compliance with the Uniform Code, the Energy Code, this chapter or the Municipal Code of the City of Ogdensburg.

K. Fee. The fee specified in or determined in accordance with the provisions set forth in § 97-18, Fees, of this chapter must be paid at the time of submission of an application for a building permit, for an amended building permit, or for renewal of a building permit.

§ 97-5. Inspections of premises.

A. The Code Enforcement Officer shall be authorized to make or cause to be made inspections of premises:

(1) To determine the condition of premises in order to safeguard the health, safety and welfare of the public. The Code Enforcement Officer or his designated representatives shall be authorized to enter any premises at any reasonable time during business hours or at such other time as may be necessary in any emergency for the purpose of performing his duties under the Uniform Code, the Energy Code, this chapter and the Municipal Code of the City of Ogdensburg.

(2) To insure compliance with the Uniform Code, the Energy Code, this chapter and the Municipal Code of the City of Ogdensburg in relation to the application for or following the issuance of a building permit or a demolition permit.

B. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an inspector authorized by the Code Enforcement Officer. The permit holder shall notify the Code Enforcement Officer when any element of work described in Subsection C of this section is ready for inspection.

C. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:

(1) Work site prior to the issuance of a building permit;

(2) Footing and foundation;

(3) Preparation for concrete slab;

(4) Framing;

(5) Building systems, including underground and rough-in;

(6) Fire-resistant construction;

(7) Fire-resistant penetrations;
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(8) Solid-fuel-burning heating appliances, chimneys, flues or gas vents;

(9) Energy Code compliance; and

(10) A final inspection after all work authorized by the building permit has been completed.

D. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed or the permit holder shall be notified as to where the work fails to comply with the Uniform Code or the Energy Code. Work not in compliance with any applicable provision of the Uniform Code or the Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, re-inspected, and found satisfactory as completed.

E. Fee. The fee specified in or determined in accordance with the provisions set forth in § 97-18, Fees, of this chapter must be paid prior to or at the time of each inspection performed pursuant to this section.

F. The following provisions shall be applicable to all inspections of premises:

(1) The Code Enforcement Officer and inspectors thereunder and other authorized personnel shall be supplied with official identification and, upon request, shall exhibit such identification when entering any premises and all parts thereof.

(2) Access to all parts of any building, premises and part thereof shall be provided by the owner, operator, agent or occupant thereof to personnel herein for the purpose of making such inspections at any reasonable time during business hours or at such other times as may be necessary in an emergency. Whenever the Code Enforcement Officer or his designated representative shall be unable to obtain access to premises for the purpose of making an inspection as herein provided, a demand for access to such premises shall be served upon the owner and/or occupants thereof at least 10 days before the time of an inspection. In the event of an emergency, the ten-day time period may be shortened by means of a search warrant, court order or other legal procedure.

(3) If the person entitled to possession of any building, premises or part thereof refuses admittance to the Code Enforcement Officer or his duly authorized representative for the purposes of making an examination or inspection of the premises, the Code Enforcement Officer or his representative shall seek authorization, by use of an order to show cause or any other available legal means, from any court of competent jurisdiction. The moving papers shall recite that he believes or has probable cause, said probable cause justified by a valid public interest, to believe that by an inspection of certain premises designated in his affidavit, he will obtain evidence tending to reveal the existence of violations of the Uniform Code, the Energy Code, this chapter or any provision of the Municipal Code of the City of Ogdensburg. If such probable cause shall appear, the judge shall issue a warrant or order authorizing the Code Enforcement Officer or his representative to inspect the premises named in the affidavit and designated in the warrant to obtain evidence tending to reveal the existence of violations of this Code.
§ 97-6. Electrical inspections.

A. Certification of electrical inspections. The Fire Chief is hereby authorized to certify qualified persons, firms or corporations to conduct electrical inspections within the City of Ogdensburg.

(1) Each person, firm or corporation desiring to make electrical inspections within the City of Ogdensburg shall file, on a form provided by said Fire Chief, an application for certification to conduct such inspections. On review of said application and on determination by the Fire Chief that the applicant meets the criteria established by this section and has sufficient knowledge and background relating to the National Electrical Code, the Fire Chief may grant said applicant permission to conduct electrical inspections within the City of Ogdensburg.

(2) A person, firm or corporation aggrieved by any decision of the Fire Chief may, within 30 days of said decision, file an appeal of said decision to the City Manager of the City of Ogdensburg. Further appeals shall be conducted pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.

(3) Any certification granted by the Fire Chief may be revoked, with good cause, on five days' notice to the certified person, firm or corporation. Good cause shall include, but shall not be limited to, failure on the part of the inspector fulfill the duties and obligations set forth herein. Said person, firm or corporation may appeal said revocation to the City Manager of the City of Ogdensburg within 30 days of the decision of the Fire Chief. Further appeals may be had pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.

B. Qualifications of electrical inspectors. In order to be certified to conduct inspections, an applicant must:

(1) Be a certified member of the International Association of Electrical inspectors;

(2) Demonstrate a knowledge of and use the National Electrical Code as the standard for inspection and certification.

C. Duties of electrical inspectors. A certified electrical inspector is authorized to and shall have the following duties and obligations:

(1) Make inspections and re-inspections of all electrical installations hereinafter described and to approve or disapprove the same. Said inspections and re-inspections shall be conducted subject to the following terms and conditions:

(a) The electrical inspector shall not conduct any inspection until the inspector has verified that the Code Enforcement Officer has issued a building permit applicable to the project and premises covered by the electrical inspection.

(b) The cost or expense of such inspections and re-inspections shall not be a charge against the City.
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(c) No change in an electrical inspection agency shall be made once an application for inspection has been made. A certificate of compliance can be issued only by the inspection agency that receives the original request for inspection.

(2) Report to the Fire Chief and/or Code Enforcement Officer all violations of or deviations from or omissions of the electrical provisions of the National Electrical Code and this Municipal Code.

(3) Make inspections and re-inspections of electrical installations on properties in the City upon the written request of the Fire Chief or authorized official or as herein provided.

(4) Make inspections and re-inspections of electrical wiring installations, devices, appliances and equipment in and on properties within the City where it is deemed necessary for the protection of life and property.

(5) In the event of an emergency, make electrical inspections upon the oral request of an official or officer of the City of Ogdensburg.

(6) Furnish written reports to the proper officials of the City and owners and/or lessees of property where defective electrical installations and equipment are found upon inspection.

(7) Issue a certificate of compliance when electrical installations and equipment are in conformity with the National Electrical Code or with this Municipal Code, and shall direct that a copy of the certificate of compliance be sent to the Fire Chief and/or Code Enforcement Officer.

D. Exceptions. The provisions of this section shall not apply to:

(1) The electrical installations in mines, ships, railway cars, automotive equipment or the installations of equipment employed by a railway or electrical or communications utility in the exercise of its function as a utility and located outdoors or in buildings used exclusively for that purpose.

(2) Any work involved in the manufacture, assembly, test or repair of electrical machinery, apparatus, materials and equipment by a person, firm or corporation engaged in electrical manufacturing as their principal business.

(3) Any building which is owned or leased in its entirety by the Government of the United States or the State of New York.

E. Schedule of rates. The schedule of rates charged for inspection shall be filed with the City Clerk and with the Fire Chief of the City of Ogdensburg.

F. No waiver or assumption of liability. This section shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any electrical wiring, devices, appliances or equipment for loss of life or damage to person or property caused by any defect therein, nor shall the City or any authorized inspection be deemed to have assumed any such liability by reason of any inspection made pursuant to this section.
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G. Unlawful acts.

(1) It shall be a violation of this chapter for any person, firm or corporation to install or
cause to be installed or to alter or repair electrical wiring for light, heat or power in or on
properties in the City until an application for inspection has been filed with an
authorized inspector or inspection agency.

(2) It shall be a violation of this chapter for a person, firm or corporation to connect
electrical wiring in or on properties for light, heat or power to any source of electrical
energy supply prior to the issuance of a temporary certificate or a certificate of
compliance by an authorized inspector or inspection agency.

§ 97-7. Stop-work orders.

A. Authority to issue. The Code Enforcement Officer is authorized to issue stop-work orders
pursuant to this section. The Code Enforcement Officer shall issue a stop-work order to halt:

(1) Any work that is determined by the Code Enforcement Officer to be contrary to any
applicable provision of the Uniform Code or the Energy Code, without regard to
whether such work is or is not work for which a building permit is required and without
regard to whether a building permit has or has not been issued for such work; or

(2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the
Code Enforcement Officer, without regard to whether such work is or is not work for
which a building permit is required, and without regard to whether a building permit has
or has not been issued for such work; or

(3) Any work for which a building permit is required which is being performed without the
required building permit or under a building permit that has become invalid, has expired,
or has been suspended or revoked.

B. Content of stop-work orders. Stop-work orders shall:

(1) Be in writing;
(2) Be dated and signed by the Code Enforcement Officer;
(3) State the reason or reasons for issuance; and
(4) If applicable, state the conditions which must be satisfied before work will be permitted
to resume.

C. Service of stop-work orders. The Code Enforcement Officer shall cause the stop-work order,
or a copy thereof, to be served on the owner of the affected property (and, if the owner is not
the permit holder, on the permit holder) personally or by registered mail. The Code
Enforcement Officer shall be permitted, but not required, to cause the stop-work order, or a
copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor,
construction superintendent, or their agents, or any other person taking part or assisting in
work affected by the stop-work order, personally or by registered mail; provided, however,
that failure to serve any person mentioned in this sentence shall not affect the efficacy of the
stop-work order.
D. Effect of stop-work order. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder and any other person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the stop-work order.

E. Remedy not exclusive. The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in Subsection A of this section, and the authority to issue a stop-work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § 97-17, Enforcement; penalties for offenses, of this chapter or under any other state law, rule, regulation or any provision of the Municipal Code of the City of Ogdensburg. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop-work order.

§ 97-8. Certificates of occupancy and certificates of compliance.

A. Certificate of compliance required. A certificate of compliance shall be required for any work that is the subject of a building permit. No building enlarged, extended or altered or upon which work has been performed which requires the issuance of a building permit shall continue to be occupied or used for more than 30 days after the completion of the alteration or work unless a certificate of occupancy shall have been issued by the Code Enforcement Officer.

B. Certificate of occupancy required. A certificate of occupancy shall be required for all construction of structures, buildings, or portions thereof, which are new or converted from one use or occupancy classification or subclassification to another. The issuance of a certificate of occupancy in the case of construction of structures, buildings or portions thereof which are new or converted from one use or occupancy classification or subclassification shall be deemed to be the issuance of a certificate of compliance. No structure subject to this subsection shall be used or occupied in whole or in part until the Code Enforcement Officer and the Director of Planning and Development shall have, jointly, issued a certificate of occupancy.

C. Application for a certificate of occupancy or certificate of compliance. The owner or his agent shall make application for a certificate of compliance or occupancy. There shall be filed with the application an affidavit of the registered architect or licensed professional engineer who filed the original plans, or of the registered architect or licensed professional engineer who supervised the construction of the work, or of the superintendent of construction who supervised the work for which the certificate is sought. This affidavit shall state that the deponent has examined the approved plans of the premises for which a certificate is sought and that the premises have been altered or the structure has been erected in accordance with approved plans and as altered or erected complies with the law governing building construction except insofar as variations therefrom have been legally authorized. Such variations shall be specified in the affidavit.
D. Issuance of certificates of occupancy and certificates of compliance. The Code Enforcement Officer shall issue, as the case may be, a certificate of occupancy or a certificate of compliance if the work which was the subject of the building permit was completed in accordance with all applicable provisions of the Uniform Code and the Energy Code and, if applicable, the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and the Energy Code. The Code Enforcement Officer or an inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a certificate of occupancy or certificate of compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the certificate of occupancy or certificate of compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the certificate of occupancy or certificate of compliance:

1. A written statement of structural observations and/or a final report of special inspections; and
2. Flood hazard certifications.

E. Contents of certificates of occupancy or certificates of compliance. A certificate of occupancy or certificate of compliance shall contain the following information:

1. The building permit number, if any;
2. The date of issuance of the building permit, if any;
3. The name, address and Tax Map number of the property;
4. If the certificate of occupancy or certificate of compliance is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy or certificate of compliance is issued;
5. The use and occupancy classification of the structure;
6. The type of construction of the structure;
7. The assembly occupant load of the structure, if any;
8. If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
9. Any special conditions imposed in connection with the issuance of the building permit; and
10. The signature of the Code Enforcement Officer issuing the certificate of occupancy or certificate of compliance and the date of issuance.
F. Temporary certificate. The Code Enforcement Officer shall be permitted to issue a temporary certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work that is the subject of a building permit. However, in no event shall the Code Enforcement Officer issue a temporary certificate unless the Code Enforcement Officer determines 1) that the building or structure, or the portion thereof covered by the temporary certificate, may be occupied safely; 2) that any fire- and smoke-detecting or fire-protection equipment which has been installed is operational; and 3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a temporary certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A temporary certificate shall be effective for a period of time, not to exceed six months, which shall be determined by the Code Enforcement Officer and specified in the temporary certificate. During the specified period of effectiveness of the temporary certificate, the permit holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

G. Revocation or suspension of certificates. If the Code Enforcement Officer determines that a certificate of occupancy or certificate of compliance or a temporary certificate was issued in error because of incorrect, inaccurate or incomplete information and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

H. Fee. The fee specified in or determined in accordance with the provisions set forth in § 97-18, Fees, of this chapter must be paid at the time of submission of an application for a certificate of occupancy or certificate of compliance or for a temporary certificate.

§ 97-9. Notification regarding fire or explosion.

The Chief of any fire department providing fire-fighting services for a property within this City shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel-burning appliance, chimney or gas vent.

§ 97-10. Unsafe buildings and structures.

A. Unlawful act. No person, firm, corporation or association owning, possessing or controlling a building, structure, or premises in the City of Ogdensburg shall permit, suffer or allow said building, structure or premises now or hereafter to become unsafe from any cause whatsoever.

B. "Unsafe buildings" defined. All buildings or structures which have any or all of the following defects shall be deemed "unsafe buildings":

(1) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(2) Those which, exclusive of the foundation, show 33% or more of damage or deterioration of the supporting member or members or 50% of damage or deterioration of the non-supporting enclosing or outside walls or covering.
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(3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

(4) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the City of Ogdensburg.

(5) Those which have become or are so dilapidated, decayed, unsafe or unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.

(6) Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.

(7) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of escape.

(8) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

(9) Those which because of their condition are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of this City.

(10) Those buildings existing in violation of any provision of this Municipal Code.

(11) Any building or structure which remains vacant and unattended continuously for a period of five years.

C. The following standards shall be followed by the Code Enforcement Officer in ordering repair, vacation or demolition of unsafe buildings or structures:

(1) If the unsafe building can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered repaired.

(2) If the unsafe building is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.

(3) In any case where an unsafe building is so damaged or decayed or deteriorated from its original value or structure so that it cannot be economically restored, it shall be demolished. In all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be demolished. In all cases where an unsafe building is a fire hazard existing or erected in violation of the terms of this chapter or any other provisions of this Code or laws of the State of New York, it shall be demolished.
D. Determination and reports.

(1) Inspection and report. The Code Enforcement Officer, or his/her designee, shall inspect any premises alleged to be in violation of § 97-10A, and said officer shall thereafter prepare and file in the Code Enforcement Office a report of said inspection.

(2) Determination. When it shall be determined by the Code Enforcement Officer, or his/her designee, that a building or structure, or any part or parts thereof, is not in compliance or conformity with the provisions of § 97-10B, the Code Enforcement Officer shall immediately serve notice upon the owner and all other persons having interest in such property or structure as hereinafter provided.

(3) Contents of notice. The aforementioned notice shall contain the following:

(a) A description of the premises;

(b) A statement of the particulars in which the building or structure is unsafe or dangerous;

(c) An order of the Code Enforcement Officer, or his/her designee, requiring the same to be repaired, demolished or removed;

(d) A statement that if such owner so served shall fail to commence to repair, demolish, or remove such building or structure within 30 days from the service of such notice, the City will repair, demolish or remove such building or structure and that all costs and proceedings to repair, demolish or remove such building or structure, including the cost of actually repairing, removing or demolishing the same, will be assessed against the land on which such building or structure is located.

(4) Service of notice. The aforementioned notice by the Code Enforcement Officer shall be served in either of the following ways:

(a) Personally upon the owner or agent and all other persons having an interest in such property or structure; or

(b) By registered mail, in a securely fastened, postpaid wrapper, addressed to the owner or agent and to all persons having an interest in such property or structure at his/her last known address, as shown by the records of the City Comptroller and/or City Assessor. The Code Enforcement Officer shall also post or cause to be posted a copy of the notice on the premises involved.

E. Whenever a structure has been ordered to be secured by the Code Enforcement Officer, the following standards shall be observed.

(1) All windows and doors shall be secured by means of placement of plywood between frame openings; plywood shall be painted gray and installed to fit between the trim to create a neat appearance;

(2) Exterior siding, trim, fascia, and soffit shall be maintained secure to prevent harborage of rodents;
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(3) Combustibles shall be removed from the interior of the structure;

(4) Food products shall be removed from the interior of the structure;

(5) All accessory structures shall be maintained secured;

(6) Grass and shrubbery shall be maintained in compliance with Chapter 83 of this Code.\(^\text{60}\)

F. Emergencies. In the case of emergency, which in the opinion of the Code Enforcement Officer, or his designee, involves imminent danger to human life or health, the Code Enforcement Officer shall promptly cause a building, structure or portion thereof to be secured, repaired, vacated, or removed. For this purpose, the Code Enforcement Officer may at once enter such structure or land on which it stands or abutting land or structure, with such assistance and at such costs as may be necessary. The Code Enforcement Officer may vacate adjacent structures and protect the public by appropriate barricades or such other means as may be necessary and, for this purpose, may close a public or private way.

G. Failure to comply; work by City; cost. If the provisions of the foregoing sections are not complied with, the Code Enforcement Officer shall serve written notice, either personally or by certified mail, upon the owner, agent or any person having the care or control of any structure, premises or equipment, of the failure to comply with the provisions of this section. If the person upon whom the notice is served fails, neglects or refuses to remedy the violation within five days after receipt of such notice or if no person can be found in the City of Ogdensburg who either is or claims to be the owner of such structure, premises or equipment, the Code Enforcement Officer shall cause such violation to be remedied, and the actual cost of such remedy, plus 10% for inspection and a civil penalty of $100 per incident of violation, shall be certified by the Code Enforcement Officer to the City Comptroller and shall thereupon become and be a lien upon the property on which such violation occurred and shall be added to and become and form part of the taxes next to be assessed and levied upon such lot or land on which the premises, structure or equipment was located and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer in the same manner as taxes.


A. Operating permits required.

(1) Operating permits shall be required for conducting the activities or using the categories of buildings listed below:

   (a) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR 1225.1;

\(^{60}\) Editor's Note: See Ch. 83, Brush, Grass and Weeds.
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(b) Hazardous processes and activities, including, but not limited to, commercial and industrial operations which produce combustible dust as a by-product, fruit and crop ripening, and waste handling;

(c) Use of pyrotechnic devices in assembly occupancies;

(d) Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

(e) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the City Council of the City of Ogdensburg.

(f) Any person who proposes to undertake any activity or to operate any type of building listed in this Subsection A shall be required to obtain an operating permit prior to commencing such activity or operation.

B. Applications for operating permits. An application for an operating permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

C. Inspections. The Code Enforcement Officer or an inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an operating permit.

D. Multiple Activities. In any circumstance in which more than one activity listed in Subsection A of this section is to be conducted at a location, the Code Enforcement Officer may require a separate operating permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single operating permit to apply to all such activities.

E. Duration of operating permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any operating permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each operating permit shall be specified in the operating permit. An operating permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

F. Revocation or suspension of operating permits. If the Code Enforcement Officer determines that any activity or building for which an operating permit was issued does not comply with any applicable provision of the Uniform Code, such operating permit shall be revoked or suspended.
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G. Fee. The fee specified in or determined in accordance with the provisions set forth in § 97-18, Fees, of this chapter must be paid at the time of submission of an application for an operating permit, for an amended operating permit, or for reissue or renewal of an operating permit.

§ 97-12. Fire safety and property maintenance inspections.

A. Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an inspector designated by the Code Enforcement Officer at the following intervals:

(1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every 12 months.

(2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every 12 months.

(3) Fire safety and property maintenance inspections of all multiple dwellings and one- and two-family rental units not included in Subsection A(1) or (2) and all boardinghouses, rooming houses, fraternity and sorority houses, community residences and all nonresidential buildings, structures, uses and occupancies not included in Subsection A(1) or (2) shall be performed at least once every 36 months.

B. Requirements for dwellings and units covered by § 97-12A(3). The following shall be applicable to dwellings and units covered by § 97-12A(3):

(1) Registration of dwellings and units. The owner of all dwellings and units covered by § 97-12A(3) shall register said dwelling with the Division of Code Enforcement within 30 days from the effective date of this chapter. If the building at any address is not used for dwelling purposes, the owner shall so state under oath on a notarized affidavit, and the building shall be exempt from the requirements of this chapter. Failure to register dwelling units within the City shall constitute a violation of this chapter. Said registration shall include:

(a) The name, residence and business address and residence and business telephone number of the owner.

(b) A description of the dwelling by street number and Tax Map identification number.

(c) The number of dwelling units within the structure.

(d) In the event the owner does not reside within St. Lawrence County, the name, residence and business address and residence and business telephone number of a person, 18 years of age or older, who actually resides within St. Lawrence County, New York, or conducts a business the main office or branch of which is located within St. Lawrence County and who is designated by such owner as a managing agent in control of and responsible for the maintenance and operation of such dwelling. Said managing agent shall be designated as a person upon whom process may be served on behalf of the owner.
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(2) Schedule of inspections. Dwelling units covered by § 97-12A(3) shall be inspected at least once every three years.

(3) Certificate of safety required. It shall be a violation of this chapter for any person, firm, partnership, association, corporation or the like to rent, lease or suffer or allow any person or persons to live in or occupy, as a tenant, any dwelling covered by § 97-12A(3) unless a certificate of safety and maintenance compliance certifying that said dwelling is fit for human habitation and is in compliance with New York State Fire Code and New York State Property Maintenance Code has been obtained from the Division of Code Enforcement after an inspection. Notwithstanding the foregoing, it shall not be a violation of this chapter to rent, lease or suffer or allow any person or persons to live in or occupy, as a tenant, any dwelling covered by this section if said dwelling received a certificate of safety and maintenance compliance under former Article IIIA of Chapter 117 of the Municipal Code of the City of Ogdensburg. Said exemption shall expire on the third anniversary of the effective date of this chapter or on the completion of an inspection pursuant to this chapter, whichever event occurs first.

(4) Inspection procedures.

(a) An inspection shall be made by the Code Enforcement Officer pursuant to a schedule to be established by the Code Enforcement Officer with approval of the Fire Chief.

(b) At the conclusion of the inspection, a certificate of safety and maintenance compliance or an order to remedy shall be issued.

(c) If violations are found during the inspection, such violations shall be corrected or the dwelling unit vacated within a period of one day to six months, depending on the severity of the violation and the physical requirements necessary to remedy such violations as determined by the Code Enforcement Officer.

(d) If violations are found, re-inspections shall be conducted as necessary.

(e) A certificate of safety and maintenance compliance issued pursuant to the law shall be posted in a conspicuous place in said dwelling upon the issuance thereof. The certificate shall be valid for a period of three years from the date of issuance unless another inspection discloses violations. Upon correction of said violations, the certificate shall then be valid again for the remainder of the original period of said certificate.

C. Other inspections permitted. In addition to the inspections required by Subsections A and B of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an inspector designated by the Code Enforcement Officer at any time upon 1) the request of the owner of the property to be inspected or an authorized agent of such owner; 2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or

61 Editor's Note: Former Part I, Housing Standards, of Chapter 117, Housing, which included Art. IIIA, Rental Housing and Safety Maintenance, was repealed 1-22-2007 by L.L. No. 1-2007.
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activities failing to comply with the Uniform Code or the Energy Code exist; or 3) receipt by
the Code Enforcement Officer of any other information, reasonably believed by the Code
Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions
or activities failing to comply with the Uniform Code or the Energy Code exist; provided,
however, that nothing in this subsection shall be construed as permitting an inspection under
any circumstances under which a court order or warrant permitting such inspection is
required, unless such court order or warrant shall have been obtained.

D. OFPC inspections. Nothing in this section or in any other provision of this chapter shall
supersede, limit or impair the powers, duties and responsibilities of the New York State
Office of Fire Prevention and Control (OFPC) and the New York State Fire Administrator
under Executive Law § 156-e and Education Law § 807-b. Notwithstanding any other
provision of this section to the contrary, the Code Enforcement Officer shall not perform fire
safety and property maintenance inspections of:

(1) A building or structure which contains an area of public assembly if OFPC performs fire
safety and property maintenance inspections of such building or structure at least once
every 12 months;

(2) A building or structure occupied as a dormitory if OFPC performs fire safety and
property maintenance inspections of such building or structure at least once every 12
months;

(3) A multiple dwelling not included in Subsection A(1) or (2) of this section if OFPC
performs fire safety and property maintenance inspections of such multiple dwelling at
intervals not exceeding the interval specified in Subsection A(3) of this section; and

(4) A nonresidential building, structure, use or occupancy not included in Subsection A(1)
or (2) of this section if OFPC performs fire safety and property maintenance inspections
of such nonresidential building, structure, use or occupancy at intervals not exceeding
the interval specified in Subsection A(3) of this section.

E. Fee. The fee specified in or determined in accordance with the provisions set forth in § 97-
18, Fees, of this chapter must be paid prior to or at the time of each inspection performed
pursuant to this section. This subsection shall not apply to inspections performed by OFPC.


A. The provisions of the Property Maintenance Code of the State of New York, and as may be
amended, be and the same are hereby incorporated herein to be enforced pursuant thereto and
pursuant to this chapter.

B. Storage of garbage, junk and refuse.

(1) Adequate sanitary facilities and methods shall be used for the collection, storage,
handling and disposal of garbage and refuse.

(2) In multiple dwellings, it shall be prohibited to store or accumulate garbage or refuse in
public halls and stairways, unless adequate provisions are made.
(3) The storage or accumulation of junk and junked materials in open porches, decks, or yards in residential districts is prohibited. "Junk" and "junked materials" are defined as, generally, unwanted or discarded materials and, particularly, dismantled vehicles of all usage, tires, scrap materials, discarded lawn mowers, rusting barrels, damaged bicycles, broken toys, broken playground equipment, collapsed swimming pools, used windows and glass, used construction lumber, wood for heating, unless stacked and adequately covered, and discarded household equipment, appliances or furniture.

(4) Except as herein provided, the placement of garbage, garbage containers, or receptacles shall be prohibited in front yards in all districts. This shall include placement of garbage and garbage containers on open porches, decks and patios located in front yards. This prohibition shall not be applicable to garbage receptacles placed in the owner's or lessee's front yard after dusk on the day before a regularly scheduled trash pickup.

C. Storage of bulk items and interior furniture. The storage of bulk items, whether operational or not, in the exterior areas of a premises, including porch areas, is prohibited. Bulk items shall include large items and material, including furniture (other than furniture intended for exterior use), house furnishings, couches, beds, chairs and appliances, such as refrigerators, stoves, washing machines and clothes dryers.


The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this chapter, or any other law, ordinance or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

A. Performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

B. If a violation is found to exist, providing the owner of the affected property and any other person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in § 97-17, Enforcement; penalties for offenses, of this chapter;

C. If appropriate, issuing a stop-work order;

D. If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.


A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all code enforcement personnel, including records of:

(1) All applications received, reviewed and approved or denied;
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(2) All plans, specifications and construction documents approved;

(3) All building permits, certificates of occupancy or certificates of compliance, temporary certificates, stop-work orders, and operating permits issued;

(4) The construction value of all proposed construction and completed construction;

(5) The permits issued for new dwelling construction, new commercial construction and new industrial construction;

(6) The number of certificates of compliance and certificates of occupancy issued and the breakdown of the categories of projects or construction for which they were issued:

(7) All inspections and tests performed;

(8) All statements and reports issued;

(9) All complaints received;

(10) All investigations conducted;

(11) All other features and activities specified in or contemplated by §§ 97-4 through 97-14, inclusive, of this chapter; and

(12) All fees charged and collected.

B. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by state law and regulation.

§ 97-16. Program review and reporting.

A. The Code Enforcement Officer shall annually submit to the City Council of the City of Ogdensburg a written report and summary of all business conducted by the Code Enforcement Officer and the inspectors, including a report and summary of all transactions and activities described in § 97-15, Recordkeeping, of this chapter and a report and summary of all appeals or litigation pending or concluded.

B. The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of the City of Ogdensburg, on a form prescribed by the Secretary of State, a report of the activities of this City relative to administration and enforcement of the Uniform Code.

C. The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this City is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this City in connection with administration and enforcement of the Uniform Code.
§ 97-17. Enforcement; penalties for offenses.

A. Compliance orders.

(1) The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the New York State Building Code, the New York State Residence Code, the New York State Fire Code, the New York State Property Maintenance Code, the New York State Energy Code, or this chapter. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a compliance order. The compliance order shall:

(a) Be in writing;

(b) Be dated and signed by the Code Enforcement Officer;

(c) Specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter;

(d) Specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity;

(e) Specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance;

(f) Direct that compliance be achieved within the specified period of time; and

(g) State that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.

(2) The Code Enforcement Officer shall cause the compliance order, or a copy thereof, to be served on the owner, agent or representative of the affected property personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the compliance order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

B. Unlawful act. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, equip, use or occupy any building or structure or portion thereof in violation of any provision of the aforementioned codes or this chapter or to fail in any manner to comply with a notice, directive or order of the Code Enforcement Officer or to construct, alter, use or occupy any building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy.

C. Appearance tickets. The Code Enforcement Officer and each inspector are authorized to issue appearance tickets for any violation of aforementioned codes or this chapter.
D. Penalties. Any person who shall fail to comply with a written order of the Code Enforcement Officer within the time fixed for compliance therewith or any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of this chapter or any lawful order, notice, directive, permit or certificate of the Code Enforcement Officer made thereunder shall be punishable by a fine of not less than $50 nor more than $500 or up to 14 days in jail, or both. Each day that violation continues shall be deemed a separate offense. Except as provided otherwise by law, such a violation shall not be a crime, and the penalty or punishment imposed therefor shall not be deemed for any purpose a penal or criminal penalty or punishment and shall not impose any liability upon or affect or impair the credibility as a witness, or otherwise, of any person convicted thereof.

E. Penalties for aggravated violation. If any person fails to comply with the written order of the Code Enforcement Officer within the time fixed for compliance therewith or if any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction or use of any building or any property should knowingly violate any of the applicable provisions of law or any lawful order, notice, directive, permit or certificate of the Code Enforcement Officer and, as a result of such failure to comply or such violation, injury occurs to any person, property or building, then the person who failed to comply shall be guilty of a misdemeanor and shall be punishable by a fine of not more than $1,000 or imprisonment for not more than one year. For the purpose of establishing the maximum amount of fine that may be assessed, each day that a violation continues shall be deemed a separate offense.

F. Civil penalties. In addition to those penalties prescribed by state law, any person who violates any provision of the aforementioned codes or this chapter, or any term or condition of any building permit, certificate of occupancy or certificate of compliance, temporary certificate, stop-work order, operating permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter, shall be liable to a civil penalty of not more than $250 for each day or part thereof during which such violation continues beyond the ordered abatement date. The civil penalties provided by this subsection shall be recoverable in the violation proceeding following the issuance of an appearance ticket or in a separate civil action instituted in the name of the City of Ogdensburg.

G. Failure to comply; work by City; cost. If any provisions of an order of the Code Enforcement Officer are not complied with, the Code Enforcement Officer shall serve written notice, either personally or by certified mail, upon the owner, agent or any person having the care or control of any structure, premises or equipment, of the failure to comply with the provisions of this chapter. If the person upon whom the notice is served fails, neglects or refuses to remedy the violation within five days after receipt of such notice or if no person can be found in the City of Ogdensburg who either is or claims to be the owner of such structure, premises or equipment, the Code Enforcement Officer shall cause such violation to be remedied, and the actual cost of such remedy, plus 10% for inspection and a civil penalty of $100 per incident of violation, shall be certified by the Code Enforcement Officer to the City Comptroller and shall thereupon become and be a lien upon the property on which such violation occurred and shall be added to and become and form part of the taxes next to be assessed and levied upon such lot or land on which the premises, structure or equipment was located and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer in the same manner as taxes.
H. Injunctive relief. An action or proceeding may be instituted in the name of the City of Ogdensburg, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the aforementioned codes or this chapter, or any term or condition of any building permit, certificate of occupancy or certificate of compliance, temporary certificate, stop-work order, operating permit, compliance order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the aforementioned codes, this chapter, or any stop-work order, compliance order or other order obtained under the aforementioned codes or this chapter, an action or proceeding may be commenced in the name of the City of Ogdensburg, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subsection shall be commenced without the appropriate authorization from the City Manager of the City of Ogdensburg.

I. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in § 97-7, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law.

§ 97-18. Fees.

A. Fees for building permits for rehabilitation and renovation shall be as follows:

(1) Base fee, the first $1,000 of construction cost: $25.

(2) For all or part of each $1,000 of construction costs thereafter: $3.

(3) Renewal of building permit: $25.

B. Fees for building permits for new construction shall be as follows:

(1) Base fee: $35.

(2) New residential construction, including additions, porches and garages: $0.15 per square foot of gross floor area per story or base fee, whichever is greater (not to include cellars in new residential construction.)
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(3) New commercial construction: 0.3% of the cost of construction. [Amended 10-12-2010 by Ord. No. 8-2010\(^{62}\)]

(4) New industrial construction: 0.3% of the cost of construction. [Amended 10-12-2010 by Ord. No. 8-2010\(^{63}\)]

(5) Swimming pools: $35.

(6) Fences: $35.

(7) Deck construction: $0.15 per square foot or base fee, whichever is greater.

C. Certificates of occupancy. Fees shall be as follows (certificate of occupancy fee is included with a valid building permit):

(1) Residential unit: $50.

(2) Commercial unit: $100.

(3) Industrial unit: $100.

D. Sign permits. Fees shall be as follows:

(1) In Single-Family Residential Districts (SFR), Mobile Home Districts (MH) and Moderate-Density Residential (MDR) Zoning Districts: $20.

(2) In Residential/Business Mixed Use Zoning Districts (R/B): $50.

(3) In Business Zoning Districts (B): $100.

(4) In Industrial Zoning Districts (I): $100.

E. State environmental quality review permit fees shall be as follows:

(1) Lead agency coordination: $150.

(2) Short form EAF review: $100.

(3) Long form EAF review: $150.

(4) Draft EIS review: $300.

(5) Final EIS review: $300.

F. Demolition permit. The fee shall be:

(1) For the first $50,000 in cost: $50.

(2) For the cost over $50,000: $200.

\(^{62}\) Editor’s Note: Effective 1-1-11

\(^{63}\) Editor’s Note: Effective 1-1-11
FIRE PREVENTION AND BUILDING CODES ADMINISTRATION

G. Any construction, erection, enlargement, alteration, removal, improvement, demolition, conversion or change in the nature of the occupancy of any building or structure commencing without first obtaining a required building permit will result in the fee being doubled for such permit when issued.

H. Rental registration fees:

(1) Inspection fee every three years (fee includes three inspections): $90 per unit.

(2) Subsequent inspections (after three): $20 per inspection.

I. Place of assembly inspections:

(1) For area of assembly: $75 every year.

(2) For school inspections: $250 per building.


(4) Subsequent inspections (after three): $20 per inspection.

J. Business Inspections (per business): [Added 10-22-2007 by Ord. No. 10-2007; Amended 10-12-2010 by Ord. No. 8-201064]

(1) Buildings up to 5,000 sq. ft.: $ 90.00

(2) Buildings 5,001 sq. ft. - 30,000 sq. ft. $120.00

(3) Buildings 30,001 sq. ft - 60,000 sq. ft. $150.00

(4) Buildings 60,001 sq. ft - 120,000 sq. ft. $180.00

(5) Buildings over 120,000 sq. ft. $250.00

K. All other inspections: $90.00 [Added 10-12-2010 by Ord. No. 8-201065]


If any section of this chapter shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this chapter.

64 Editor’s Note: Effective 1-1-11
65 Editor’s Note: Former §97-18.J. which remains in effect until 1-1-11 at which time it is deleted in its entirety and added as §97-18.K.
§101-1. Permit authority designated

[HISTORY: Adopted by the City Council of the City of Ogdensburg 12-15-1975 as Ch. 65, Art. III, of the 1975 Ogdensburg Municipal Code. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention – See Ch. 97. Noise – See Ch. 143.

§ 101-1. Permit authority designated.

Pursuant to Subdivision 1 of § 405.00 of the Penal Law of the State of New York, the City Manager is hereby designated the "permit authority" to grant and issue permits for the public display of fireworks in accordance with the provisions of § 405.00 of the Penal Law.
§ 105-1. Findings

The City Council of the City of Ogdensburg finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the City of Ogdensburg and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this chapter is adopted.

§ 105-2. Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize the public and private losses due to flood conditions in specific areas by provisions designed to:
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A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters;

D. Control filling grading, dredging and other development which may increase erosion or flood damages;

E. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and

F. Qualify for and maintain participation in the Natural Flood Insurance Program.

§ 105-3. Objectives.

The objectives of this chapter are to:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

G. Provide that developers are notified that property is in an area of special flood hazard; and

H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 105-4. Definitions and word usage.

A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application.

B. As used in this chapter, the following terms shall have the meanings indicated:
FLOOD DAMAGE PREVENTION

APPEAL -- A request for a review of the local administrator's interpretation of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING -- A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) which base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD -- The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1 - 99, V, VO, VE or V1 - 30. It is also commonly referred to as the "base floodplain" or "one-hundred-year floodplain."

BASE FLOOD -- The flood having a one-percent chance of being equaled or exceeding any given year.

BASEMENT -- That portion of building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL -- A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

BUILDING -- Any structure built for support, shelter or enclosure for occupancy or storage.

CELLAR -- The same meaning as "basement."

DEVELOPMENT -- Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, paving, excavation or drilling operations located within the area of special flood hazard.

ELEVATED BUILDING -- A nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, piling, columns (posts and piers) or shear walls.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) -- An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

FLOOD or FLOODING -- A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters; or

66 Editor's Note: The definition of "coastal high-hazard area," which immediately followed this definition, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. II.
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(2) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM) -- An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined but no water surface elevation is provided.

FLOOD INSURANCE RATE MAP (FIRM) -- An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY -- The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevations of the base flood.

FLOODPROOFING -- Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY -- The same meaning as "regulatory floodway."

FLOOR -- The top surface of an enclosed area in a building (including basement) i.e., top slab in concrete construction or top of wood flooring in wood frame construction.

FUNCTIONALLY DEPENDENT USE -- A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading or unloading of cargo or passengers, shipbuilding and ship repair. The term does not include long-term storage, manufacture, sales or service facilities.

HIGHEST ADJACENT GRADE -- The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

LOWEST FLOOR -- The lowest level, including basement or cellar, of the lowest enclosed area. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement is not considered a building's "lowest floor," provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

MANUFACTURED HOME -- A structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.

MEAN SEA LEVEL -- For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MOBILE HOME -- The same meaning as "manufactured home."
FLOOD DAMAGE PREVENTION

NATIONAL GEODETIC VERTICAL DATUM (NGVD) -- As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

NEW CONSTRUCTION -- Structures for which the start of construction commenced on or after the effective date of this chapter.

ONE-HUNDRED-YEAR FLOOD -- The same meaning as "base flood."

PRINCIPALLY ABOVE GROUND -- That at least fifty percent (50%) of the actual cash value of the structure, excluding land value, is above ground.

REGULATORY FLOODWAY -- The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 105-12B.67

START OF CONSTRUCTION -- The initiation, excluding planning and design, of any phase of a project, physical alteration of the property, and shall include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages, sheds), storage trailers and building materials. For manufactured homes the "actual start" means affixing of the manufactured home to its permanent site.

STRUCTURE -- A walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

SUBSTANTIAL IMPROVEMENT -- Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to commence when the first alteration on any wall, ceiling, floor or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include either:

(1) Any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

(2) Any alteration of a structure or contributing structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCES -- A grant of relief from the requirements of this chapter which permits construction or use in a manner that would otherwise be prohibited in this chapter.

67 Editor's Note: The definition of "sand dunes," which immediately followed this definition, was deleted at time of adoption of Code, see Ch. 1, General Provisions, Art. II.
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§ 105-5. Applicability.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City of Ogdensburg, New York.

§ 105-6. Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled the "Flood Insurance Study for the City of Ogdensburg, of Saint Lawrence County, New York," dated May 1980, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps is hereby adopted and declared to be a part of this chapter. The Flood Insurance Study Maps are on file at City Hall, Department of Planning and Development.

§ 105-7. Abrogation; greater restrictions to prevail.

A. This chapter is adopted in response to revisions to the National Flood Insurance Program effective October 1, 1986, and shall supersede all previous laws adopted for the purpose of establishing and maintaining eligibility for flood insurance.

B. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

§ 105-8. Penalties for offenses.

No structure shall hereafter be constructed, located, extended, converted or altered and no land shall be excavated or filled, without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of this permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than two hundred fifty dollars ($250.) or be imprisoned for not more than fifteen (15) days, or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the City of Ogdensburg from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this chapter, for which the developer and/or owner has not applied and received an approved variance under §§ 105-16 and 105-17, will be declared noncompliant and notification sent to the Federal Emergency Management Agency.
FLOOD DAMAGE PREVENTION

§ 105-9. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Ogdensburg, any officer or employee thereof or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

§ 105-10. Local administrator designated.

The Director of Planning and Development is hereby appointed local administrator to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

§ 105-11. Development permit.

A development permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in § 105-6. Application for a development permit shall be made on forms furnished by the local administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

A. Application stage. The following information is required where applicable:

   (1) The elevation in relation to mean sea level of the proposed lowest floor (including basement or cellar) of all structures;

   (2) The elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;

   (3) When required, a certificate from a licensed professional engineer or architect that the utility floodproofing will meet the criteria in § 105-13C(1);

   (4) A certificate from a licensed professional engineer or architect that the nonresidential floodproofed structure will meet the floodproofing criteria in § 105-14B; and

   (5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. Construction stage. Upon placement of the lowest floor or floodproofing by whatever means, it shall be the duty of the permit holder to submit to the local administrator a certificate of the elevation of the lowest floor or floodproofed elevation, in relation to the mean sea level. The elevation certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular building, the flood-proofing certificate shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by the same.
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Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The local administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

§ 105-12. Duties of local administrator.

Duties of the local administrator shall include, but not be limited to:

A. Permit application review. The local administrator shall:

(1) Review all development permit applications to determine that the requirements of this chapter have been satisfied.

(2) Review all development permit applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(3) Review all development permit applications to determine if the proposed development adversely affects the area of special flood hazard. For the purposes of this chapter, "adversely affects" means physical damage to adjacent properties. An engineering study may be required of the applicant for this purpose.

(a) If there is no adverse effect, then the permit shall be granted consistent with the provisions of this chapter.

(b) If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.

(4) Review all development permits for compliance with the provisions of § 105-13E, Encroachments.

B. Use of other base flood and floodway data. When base flood elevation data has not been provided in accordance with § 105-6, Basis for establishing areas of special flood hazard, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from federal, state or other source, including data developed pursuant to § 105-13D(4) in order to administer § 105-14, Specific standards, and § 105-15, Floodways.

C. Information to be obtained and maintained. The local administrator shall:

(1) Obtain and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement or cellar of all new or substantially improved structures, and whether or not the structure contains a basement or cellar.

(2) For all new substantially improved floodproofed structures:

(a) Obtain and record the actual elevation, in relation to mean sea level, to which the structure has been floodproofed; and
FLOOD DAMAGE PREVENTION

(b) Maintain the floodproofing certifications required in §§ 105-13 and 105-14.

(3) Maintain for public inspection all records pertaining to the provisions of this chapter, including variances, when granted, and certificates of occupancy.

D. Alteration of watercourses. The local administrator shall:

(1) Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Regional Director, Federal Emergency Management Agency, Region II, 26 Federal Plaza, New York, New York 10278.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

E. Interpretation of FIRM boundaries.

(1) The local administrator shall have the authority to make interpretations when there appears to be a conflict between the limits of the federally identified area of special flood hazard and actual field conditions.

(2) Base flood elevation data established pursuant to § 105-6 and/or Subsection B of this section, when available, shall be used to accurately delineate the areas of special flood hazard.

(3) The local administrator shall use flood information from any other authoritative source, including historical data, to establish the limits of the areas of special flood hazard when base flood elevations are not available.

F. Stop-work orders.

(1) All floodplain development found ongoing without an approved permit shall be subject to the issuance of a stop-work order by the local administrator. Disregard of a stop-work order shall be subject to the penalties described in § 105-8 of this chapter.

(2) All floodplain development found noncompliant with the provisions of this chapter and/or the conditions of the approved permit shall be subject to the issuance of a stop-work order by the local administrator. Disregard of a stop-work order shall be subject to the penalties described in § 105-8 of this chapter.

G. Inspections. The local administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify that the development is in compliance with the requirements of either the development permit or the approved variance.
H. Certificates of occupancy.

(1) It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partially altered or enlarged in its use or structure until a certificate of occupancy has been issued by the local administrator stating that the building or land conforms to the requirements of this chapter.

(2) All other development occurring within the designated flood hazard area will have, upon completion, a certificate of compliance issued by the local administrator.

(3) All certifications shall be based upon the inspection conducted subject to Subsection G and/or any certified elevations, hydraulic information, floodproofing, anchoring requirements or encroachment analysis which may have been required as a condition of the approved permit.


In all areas of special flood hazard the following standards are required:

A. Anchoring.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) All manufactured homes shall be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Manufactured homes shall be elevated to or above the base flood elevation or two (2) feet above the highest adjacent grade when no base flood elevation has been determined. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

(1) Electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer's or architect's certification is required.
FLOOD DAMAGE PREVENTION

(2) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters.

(4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than either fifty (50) lots or five (5) acres.

E. Encroachments.

(1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood-carrying capacity of the areas of special flood hazard set forth in § 105-12A(3). This may require the submission of additional technical data to assist in the determination.

(2) In all areas of special flood hazard, in which base flood elevation data is available pursuant to § 105-12B or Subsection D(4) of this section and no floodway has been determined, the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one (1) foot at any point.

(3) In all areas of the special flood hazard where floodway data is provided or available pursuant to § 105-12B, the requirements of § 105-15, Floodways, shall apply.

§ 105-14. Specific standards.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in § 105-6, Basis for establishing areas of special flood hazard, and § 105-12B, Use of other base flood and floodway data, the following standards are required:

A. Residential construction. New construction and substantial improvements of any residential structure shall:

(1) Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation;
(2) Have fully enclosed area below the lowest floor that are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

(a) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;

(b) The bottom of all such openings shall be no higher than one (1) foot above the lowest adjacent finished grade; and

(c) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

B. Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure, together with attendant utility and sanitary facilities, shall either have the lowest floor, including basement or cellar, elevated to or above the base flood elevation or be floodproofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

(1) If the structure is to be elevated, fully enclosed areas below the base flood elevation shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:

(a) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;

(b) The bottom of all such openings shall be no higher than one (1) foot above the lowest adjacent finished grade; and

(c) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(2) If the structure is to be floodproofed:

(a) A licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice to make the structure watertight with walls substantially impermeable to the passage of water, with structural components, having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
FLOOD DAMAGE PREVENTION

(b) A licensed professional engineer or licensed land surveyor shall certify the specific elevation (in relation to mean sea level) to which the structure is floodproofed.

(3) The local administrator shall maintain on record a copy of all such certifications noted in this section.

C. Construction standards for areas of special flood hazard without base flood elevations. New construction or substantial improvements of structures, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the base flood elevation as may be determined in § 105-12B or two (2) feet above the highest adjacent grade where no elevation data is available.

(1) New construction or substantial improvements of structures, including manufactured homes, shall have the lowest floor, including basement, elevated at least two (2) feet above the highest adjacent grade next to the proposed foundation of the structure.

(2) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:

(a) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every foot of enclosed area subject to flooding shall be provided;

(b) The bottom of all such openings shall be no higher than one (1) foot above the lowest adjacent finished grade; and

(c) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

§ 105-15. Floodways.

Located within area of special flood hazard are areas designated as floodways (see definition of "floodway" in § 105-4). The floodway is an extremely hazardous area due to high velocity floodwaters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by §§ 105-6 and 105-12B, all encroachments, including fill, new construction, substantial improvements and other development are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

§ 105-16. Appeals Board.

A. The Zoning Board of Appeals, as established by the City of Ogdensburg, shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the local administrator in the enforcement or administration of this chapter.
C. Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.

D. In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The costs to local governments and the dangers associated with conducting search and rescue operations during period of flooding;
11. The expected heights velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
12. The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

E. Upon consideration of the factors of Subsection D and the purposes of this chapter, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

F. The local administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.
§ 105-17. Variances.

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that §§ 105-16D(1) through (12) has been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the reconstruction, rehabilitation or restoration or structures and contributing structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the contributing structures procedures set forth in the remainder of this section.

C. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:

(1) The criteria of Subsections A, D and F of this section are met.

(2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.

D. Variances shall be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

F. Variances shall only be issued upon receiving written justification of:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense or create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

G. Any applicant who is granted a variance for a building with the lowest floor below the base flood elevation shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.
§ 111-1. Definitions ........................................111:1
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[HISTORY: Adopted by the City Council of the City of Ogdensburg 1-9-1989 as L.L. No. 1-198968 (Ch. 113 of the 1975 Ogdensburg Municipal Code). Amendments noted where applicable.]

GENERAL REFERENCES

Bingo -- See Ch. 79


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

AUTHORIZED GAMES OF CHANCE LESSOR -- An authorized organization which has been granted a lessor's license pursuant to the provisions of this chapter or a municipality.

AUTHORIZED ORGANIZATION -- Any bona fide religious or charitable organization or bona fide educational, fraternal or service organization or bona fide organization of veterans or volunteer firemen, that by its charter, certificate of incorporation, constitution, or act of the Legislature, shall have among its dominant purposes one or more of the lawful purposes as

Editor's Note: This local law was approved at a referendum held 3-7-1989
defined in this Chapter, provided that each shall operate without profit to its members, and provided that each such organization has engaged in serving one or more of the lawful purposes as defined in this Chapter for a period of three years immediately prior to applying for a license under this Chapter. No organization shall be deemed an authorized organization that is formed primarily for the purpose of conducting games of chance and that does not devote at least 75 percent of its activities to other than conducting games of chance. No political party nor civic organization shall be deemed an authorized organization.

AUTHORIZED SUPPLIER OF GAMES OF CHANCE EQUIPMENT -- Any person, firm, partnership, corporation or organization licensed by the New York State Gaming Commission to sell or lease games of chance equipment or paraphernalia that meets the specifications and regulations established by the New York State Gaming Commission. Nothing herein shall prevent an authorized organization from purchasing common articles, such as cards and dice, from normal sources of supply of such articles or from constructing equipment and paraphernalia for games of chance for its own use. However, no such equipment or paraphernalia, constructed or owned by an authorized organization that has previously obtained an identification number, shall be sold or leased to any licensed authorized organization without written permission from the New York State Gaming Commission.

BELL JARS -- Includes coin boards, merchandise boards and seal cards and includes those games in which a participant shall draw a card from a jar or other suitable container or from a commission-approved vending machine, that contains numbers, colors or symbols that are covered and that, when uncovered, may reveal that a prize shall be awarded on the basis of a designated winning number, color or symbol or combination of numbers, colors or symbols. Coin board and merchandise board mean a board used in conjunction with bell jar tickets bearing the same serial number, that contains and displays various coins and/or merchandise prizes that are awarded to players whose bell jar ticket number matches the pre-designated number reflected on the board for a specific prize. Seal card means a board or placard used in conjunction with a deal of bell jar tickets bearing the same serial number, that contains one or more concealed areas that, once uncovered reveal a pre-designated winning number, letter or symbol.

CLERK -- The City Clerk of the City of Ogdensburg.

COMMISSION -- New York State Gaming Commission.

GAMES OF CHANCE -- Only the games known as “merchandise wheels,” “raffles,” “bell jars,” “coin boards,” “merchandise boards,” “seal cards” and such other specific games as may be authorized by the New York State Gaming Commission, in which prizes are awarded on the basis of a designated winning number or numbers, color or colors, symbol or symbols determined by chance, but not including games commonly known as “bingo” or “lotto” and also not including “slot machines,” “bookmaking,” “policy or numbers games” and “lottery,” as defined in section 225.00 of the Penal Law. Only games of chance designated by the New York State Gaming Commission may be conducted. No game of chance shall involve wagering of money by one player against another player.

GAMES OF CHANCE CURRENCY -- Legal tender or a form of scrip or chip authorized by the New York State Gaming Commission any of which may be used at the discretion of the games of chance licensee.
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GAMES OF CHANCE PREMISES -- A designated area within a building, hall, tent or grounds reasonably identified for the conduct of games of chance. Nothing herein shall require such area to be enclosed.

LAWFUL PURPOSE -- one (1) or more of the following causes, deeds or activities:

A. Those that benefit needy or deserving persons indefinite in number by enhancing their opportunity for religious or educational advancement, by relieving them from disease, suffering or distress, or by contributing to their physical well-being, by assisting them in establishing themselves in life as worthy and useful citizens, or by increasing their comprehension of and devotion to the principles upon which this nation was founded and enhancing their loyalty to their governments.

B. Those that initiate, perform or foster worthy public works or enable or further the erection or maintenance of public structures.

C. Those that initiate, perform or foster the provision of services to veterans by encouraging the gathering of such veterans and enable or further the erection or maintenance of facilities for use by such veterans that shall be used primarily for charitable or patriotic purposes or those purposes that are authorized by a bona fide organization of veterans, provided however that such proceeds are disbursed in accordance with the rules and regulations of the New York State Gaming Commission.

D. Those that otherwise lessen the burdens borne by government or that are voluntarily undertaken by an authorized organization to augment or supplement services that government would normally render to the people.

LICENSE -- A license issued pursuant to the provisions of this chapter, Article 9-A of the General Municipal Law and the rules and regulations of the New York State Gaming Commission. The restrictions set forth in this definition shall not apply when only the game of bell jar is conducted.

LICENSE PERIOD -- A period of time not to exceed fourteen (14) consecutive hours and for the purpose of the game of chance known as a "bell jar," "license period" shall mean a period of time running from January 1 to December 31 of each year.

MUNICIPALITY -- The City of Ogdensburg.

NET LEASE -- a written agreement between a lessor and lessee under the terms of which the lessee is entitled to the possession, use or occupancy of the whole or part of any premises from any authorized games of chance lessor for which the lessee pays rent to the lessor.

NET PROCEEDS --

A. In relation to the gross receipts from one or more license periods of games of chance, the amount that shall remain after deducting the reasonable sums necessarily and actually expended for supplies and equipment, prizes, security personnel, stated rental if any, bookkeeping or accounting services according to a schedule of compensation prescribed by the New York State Gaming Commission, janitorial services and utility supplies if
any, license fees, and the cost of bus transportation, if authorized by the clerk or department; and

B. In relation to the gross rent received by an authorized game of chance lessor for the use of its premises by a game of chance licensee, the amount that shall remain after deducting the reasonable sums necessarily and actually expended for janitorial services and utility supplies directly attributable thereto if any.

OFFICER -- The chief law enforcement officer of the City of Ogdensburg.

ONE (1) OCCASION -- The successive operations of any one single type of game of chance that results in the awarding of a series of prizes amounting to $500 or $400 during any one license period, in accordance with the provisions of subdivision 8 of section 189 of the General Municipal Law, as the case may be. For purposes of the game of chance known as “merchandise wheels,” or “raffles,” one occasion shall mean the successive operations of any one such merchandise wheel or raffle for which the limit on a series of prizes provided by subdivision 6 of section 189 of the General Municipal Law shall apply. For purposes of the games of chance known as bell jar, coin boards, merchandise boards and seal cards, one occasion shall mean the successive operation of any one such bell jar, coin board, merchandise board or seal card deal that results in the awarding of a series of prizes not to exceed $3,000. For the purposes of the game of chance known as “raffles”, one occasion shall mean a calendar year during which successive operations of such game are conducted.

RAFFLES -- those games in which a participant pays money in return for a ticket or other receipt and in which a prize is awarded on the basis of a winning number or numbers, color or colors, or symbol or symbols designated on the ticket or receipt, determined by chance as a result of a drawing from among those tickets or receipts previously sold.

SERIES OF PRIZES -- the total amount of single prizes minus the total amount of wagers lost during the successive operations of a single type of game of chance, except that for merchandise wheels and raffles, series of prizes means the sum of the fair market value of merchandise awarded as single prizes during the successive operations of any single merchandise wheel or raffle. In the game of raffle, a series of prizes may include a percentage of the sum of cash received from the sale of raffle tickets.

SINGLE PRIZE -- The sum of money or actual value of merchandise awarded to a participant by a games of chance licensee in any one operation of a single type of game of chance in excess of his wager.

SINGLE TYPE OF GAME -- the game of chance known as “merchandise wheels” and each other specific game of chance authorized by the New York State Gaming Commission, regardless of the number of merchandise wheels and locations at which such other single type of game of chance may be conducted.

§ 111-2. Games authorized; days conduct prohibited. (Amended 4/27/15 by LL No. 3 of 2015)

Except as provided in the Games of Chance Licensing Law, no games of chance shall be commenced under any license issued under this Chapter on Sunday, unless it shall be otherwise provided in the license issued for the conducting thereof, pursuant to the provisions of a local
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law or an ordinance duly adopted by the governing body of the municipality wherein the license is issued, authorizing the conduct of games of chance under this Chapter on that day between the hours of noon and midnight only, except if the following day is a legal holiday. Notwithstanding the foregoing provisions of this section, no games of chance shall be conducted on Easter Sunday or Christmas Day.


Any games of chance operator or games of chance licensee shall be subject to the following restrictions in addition to such other restrictions as may be provided herein or contained in Article 9-A of the General Municipal Law or contained in the rules and regulations of the New York State Gaming Commission.

A. No person, firm, partnership, corporation or organization, other than a licensee under the provisions of § 191 of Article 9-A of the General Municipal Law, shall conduct such game or shall lease or otherwise make available for conducting games of chance, premises for any consideration whatsoever, direct or indirect.

B. No game of chance shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid, wholly or partly, on the basis of a percentage of the receipts or net profits derived from the operation of such game.

C. No authorized organization licensed under the provisions of Article 9-A of the General Municipal Law shall purchase or receive any supplies or equipment specifically designed or adapted for use in the conduct of games of chance from other than a supplier licensed by the New York State Gaming Commission or from another authorized organization.

D. The entire net proceeds of any game of chance shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same and the net proceeds of any rental derived therefrom shall be exclusively devoted to the lawful purposes of the authorized games of chance lessor.

E. No single prize in any casino-type game of chance shall exceed the sum or value of $300. In the game of chance known as merchandise wheels, no single prize consisting of merchandise shall exceed a value, defined in section 4622.13 of NYCRR Title 9, of $250. In the game of chance known as bell jars, no single prize shall exceed the sum of $500. In the game of chance known as raffle no single prize shall exceed the sum of $100,000. Except for merchandise wheels, bell jars and raffles, no series of prizes on any one occasion shall aggregate more than $400 for each single type of game of chance when the licensed authorized organization conducts five single types of games of chance during any one license period. Except for merchandise wheels, bell jars and raffles, no series of prizes on any one occasion shall aggregate more than $500 for each single type of game of chance when the licensed authorized organization conducts less than five single types of games of chance during any one license period. Except for the limitations on the sum or value for single prizes and series of prizes for each type of game of chance, no limit shall be imposed on the total number, sum or value of prizes awarded to any one participant during any occasion or any license period. No single wager shall exceed the amount designated for each type of game, as set forth in Part 4620 of NYCRR Title 9. In the case of merchandise wheels, no series of prizes consisting of merchandise shall exceed the actual value of $10,000 during the successive operations of any one merchandise wheel. In the case of bell jars, no series of
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prizes shall exceed the sum of $3,000 during the successive operations of any one bell jar deal. In the case of raffles, the series of prizes shall not exceed the sum of $500,000. One or more signs limiting the wager to the amount designated for each type of game, as set forth in Part 4620 of NYCRR Title 9, shall be prominently displayed in each playing area. In the case of bell jars, the applicable flare(s) shall be displayed in each playing area.

F. In addition to merchandise wheels and bell jars no more than five (5) other single types of games of chance shall be conducted during any one (1) license period.

G. Except for the limitations on the sum or value for single prizes and series of prizes, no limit shall be imposed on the sum or value or prizes awarded to any one (1) participant during any occasion or any license period.

H. No person except a bona fide member of the licensed authorized organization shall participate in the management of such games; no person except a bona fide member of the licensed authorized organization, its auxiliary or affiliated organization, shall participate in the operation of such game, as set forth in § 195-c of Article 9-A of the General Municipal Law. No person under the age of eighteen (18) years of age shall be permitted to assist in the conduct of games of chance or take part in the play of any games or games of chance. Nonmembers may assist the licensee in any activity other than in arranging or operating games of chance.

I. No person shall receive any remuneration for participating in the management or operation of any such game.

J. No authorized organization shall extend credit to a person to participate in playing a game of chance.

K. No game of chance shall be conducted on other than the premises of an authorized organization or an authorized game of chance lessor.

L. The unauthorized conduct of a game of chance shall constitute and be punishable as a misdemeanor.

M. Beer may be offered for sale and consumed during the conduct of games of chance in games of chance premises. Nothing herein shall be construed to limit the offering for sale and consumption of any other alcoholic beverage in areas other than the games of chance premises, or the sale of any other alcoholic beverage in premises where only the game of chance known as bell jar, coin board, merchandise board, seal card and raffles are conducted. One or more signs setting forth the restrictions of this section shall be prominently displayed in each playing area.

N. Except as provided in Subsection Q below with respect to the conduct of games of chance on Sunday, no games of chance shall be conducted under any license issued hereunder on the first day of the week, commonly known and designated as "Sunday" and no games of chance shall be conducted on Easter Sunday or Christmas Day.

O. Persons under the age of eighteen (18) years may be permitted to attend games of chance license periods at the discretion of the games of chance licensee, but shall not be allowed to participate in the operation or play of any game or games of chance. One (1) or more signs
restricting participation of persons under eighteen (18) years of age shall be prominently displayed in each playing area. No person under the age of eighteen (18) years shall be permitted to operate any game of chance conducted pursuant to any license issued under this chapter or to assist in the conduct of any game of chance.

P. No more than five single types of games of chance approved by the New York State Gaming Commission, excluding merchandise wheels, raffles, bell jars, coin boards, merchandise boards and seal cards shall be conducted during any one license period. No game of chance shall be conducted during a license period unless such game has been listed on the application for license to conduct games of chance (form GC-2) and license to conduct games of chance (form GC-5), or on an application to amend a license (form GC-6).

Q. No authorized organization shall be licensed to conduct games of chance more than 12 times in any calendar year. No particular premises shall be used for the conduct of games of chance on more than 24 license periods during any one calendar year. Games shall be conducted only between the hours of noon and midnight on Monday, Tuesday, Wednesday and Thursday, and only between the hours of noon on Friday and 2 a.m. Saturday, and only between the hours of noon on Saturday and 2 a.m. Sunday. The 2 a.m. closing period shall also apply to a license period beginning at noon on the day preceding and terminating upon a legal holiday. The restrictions set forth in this section shall not apply when the games of bell jar and raffles are conducted. License periods for the games “bell jar,” “coin board,” “merchandise board,” “seal card” and “raffle” shall commence on January 1 and extend through December 31 of each year.

§ 111-4. License applications. (Amended 4/27/15 by LL No. 3 of 2015)

A. A license to conduct games of chance. Each applicant for such a license shall, after obtaining an identification number from the Board, file with the Clerk a written application for a license to conduct games of chance, which application shall be made in a form to be prescribed by the Board, and in compliance with Article 9-A of the General Municipal Law, and the regulations thereunder, duly executed and verified.

B. Authorized games of chance lessor. Each applicant for a license to lease premises to a licensed organization for the purpose of conducting games of chance therein shall file with the Clerk a written application therefor in a form to be prescribed by the Board, and in compliance with Article 9-A of the General Municipal Law, duly executed and verified.

§ 111-5. Investigation; license issuance; fee; duration. (Amended 4/27/15 by LL No. 3 of 2015)

A. The Clerk shall make an investigation of the qualifications of each applicant and the merits of each application with due expedition after filing of the application.

B. If the Clerk shall determine that the applicant is duly qualified to be licensed to conduct games of chance under this chapter, Article 9-A of the General Municipal Law and the rules and regulations of the New York State Racing and Wagering Board, the Clerk shall issue a license to the applicant for the conduct of games of chance upon payment of the license fee of twenty-five dollars ($25.) for each license period.

C. If the Clerk shall determine that the applicant seeking to lease premises for the conduct of
games of chance to a games of chance licensee is duly qualified to be licensed under this chapter, Article 9-A of the General Municipal Law and the rules and regulations of the New York State Racing and Wagering Board, the Clerk shall issue a license permitting the applicant to lease said premises for the conduct of such games to the games of chance licensee or licensees specified in the application during the period therein specified or such shorter period as the Clerk shall determine upon payment of a license fee of fifty dollars ($50.).

D. On or before the 30th day of each month, the Treasurer of the municipality shall transmit to the State Comptroller a sum equal to fifty percent (50%) of all authorized games of chance lessor license fees and the sum of fifteen dollars ($15.) per license period for the conduct of games of chance collected by such Clerk during the preceding calendar month.

E. No license shall be issued under this chapter which shall be effective for a period of more than one (1) year.

§ 111-6. Hearing; amendment of license. (Amended 4/27/15 by LL No. 3 of 2015)

A. No application for the issuance of a license to conduct games of chance or lease premises to an authorized organization shall be denied by the Clerk, until after a hearing, held on due notice to the applicant, at which the applicant shall be entitled to be heard upon the qualifications of the applicant and the merits of the application.

B. Any license issued under Article 9-A of the General Municipal Law may be amended, upon application made to such Clerk who issued it, if the subject matter of the proposed amendment could lawfully and properly have been included in the original license and upon payment of such additional license fee if any, as would have been payable if it had been so included.

§ 111-7. Form of license. (Amended 4/27/15 by LL No. 3 of 2015)

Each license to conduct games of chance and each license to lease premises for the conducting of games of chance will be in such form as shall be prescribed in the rules and regulations of the Board and shall state such information as is prescribed by § 193 of the General Municipal Law of the State of New York as that section may be amended.

§ 111-8. Supervision; suspension of license; inspections. (Amended 4/27/15 by LL No. 3 of 2015)

The officer shall have and exercise rigid control and close supervision over all games of chance conducted under any license, to the end that the same are fairly conducted in accordance with the provisions of such license, the provisions of the rules and regulations promulgated by the Board and the provisions of Article 9-A of the General Municipal Law and such officer and the Board shall have the power and the authority to temporarily suspend a license issued by the Clerk pending a hearing, and after notice and hearing, the Clerk or Board may suspend or revoke any license and additionally impose a fine in an amount not exceeding one thousand dollars ($1,000.) for violation of any such provisions and shall have the right of entry, by their respective officers and agents, at all times into any premises where any game of chance is being conducted or where it is intended that any such game shall be conducted or where any equipment being used or intended to be used in the conduct thereof is found for the purpose of inspecting the same. An
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agent of the appropriate officer shall make an on-site inspection during the conduct of all games of chance licensed pursuant to this chapter.

§ 111-9. Game operators; equipment; expenses. (Amended 4/27/15 by LL No. 3 of 2015)

No person shall operate any game of chance under any license issued under this chapter except a bona fide member of the authorized organization to which the license is issued or a bona fide member of an organization or association which is an auxiliary to the licensee or a bona fide member of an organization or association of which such licensee is an auxiliary or a bona fide member of an organization or association which is affiliated with the licensee by being, with it, auxiliary to another organization or association. Nothing herein shall be construed to limit the number of games of chance licensees for whom such persons may operate games of chance nor to prevent nonmembers from assisting the licensee in any activity other than managing or operating games. No game of chance shall be conducted with any equipment except such as shall be owned or leased by the authorized organization so licensed or used without payment of any compensation therefor by the licensee. The head or heads of the authorized organization shall, upon request, certify under oath that the persons operating any game of chance are bona fide members of such authorized organization, auxiliary or affiliated organization. Upon request by an officer or the Clerk, any such person involved in such games of chance shall certify that he or she has no criminal record. No items of expense shall be incurred or paid in connection with the conducting of any game of chance pursuant to any license issued under this chapter except those that are reasonable and are necessarily expended for games of chance supplies and equipment, prizes, security personnel, stated rental, if any, bookkeeping or accounting services according to a schedule of compensation prescribed by the Board, janitorial services and utility supplies, if any, and license fees, and the cost of bus transportation, if authorized by such Clerk.

§ 111-10. Admission fees; prizes. (Amended 4/27/15 by LL No. 3 of 2015)

A fee may be charged by any licensee for admission to any game or games of chance conducted under any license issued under this chapter. The Clerk may in his discretion fix a minimum fee. Every winner shall be determined and every prize shall be awarded and delivered within the same calendar day as that upon which the game was played. No alcoholic beverages shall be offered or given as a prize in any game of chance.


A licensee may advertise the conduct of games of chance to the general public by the means of handbill and poster, and by one (1) sign not exceeding sixty (60) square feet in area, which may be displayed on or adjacent to the premises owned or occupied by a licensed authorized organization, and when an organization is licensed to conduct games of chance on premises of any authorized games of chance lessor, one (1) additional such sign may be displayed on or adjacent to the premises in which the games are to be conducted. Additional signs may be displayed upon any fire-fighting equipment belonging to any licensed authorized organization which is a volunteer fire company or upon any equipment of a first aid or rescue squad in and throughout the community served by such volunteer fire company or such first aid or rescue squad, as the case may be. All advertisements shall be limited to the description of such event as "Games of Chance" or "Las Vegas Night," the name of the authorized organization conducting such games, the license number of the authorized organization as assigned by the Clerk and the date, location and time of the event.
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§ 111-12. Statement of receipts and expenses; additional fees. (Amended 4/27/15 by LL No. 3 of 2015)

A. Within seven (7) days after the conclusion of any license period, the authorized organization which conducted the same and its members who were in charge thereof and when applicable the authorized games of chance lessor which rented its premises therefor, shall each furnish to the Clerk a statement subscribed by the member in charge and affirmed by him as true, under the penalties of perjury, showing the amount of the gross receipts derived therefrom and each item of expense incurred, or paid, and each item of expenditure made or to be made other than prizes, the name and address of each person to whom each such item of expense has been paid, or is to be paid, with a detailed description of the merchandise purchased or the services rendered therefor, the net proceeds derived from the conduct of games of chance during such license period, and the use to which such proceeds have been or are to be applied, and it shall be the duty of each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such statement.

B. Upon the filing of such statement of receipts, the authorized organization furnishing the same shall pay to the Clerk as and for an additional license fee a sum based upon the reported net proceeds, if any, for the license period covered by such statement and determined in accordance with such schedule as shall be established from time to time by the Board in the amount of five percent (5%) for games of chance, two percent (2%) for bell jar games of the net proceeds for such license period.


The Clerk and the Board shall have power to examine or cause to be examined the books and records of:

A. Any authorized organization which is or has been licensed to conduct games of chance, so far as they may relate to games of chance, including the maintenance, control and disposition of net proceeds derived from games of chance or from the use of its premises for games of chance, and to examine any manager, officer, director, agent, member or employee thereof under oath in relation to the conduct of any such game under any such license, the use of its premises for games of chance or the disposition of net proceeds derived from games of chance, as the case may be.

B. Any authorized games of chance lessor so far as they may relate to leasing premises for games of chance and to examine said lessor or any manager, officer, director, agent or employee thereof under oath in relation to such leasing. Any information so received shall not be disclosed except so far as may be necessary for the purpose of carrying out the provisions of this chapter.

Any applicant for or holder of any license issued or to be issued under this chapter aggrieved by any action of an officer or Clerk, to which such application has been made or by which such license has been issued, may appeal to the Board from the determination of said officer or Clerk by filing with such officer or Clerk a written notice of appeal within thirty (30) days after the determination or action appealed from, and upon the hearing of such appeal, the evidence, if any, taken before such officer or Clerk and any additional evidence may be produced and shall be considered in arriving at a determination of the matters in issue, and the action of the Board upon said appeal shall be binding upon such officer or Clerk and all parties to said appeal.

§ 111-15. Immunity from prosecution.

No person, firm, partnership, corporation or organization lawfully conducting or participating in the conduct of games of chance or permitting the conduct upon any premises owned or leased by him or it under any license lawfully issued pursuant to Article 9-A of the General Municipal Law and this chapter, shall be liable to prosecution or conviction for violation of any provision of Article 225 of the Penal Law or any other law or ordinance to the extent that such conduct is specifically authorized by Article 9-A of the General Municipal Law and this chapter, but this immunity shall not extend to any person or corporation knowingly conducting or participating in the conduct of games of chance under any license obtained by any false pretense or by any false statement made in any application for license or otherwise, or permitting the conduct upon any premises owned or leased by him or it of any game of chance conducted under any license known to him or it to have been obtained by any such false pretense or statement.

§ 111-16. Unlawful acts.

Any person, firm, partnership, corporation or organization who or which shall:

A. Make any material false statement in any application for any license authorized to be issued under this chapter.

B. Pay or receive, for the use of any premises for conducting games of chance, a rental in excess of the amount specified as the permissible rent in the license provided for in Article 9-A of the General Municipal Law.

C. Fail to keep such books and records as shall fully and truly record all transactions connected with the conducting of games of chance or the leasing of premises to be used for the conduct of games of chance.

D. Falsify or make any false entry in any books or records so far as they relate in any manner to the conduct of games of chance, to the disposition of the proceeds thereof and to the application of the rents received by any authorized organization.

E. Divert or pay any portion of the net proceeds of any game of chance to any person, firm, partnership, corporation, except in furtherance of one (1) or more of the lawful purposes defined in Article 9-A of the General Municipal Law, shall be guilty of a misdemeanor and shall forfeit any license issued under this chapter and be ineligible to apply for a license under this chapter for at least one (1) year thereafter.
§ 111-17. Unlawful games.

Any person, association, corporation or organization holding, operating or conducting a game or games of chance is guilty of a misdemeanor, except when operating, holding or conducting:

A. In accordance with a valid license issued pursuant to this chapter; or

B. On behalf of a bona fide organization of persons sixty (60) years of age or over, commonly referred to as "senior citizens," solely for the purpose of amusements and recreation of its members where:

(1) The organization has applied for and received an identification number from the Board.

(2) No player or other person furnishes anything of value for the opportunity to participate.

(3) The prizes awarded or to be awarded are nominal.

(4) No person other than a bona fide active member of the organization participates in the conduct of the games.

(5) No person is paid for conducting or assisting in the conduct of the game or games.


This chapter may be amended, from time to time, or repealed by the City Council or other local legislative body of the municipality which enacted it by a two-thirds (2/3) vote of such legislative body and such amendment or repeal, as the case may be, may be made effective and operative not earlier than thirty (30) days following the date of enactment of the local law or ordinance effecting such amendment or repeal, as the case may be; and the approval of a majority of the electors of such municipality shall not be a condition prerequisite to the taking effect of such local law or ordinance.

§ 111-19. Abrogation; greater restrictions to apply.

In the event that there is any conflict between this chapter and the provisions of Article 9-A of the General Municipal Law or the New York Code of Rules and Regulations, then the most restrictive provision shall govern. Further, should this chapter be silent on any matter governed by said laws or regulations, then the operation of games of chance in the City of Ogdensburg shall be deemed governed by said Article 9-A of the General Municipal Law and the regulations thereunder.

§ 111-20. When effective.

This chapter shall take effect immediately upon filing with the office immediately upon filing with the office of the Secretary of State, following its approval by a majority of the qualified voters of the City of Ogdensburg voting on a proposition therefor at a general election held pursuant to the provisions of § 24 of the Home Rule Law.
### Chapter 117
#### HOUSING

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**Fair Housing**

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- §117-16. Amendments  
- §117-17. Construal of provisions

[HISTORY: Adopted by the City Council of the City of Ogdensburg as indicated in part histories. Amendments noted where applicable.]

#### CHARTER REFERENCES

Department of Planning and Development -- See Art. VIII.

#### GENERAL REFERENCES

- Fire prevention and building construction -- See Ch. 97.
- Flood damage prevention -- See Ch. 105.
- Sewers -- See Ch. 177.
- Solid waste -- See Ch. 181.

Subdivision of land -- See Ch. 193.
Water -- See Ch. 215.
Zoning -- See Ch. 221.

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**Part 1**  
**Fair Housing**

[Adopted 3-23-1992 (Ch. 110 of the 1975 Ogdensburg Municipal Code)]

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ARTICLE I
General Provisions

§ 117-1. Title.

This Part 1 shall be known as the "Fair Housing Law."

§ 117-2. Purpose.

The purpose of this Part 1 is to prohibit discrimination on the basis of race, color, religion, sex, handicap, familial status or national origin in the sale, rental or advertising of dwellings, in the provision of brokerage services or in the availability of residential real-estate-related transactions.

§ 117-3. Legislative authority; policy.

A. Title VIII of the Civil Rights Act of 1968 (Sec. 804) prohibits discrimination in the sale or rental of housing and (Sec. 805) the financing of housing because of race, color, religion or national origin.

B. Section 109 of the Housing and Community Development Act of 1974 (PL 93-83) as amended in 1977 (PL 95-128) and in 1988 (PL 100-430) requires that no person in the United States shall, on the grounds of race, color, national origin, sex, familial status or handicap, be excluded from participation in, be denied the benefits of or be subject to discrimination under program or activity funded in whole or in part with community development funds.

C. Regulations 23 CFR 570, 601(c)(1)(2)(3), pursuant to the Community Development Block Grant Program, outlines specific actions that are discriminatory and prohibited.

D. Regulations 24 CFR 570, 601(4)(i), pursuant to the Community Development Block Grant Program, require that the recipient must take affirmative action to overcome the effect of prior discrimination.

E. The City of Ogdensburg, as a recipient of funding under the Housing and Community Development Act of 1974 (PL 93-83) as amended in 1977 (PL 95-128) and in 1988 (PL 100-430) will take affirmative action to ensure that no person shall, on the grounds of race, color, national origin, religion, sex, familial status or handicap, be excluded from participation in, be denied benefits of or be subject to discrimination under any program or activity funded in whole or in part with community development funds.


A copy of this Part 1 and plan, together with a copy of Executive Order 11083, Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, and copies of state and local fair housing laws shall be kept on file in the City Clerk's office.
§ 117-5. Definitions and word usage.

A. General. For the purpose of this Part 1, certain words or phrases herein shall be interpreted as follows, except where the context clearly indicates the contrary; words used in the singular include the plural, words used in the present tense include the future tense, the word "person" includes a corporation as well as an individual, and the word "shall" is always mandatory.

B. Specific words or phrases. For the purpose of this Part 1, certain terms or words herein shall be interpreted as follows:

DISCRIMINATORY HOUSING PRACTICE -- An act that is unlawful under Article II.

DWELLING -- Any building, structure or portion thereof which is occupied as or designed or intended for occupancy as a residence by one or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

FAMILY -- Includes a single individual.

PERSON -- One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

TO RENT -- To lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

ARTICLE II
Discriminatory Practices

§ 117-6. Sale or rental of housing.

Except as exempted by Article III, it shall be unlawful within the City of Ogdensburg:

A. To refuse to sell or rent after the making of a bona fide offer or to refuse to negotiate for the sale or rental of or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, sex, handicap, familial status or national origin.

B. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith because of race, color, religion, sex, handicap, familial status or national origin.

C. To make, print or publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin or an intention to make any such preference, limitation or discrimination.

D. To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
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E. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.

§ 117-7. Financing of housing.

It shall be unlawful within the City of Ogdensburg for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling; or to discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance or of the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given, provided that nothing contained in this section shall impair the scope or effectiveness of the exceptions contained in Article III.


It shall be unlawful within the City of Ogdensburg to deny any person access to or membership or participation in any multiple-listing service, real estate broker's organization or other service, organization or facility relating to the business of selling or renting dwellings; or to discriminate against him/her in the terms or conditions of such access, membership or participation on account of race, color, religion, sex, handicap, familial status or national origin.

ARTICLE III
Exceptions


A. Nothing in § 117-6 (other than Subsection C) shall apply to:

(1) Any single-family house sold or rented by an owner, provided that:

(a) Such private individual owner does not own more than three such single-family houses at any one time.

(b) In the case of the sale of any single-family house at the time of such sale or who was not the recent resident of such house prior to such sale, the exception granted by this subsection shall apply only with respect to one such sale within any twenty-four-month-period.

(c) Such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf under any express or voluntary agreement title to any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time.
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(d) The sale or rental of any such single-family house shall be excepted from the application of this Part 1 only if such house is sold or rented:

[1] Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesman or of such facilities or services of any person in the business of selling or renting dwelling or of any employee or agent of any such broker, agent, salesman or person; and

[2] Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of § 117-6 of this Part 1, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as may be necessary to perfect or transfer the title.

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

B. For the purpose of this exemption, a person shall be deemed to be in the business of selling or renting dwellings if:

(1) He has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;

(2) He has, within the preceding 12 months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

(3) He is the owner of any dwelling designed or intended for occupancy by or occupied by five or more families.

§ 117-10. Sales and rentals by nonprofit organizations.

Nothing in this Part 1 shall prohibit a religious organization, association or society or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, handicap, familial status or national origin. Nor shall anything in this Part 1 prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns such lodgings to its members or from giving preference to its members.
§ 117-11. Fair Housing Office.

The authority and responsibility for publicizing, administering and enforcing this Part 1 shall be in the City of Ogdensburg's Fair Housing Office, which shall be the Office of Planning and Development. The City's Fair Housing Officer shall be the Director of Planning and Development, or his/her designee.


A. The following departments will be open to the public to receive all discrimination complaints and to assist in the filing of such complaints with the United States Department of Housing and Urban Development: Department of Planning and Development and City Clerk's office.

   (1) Location: City Hall, 330 Ford Street, Ogdensburg, New York.

   (2) Hours: 8:00 a.m. to 4:00 p.m.

B. Forms and filing.

   (1) Department of Housing and Urban Development (HUD) approved discrimination complaint forms will be available to the general public at the City Clerk's office.

   (2) Assistance shall be provided to all persons in filing such forms, and all eligible persons shall be referred to Legal Aid for further assistance, if necessary.

   (3) Copies of HUD fair housing pamphlets will be distributed to all interested parties, upon request.

   (4) All advertising for the Community Development Program will use the equal housing opportunity logo type and statement.

   (5) The Fair Housing Officer will collect all complaints filed with the City and perform preliminary investigations to ascertain and verify the allegation.

   (6) If the Fair Housing Officer is unable to conciliate the issue, he will refer it to all appropriate state and federal agencies (United States Department of Housing and Urban Development and the New York State Division of Human Rights).

   (7) The Fair Housing Officer will forward a copy of this Part 1 and plan to all local banks and financing organizations and cooperatively work for voluntary compliance to Title VIII of the Civil Rights Act of 1968.


Violations of this Part 1 shall be reported in person or in writing to the City Attorney/Fair Housing Officer within a year of the alleged discriminatory housing practice.

Where sufficient cause exists to believe that the terms of this Part 1 have been violated, the Fair Housing Officer shall institute a suit in Ogdensburg City Court against the alleged violator within 120 days following the issuance of the charge.


Where a person or organization has been found, after a trial on the merits, in violation of this Part 1, a fine shall be imposed on such person or organization not to exceed $2,500 for the first offense, and $5,000 for a second offense and $10,000 for a third offense. The minimum fine for violations of this Part 1 shall be $250 for a first offense, $500 for a second offense and $1,000 for each additional offense. Each and every separate violation of this Part 1 shall be deemed an offense for the purposes of imposing the appropriate fine.

ARTICLE V
Amendments; Construal of Provisions


The City Council may, on its own initiative or on petition, amend, supplement or repeal the provisions of this Part 1 in conformity with applicable law after public notice and hearing.


In their interpretation and application, the provisions of this Part 1 shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety or the general welfare. Whenever the requirements of this Part 1 are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the highest standards shall govern.
ARTICLE I
Fire Insurance Claims

§ 120-1. Filing of liens authorized

Pursuant to § 22 of the General Municipal Law, the City of Ogdensburg does hereby authorize the City Comptroller to file a lien with the New York State Superintendent of Insurance with respect to any fire insurance proceeds which may be due and owing upon any real property within the City of Ogdensburg, County of Saint Lawrence, State of New York, which is or has been delinquent with respect to any real property taxes, assessments, special ad valorem levies or municipal charges arising by operation of law.

§ 120-2. Definitions.

All definitions of this legislation shall coincide with the definitions provided in § 22 of the General Municipal Law.

§ 120-3. Release or return of funds.

The insured property owner shall be entitled to the release or return of any amounts which he or she would otherwise be entitled to claim if said insured property owner agrees, in writing, to restore the affected premises to the same or an improved condition that it was in prior to the time that the lien of the city arose. The city shall be entitled to require a guaranty for the performance of such an obligation on the part of a property owner.
§ 125-1. Purpose.  

This chapter is enacted to preserve the public health, safety and welfare, to permit the carrying on of a lawful business subject to the necessity of preventing attractive nuisances for children, to protect the public from noxious smoke, gases, odors and noise and to aid in the enforcement of the penal law with respect to the disposal of stolen goods.

§ 125-2. License required.  

No person shall conduct or maintain any building, structure or yard for piling in commercial quantities whether temporarily, irregularly or continually or for any buying or selling at retail or wholesale any old, used or secondhand materials of any kind, including rags, papers, rubbish, bottles, silver, tin, iron, brass, copper, bronze, zinc or other metals, glassware, crockery, bags, cloth, rubber, used motor vehicles or the parts thereof or any other material commonly known as "junk" or any repaired, reconstructed, renewed or renovated materials, merchandise or personal property without first having obtained and paid for a license as hereinafter provided.

§ 125-3. License application; bond.  

A. Any person desiring to procure a license as herein provided shall file with the City Clerk a written application therefor containing the name and residence of the applicant if an individual or firm or the names of the principal officers and their residences if the applicant is an association or corporation. Such application shall also describe in detail the character of the business in which he, they or it desire to engage and the kind of materials he, they or it desire to keep, store or pile, buy or sell or otherwise deal in. This application shall state the following:
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(1) Whether the applicant is licensed to sell old metal in accordance with Article 6 of the General Business Law of the State of New York.

(2) The length of time such applicant, if an individual, or the manager or person in charge, if the applicant is a firm or corporation or association, has or have resided in the City of Ogdensburg and the place of previous employment; whether married or single; whether he, they or any of them have been convicted of a felony or a misdemeanor and, if so, what offense, when and in what court.

(3) The premises where such business is to be located or carried on, giving street and number.

(4) Whether the applicant or applicants or manager had either alone or with someone also previously been engaged in the business commonly known as the "junk business."

(5) Such other information as may be required by the City Clerk.

B. Such application shall be signed and acknowledged before a notary public or other officer authorized to administer oaths in the City of Ogdensburg, New York. Such applications shall be accompanied by a bond to the City of Ogdensburg approved as to form by the City Attorney in the penal sum of two hundred fifty dollars ($250.) with a sufficient surety or sureties or sufficient collateral security conditioned for the due observance which are now in force or may be hereafter adopted respecting the keeping, storing, piling, collection, buying, selling or otherwise dealing in the articles enumerated in § 125-2 of this chapter.

§ 125-4. Issuance of license; revocation.

Upon the filing of the application and the bond as provided in the preceding section, the City Manager, upon the approval of such application; after investigation and approval of such bond as to the sufficiency of the surety or sureties or collateral security and the payment to the City of Ogdensburg of the license fee hereinafter provided, grant a license to the applicant for the building, structure or premises mentioned in said application, provided that the applicant or applicants shall have first obtained a written permit from the Health Officer of the city, Chief of Police and the Chief of the Fire Department approving the applications. Any license issued as herein provided may be revoked by the City Manager for good cause after a hearing. "Good cause" shall include any violation of any city ordinance, local law, rule or regulation, dealing with health, fire hazard or building standards. "Good cause" shall also include the maintenance of any such building, structure or yard in such manner as to constitute a public nuisance. "Good cause" shall also include the making of a false statement by applicant in his, their or its application for a license.

§ 125-5. License fee; duration.

Every person conducting or maintaining any building, structure or yard as provided in § 125-2 of this chapter shall pay an annual license fee of twenty-five dollars ($25.) for each established place of business, and licenses shall be issued as of July 1 and shall continue until June 30 next succeeding the date of issuance thereof unless sooner revoked by the City Manager.
§ 125-6. Restrictions.

A. No person shall conduct or maintain any building, structure or yard as provided in § 125-2 of this chapter in any other place than the one designated in the license therefor, nor shall he continue to carry on business after such license has been revoked or expired.

B. No person conducting or maintaining any building, structure or yard as provided in § 125-2 of this chapter shall purchase any article enumerated in § 125-2 of this chapter from any child under sixteen (16) years of age, nor from any person apparently intoxicated nor from any person between 6:00 p.m. and 7:00 a.m.

C. No license shall be granted as hereinabove provided to any person who shall have been convicted within two (2) years of the date of application of a violation of this chapter or if a firm or corporation of which a member or officer shall have been so convicted; or any person who has been convicted of a felony or knowingly received stolen goods or if a firm or corporation of which any member or officer has or have been convicted of a felony or knowingly receiving stolen goods.

D. No person shall conduct or maintain any building, structure or yard or carry on any business described in § 125-2 of this chapter in such manner as to unduly disturb the peace and quiet of the neighborhood or in such manner as to create a public nuisance or create conditions detrimental to life or health or seriously impair the use and comfortable enjoyment of property in the vicinity. All premises used for any business mentioned in § 125-2 of this chapter shall, at all times, be kept in a cleanly, wholesome condition and in full compliance with all the ordinances and local laws of the city and in accordance with the reasonable rules, regulations and directions of the Health Department, Chief of Police and Chief of the Fire Department. All accumulations of waste such as rubber, cloth, hair goods from demolished machinery and vehicles and all of the unsaleable material known as "junk" shall not be allowed to accumulate and become a breeding place for rats and vermin, but shall be disposed of in accordance with law. All business of conducting and maintaining any building, structure or yard or any buying or selling as provided in § 125-2 of this chapter shall be confined to the licensed premises and any public sidewalks or roadways adjacent to such premises shall be kept free of junk, debris and other materials at all times. No iron or other metal shall be broken on Sunday or before 8:00 a.m. or after 6:00 p.m.

§ 125-7. Enclosures; gates.

Whenever any yard mentioned in § 125-2 of this chapter is contiguous to a public sidewalk or any of the harbors of the city, that portion of the premises used for the purpose of accumulating, storing, handling, buying and selling any of the articles enumerated in § 125-2 of this chapter and all areas used to wreck or demolish old automobiles or other old machinery shall be entirely surrounded by a closely built fence constructed of wood or other suitable material with no cracks or apertures of more than one-fourth (1/4) inch in width; such fence or enclosure shall be constructed from the ground to a height of at least eight (8) feet. All gates and entrances shall be constructed of the same material as the fence and of the same height and tightness and shall be kept closed when not in actual use. Such enclosure or fence shall be kept in a suitable state of repair and shall not be constructed within a distance of three (3) feet from the public sidewalk adjacent to such premises or within ten (10) feet of the adjacent harbor. Said enclosure or fence shall be constructed in accordance with any reasonable rules and regulations imposed by the City Engineer and shall not be used for billboard purposes nor for the display of advertisements of any kind.

Any person violating any provision of this chapter shall be guilty of a violation and, upon conviction, shall be punished by a fine not to exceed one hundred dollars ($100.) or imprisonment for not more than fifteen (15) days, or both. Each week that a violation shall continue shall be a separate violation. In addition to the penalty imposed, the license may be suspended or revoked and the bond upon such license shall be forfeited.
Chapter 131

LITTERING

§131-1. Littering in public places
No person shall sweep, throw, cast, drop, put or place or having accidentally dropped, failed to pick up any bag, bottle, bottle cap, box, container, garbage, paper, piece of paper, wrapper, glass, nail, tack, wire, can or any other trash or litter in or upon any public street, public park, building or upon the river banks or into the river in the City of Ogdensburg, except in receptacles provided for such purposes or to permit any person under his control or employ to do the same.

§131-2. Depositing materials in streets and gutters
A. No person shall sweep, throw or deposit or cause to be swept, thrown or deposited any ashes, dirt, stone, brick, leaves, grass, weeds, brush or any other debris or rubbish of any kind or any water or liquid of any kind that causes a hazardous condition except for purposes of cleansing the same into any public highway, street, gutter or public place or upon any sidewalk within the city.

B. This section shall not apply to water or liquids running into streets as a result of fire fighting or flushing of fire hydrants by authorized personnel or the use in a reasonable manner of ashes, salt or other material for the purpose of reducing the hazard of or providing traction on snow, ice or sleet.

§131-3. Littering from vehicles
It shall be unlawful to operate on any public street, highway, public place or thoroughfare in the City of Ogdensburg, New York, any open truck or trailer being utilized for the transportation of sand, gravel, stone, dirt, rubbish, paper, boxes, trash or other materials which may be dropped from the same, unless said truck or trailer has a cover, tarpaulin or other device of a type and specification approved by the Commissioner of Transportation which completely closes in the opening on said truck or trailer while said truck or trailer is so operated, so as to prevent the falling of any such substances therefrom.

[HISTORY: Adopted by the City Council of the City of Ogdensburg 12-15-1975 as Ch. 65, Art. II, §§ 65.21, 65.22 and 65.23, of the 1975 Ogdensburg Municipal Code. Amendments noted where applicable.]

Failure to comply with this section by any person shall be an offense punishable as provided herein, and a conviction shall be a “violation” as defined by the Penal Law of the State of New York. Violations shall be punishable by a fine of up to $100. Each 24 hours that a violation is continued shall be deemed a separate offense.
Chapter 135

LOCAL WATERFRONT REVITALIZATION PROGRAM

§ 135-1. Title.

This chapter shall be known and may be cited as the "City of Ogdensburg LWRP Consistency Law."

§ 135-2. Purpose.

The purpose of this chapter is to provide for the protection and beneficial use of the natural and man-made resources within the City of Ogdensburg waterfront area by ensuring that certain actions to be undertaken, approved or funded by city agencies will be undertaken in a manner consistent with the policies and purposes of the Ogdensburg Local Waterfront Revitalization Program (LWRP).

§ 135-3. Legislative authority.

This chapter is adopted under authority of the Municipal Home Rule Law, Article 42 of the Executive Law of New York State, the State Environmental Quality Review Act and the State Environmental Quality Review Regulations, as amended.

[EDITOR'S NOTE: See Art. 8 of the Environmental Conservation Law.]

70 Editor's Note: See Art. 8 of the Environmental Conservation Law.
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§ 135-4. Applicability.

All agencies of the City of Ogdensburg must comply with the State Environmental Quality Review Act,\(^1\) the State Environmental Quality Review Regulations and this chapter prior to carrying out any action within the waterfront area when such action is classified as Type I or unlisted under Part 617.

§ 135-5. Definitions and word usage.

A. As used in this chapter, the following terms shall have the meanings indicated:

- **ACTION** -- Either a Type I or unlisted action as defined in SEQR regulations at 6 NYCRR 617.2.
- **CITY** -- The City of Ogdensburg.
- **CITY AGENCY** -- Any board, department, office, other bodies or officers of the City of Ogdensburg, except that it does not include the Planning Board.
- **CITY COUNCIL** -- The City Council of the City of Ogdensburg.
- **EAF** -- Environmental assessment form as defined at 6 NYCRR 617.2(l).
- **EIS** -- Environmental impact statement as defined at 6 NYCRR 617.2(m).
- **LOCAL WATERFRONTREVITALIZATION PROGRAM (LWRP)** -- The local program to implement the New York State Coastal Management Program within the City of Ogdensburg as approved by the Secretary of State pursuant to the Waterfront Revitalization and Coastal Resources Act of 1981 (Article 42 of the Executive Law of New York State).
- **PART 617** -- The State Environmental Quality Review Regulations. (Part 617 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York.)
- **PLANNING BOARD** -- The City of Ogdensburg Planning Board.
- **POLICIES AND PURPOSES OF THE OGDENSBURG LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)** -- Those policies as listed and explained in Section 3, as well as the proposed land and water uses and projects as found in Section 4 of the Ogdensburg Local Waterfront Revitalization Program Document duly adopted by the City Council of the City of Ogdensburg, a copy of which is on file in the City Clerk's office and available for inspection during normal business hours.
- **SEQR** -- The State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law, which is Chapter 43-b of the Consolidated Laws of the State of New York).
- **WAF** -- Waterfront assessment form as adopted by the City Planning Board.

\(^{1}\) Editor's Note: See Art. 8 of the Environmental Conservation Law.
LOCAL WATERFRONT REVITALIZATION PROGRAM

WATERFRONT AREA -- That portion of the New York State Coastal Area within the City of Ogdensburg Local Waterfront Revitalization Program.

B. All other terms for which definitions are given in SEQR and/or Part 617 shall have the same meanings in this chapter.

§ 135-6. Initial review.

In complying with the initial review requirements under Section 5 of Part 617, the Director of Planning and Development (or such other officer of the city as may be designated by resolution of the City Council) shall:

A. Advise each city agency proposing to undertake a Type I or unlisted action requiring a determination of environmental significance pursuant to SEQR and Part 617, whether such action is also located in the waterfront area requiring a determination of environmental significance pursuant to SEQR and Part 617, whether such action is also located in the waterfront area requiring a determination of consistency pursuant to § 135-8 of this chapter.

B. When a determination of consistency is required pursuant to Subsection A above, provide each city agency proposing to undertake such an action with the following:

(1) A full or short environmental assessment form (EAF), as may be appropriate pursuant to Section 6 or 7 of Part 617; and

(2) A waterfront assessment form (WAF).

C. Assist each city agency proposing to undertake such an action in identifying other involved state, county and/or city agencies.

§ 135-7. Planning Board review.

Each city agency proposing to undertake a Type I action in the waterfront area shall refer the WAF and other pertinent information for that action to the Planning Board for review and recommendation regarding the action's consistency with the policies and purposes of the LWRP. A city agency proposing to undertake an unlisted action in the waterfront area may refer the WAF and other pertinent information for that action to the Planning Board when deemed necessary and appropriate. In either case, the Planning Board shall complete its review of the proposed action's consistency and prepare a written recommendation to the referring city agency within thirty (30) days of the referral date.


Prior to undertaking a proposed Type I or unlisted action in the waterfront area, each city agency shall determine the consistency of such action with the policies and purposes of the Ogdensburg Local Waterfront Revitalization Program (LWRP) in accord with Subsection A or B of this section, whichever applies:
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A. Following a determination pursuant to Sections 6 and 7 of Part 617 that the proposed action will not have any significant adverse environmental impacts and, if referred to the Planning Board for review and recommendation pursuant to § 135-7 of this chapter, either upon receipt of such recommendation in writing or after the lapse of thirty (30) days allotted for the Planning Board recommendation; or

B. As part of findings prepared by that city agency pursuant to Section 9 of Part 617, if the proposed action has been determined to be significant adverse environmental impacts and made subject to the environmental impact statement (EIS) procedures of Section 8 of Part 617, find and certify in writing that the action will not substantially hinder the achievement of any of the policies and purposes of the LWRP.

(1) If the action will substantially hinder the achievement of any policy or purpose of the LWRP, the city agency shall instead find and certify that the following three (3) requirements are satisfied:

(a) No reasonable alternatives exist that would permit the action to be taken in a manner which would not substantially hinder the achievement of such policy or purpose;

(b) The action taken will minimize all adverse effects on the local policy and purpose to the maximum extent practicable; and

(c) The action will result in an overriding regional or statewide public benefit.

(2) Such certification shall constitute a determination that the action is consistent to the maximum extent practicable with the LWRP.

(3) Where said certification is made as part of findings prepared pursuant to 6 NYCRR 619.9 (i.e., where Subsection B applies) it shall be filed with the findings of that section. Otherwise it shall be filed with the Director of Planning and Development. [Amended 12-12-1989 by Ord. No. 17-1989]
Chapter 143

NOISE

ARTICLE I
General Provisions

§143-1. Title.

This chapter shall be known and may be cited as the "City of Ogdensburg Noise Ordinance."

ARTICLE II
Restricted Noises

§143-5. Radios, musical instruments and televisions.

§143-6. Hawkers and peddlers.

§143-7. Drums.

§143-8. Animals and fowl.


§143-10. Construction work.

§143-11. Motor vehicle repairs.

ARTICLE III
Sound-Amplifying Equipment

§143-16. Registration and approval required.

§143-17. Registration procedures.

§143-18. Fees.


ARTICLE IV
Penalties for Offenses

§143-20. Penalties for Offenses.
§ 143-2. Purpose.

The purpose of this chapter is to prevent the making, creation or maintenance of excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use and which are a detriment to public health, peace, welfare or good order.

§ 143-3. Definitions.

As used in this chapter, unless the context otherwise clearly indicates, the words and phrases used in this chapter are defined as follows:

“A” BAND LEVEL -- The total sound level of all noise as measured with a sound-level meter using the "A" weighing network. The unit is the dbA.

AMBIENT NOISE -- The all-encompassing noise associated with a given environment, usually being a composite of sounds with many sources near and far.

BAND PRESSURE LEVEL OF A SOUND FOR A SPECIFIED FREQUENCY BAND -- The sound pressure level for the sound contained within the restricted band.

COMMERCIAL PURPOSES -- Includes the use, operation or maintenance of any sound amplifying equipment for the purpose of advertising any business or any goods or any services or for the purpose of attracting the attention of the public to or advertising for or soliciting patronage or customers to or for any performance, show, entertainment, exhibition or event or for the purpose of demonstrating any such sound equipment.

CYCLE -- The complete sequence of values of a periodic quantity which occurs during a period.

DECIBEL (DB) -- A unit of level which denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is 10 times the logarithm to the base10 of this ratio.

EMERGENCY WORK -- Work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger.

FREQUENCY OF A FUNCTION PERIODIC IN TIME -- The reciprocal of the primitive period. The unit is the cycle per unit time and shall be specified.

MICROBAR -- A unit of pressure commonly used in acoustics and is equal to one dyne per square centimeter.

MOTOR VEHICLES -- Includes but shall not be limited to, minibikes and go-carts.

NONCOMMERCIAL PURPOSE -- The use, operation or maintenance of any sound equipment for other than a commercial purpose. "Noncommercial purpose" shall mean and include, but shall not be limited to, philanthropic, political, patriotic and charitable purposes.
PERIODIC QUANTITY -- Oscillating quantity, the values of which recur for equal increments of time.

PERIOD OF A PERIODIC QUANTITY -- The smallest increment of time for which the function repeats itself.

SOUND AMPLIFYING EQUIPMENT -- Any machine or device for the amplification of the human voice, music or any other sound. "Sound amplifying equipment" shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. "Sound amplifying equipment," as used in this chapter, shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

SOUND ANALYZER -- A device for measuring the band pressure level or pressure spectrum level of a sound as function of frequency.

SOUND-LEVEL METER -- An instrument, including a microphone, an amplifier, an output meter and frequency weighing networks, for the measurement of noise and sound levels in a specified manner.

SOUND PRESSURE LEVEL IN DECIBELS OF A SOUND -- Twenty times the logarithm of the base10 of the ratio of the pressure of this sound to the reference pressure, which reference pressure shall be explicitly stated.

SOUND TRUCK -- Any motor vehicle, or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment.

SPECTRUM OF A FUNCTION OF TIME -- A description of its resolution into components, each of a different frequency.

§ 143-4. Decibel measurement criteria.

Any decibel measurement made pursuant to the provisions of this chapter shall be based on a reference sound pressure of 0.0002 microbars as measured in any octave band with center frequency, in cycles per second, as follows: 63, 125, 250, 500, 1,000, 2,000, 4,000 and 8,000 or as measured with a sound level meter using the "A" weighing.

ARTICLE II
Restricted Noises

§ 143-5. Radios, musical instruments and televisions.

A. Use restricted. It shall be unlawful for any person within any residential zone of the City to use or operate any radio receiving set, musical instrument, phonograph, television set or other machine or device for producing or reproducing of sound (between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day) in such a manner as to disturb the peace, quiet and comfort of neighboring residents or any reasonable person of normal sensitiveness residing in the area.
B. Prima facie violation. Any noise exceeding the ambient noise level at the property line of any property (or, if a condominium or apartment house, within any adjoining apartment) by more than five decibels shall be deemed to be prima facie evidence of a violation of the provisions of this section.

C. It shall be unlawful for any person to cause a vehicular sound reproduction system to be plainly audible at a distance of 300 or more feet between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day. [Added 4-28-2003 by Ord. No. 8-2003]

§ 143-6. Hawkers and peddlers.

It shall be unlawful for any person within the City to sell anything by outcry within any area of the City zoned for residential uses. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses and other similar licensed public entertainment events.

§ 143-7. Drums.

It shall be unlawful for any person to use any drum or other instrument or device of any kind for the purpose of attracting attention by the creation of noise within the City. This section shall not apply to any person who is a participant in a school band or duly authorized parade or who has been otherwise duly authorized to engage in such conduct.

§ 143-8. Animals and fowl.

It shall be unlawful for any person to keep or maintain or permit the keeping of, upon any premises owned, occupied or controlled by such person, any animal or fowl otherwise permitted to be kept which, by any sound, cry or behavior, shall cause annoyance or discomfort to a reasonable person of normal sensitiveness in any residential neighborhood.


It shall be unlawful for any person to operate any machinery, equipment, pump, fan, air-conditioning apparatus or similar mechanical device in any manner so as to create any noise which would cause the noise level at the property line of any property to exceed the ambient noise level by more than five decibels based on a reference sound pressure of 0.0002 microbars as measured in any octave band center frequency, in cycles per second, as follows: 63, 125, 250, 500, 1,000, 2,000, 4,000 and 8,000, and for the combined frequency bands, "A" band.

§ 143-10. Construction work.

It shall be unlawful for any person within a residential zone or within a radius of 500 feet therefrom to operate equipment or perform any outside construction or repair work on buildings, structures or projects or to operate any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other construction type device except to perform emergency work between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance.
§ 143-11. Motor vehicle repairs.

It shall be unlawful for any person within any residential area of the City to repair, rebuild or test any motor vehicle (between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day) in such a manner that a reasonable person of normal sensitiveness residing in that area is caused discomfort or annoyance.

§ 143-12. Squealing of vehicle tires. [Amended6-25-2007 by Ord. No. 4-2007]

It shall be unlawful for any person to operate any motor vehicle in such a manner as to cause the tires thereon to emit a squealing noise which is so loud that it annoys, injures, or endangers the composure, repose, health, peace or safety of others within the corporate limits of the City or recklessly creates the risk thereof. The squealing noise shall be presumed to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others if the noise is audible at a distance of 150 feet from the place or position from which the noise emanates.

§ 143-13. Train horns and whistles.

It shall be unlawful for any person to operate or sound or cause to be operated or sounded (between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day) a train horn or train whistle which creates a noise in excess of 89 dbA at any place or point 300 feet or more distant from the source of such sound.

§ 143-14. Areas near schools, hospitals and churches.

It shall be unlawful for any person to create any noise on any street, sidewalk or public place adjacent to any school, institution of learning or church while the same is in use or adjacent to any hospital, which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in such street, sidewalk or public place indicating the presence of a school, church or hospital.

§ 143-15. Additional restrictions.

A. It shall be unlawful for any person to willfully make or continue or cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

B. The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

(1) The volume of the noise.

(2) The intensity of the noise.

(3) Whether the nature of the noise is usual or unusual.

(4) Whether the origin of the noise is natural or unnatural.

(5) The volume and intensity of the background noise, if any.
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(6) The proximity of the noise to residential sleeping facilities.

(7) The nature and zoning of the area within which the noise emanates.

(8) The density of the inhabitation of the area within which the noise emanates.

(9) The time of the day or night the noise occurs.

(10) The duration of the noise.

(11) Whether the noise is recurrent, intermittent or constant.

(12) Whether the noise is produced by a commercial or noncommercial activity.

ARTICLE III
Sound-Amplifying Equipment

§ 143-16. Registration and approval required.

It shall be unlawful for any person, other than personnel of law enforcement or governmental agencies, to install, use or operate within the City a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound truck for the purposes of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblages of persons in or upon any street, alley, sidewalk, park, place or public property without first filing a registration statement and obtaining approval thereof as set forth in this Article.

§ 143-17. Registration procedure.

A. Registration statements; filing. Every user of sound amplifying equipment shall file a registration statement with the Chief of Police 21 days prior to the date on which the sound amplifying equipment is intended to be used, (but the Chief in his discretion may waive the time period) which statement shall contain the following information:

(1) The name, address and telephone number of both the owner and user of the sound amplifying equipment.

(2) The maximum sound producing power of the sound amplifying equipment which shall include the wattage to be used, the volume in decibels of sound which will be produced and the approximate distance for which sound will be audible from the sound amplifying equipment.

(3) The license and motor number if a sound truck is to be used.

(4) A general description of the sound amplifying equipment which is to be used.

(5) Whether the sound amplifying equipment will be used for commercial or noncommercial purposes.
B. Registration statements; approval. The Chief of Police shall return to the applicant an approved certified copy of the registration statement unless he finds that:

(1) The conditions of the motor vehicle movement are such that use of the equipment would constitute a detriment to traffic safety;

(2) The conditions of pedestrian movement are such that use of the equipment would constitute a detriment to traffic safety; or

(3) The registration statement reveals that the applicant would not be able to comply with the provisions of this chapter.

C. Registration statement; disapproval. In the event that the registration statement is disapproved, the Chief of Police shall endorse upon the statement his reasons for disapproval and return it forthwith to the applicant. The applicant may within five days thereafter appeal to the Common Council who may after a public hearing thereon held after five days public notice either approve or disapprove the application.

§ 143-18. Fees.

Prior to the issuance of the registration statement, a fee in the amount of $25 per day, or any portion thereof, shall be paid to the City if the loudspeaker or sound amplifying equipment is to be used for commercial purposes. No fee shall be required for the operation of a loudspeaker or sound amplifying equipment for noncommercial purposes.


The commercial and noncommercial use of sound amplifying equipment shall be subject to the following regulations:

A. The only sounds permitted should be either music or human speech, or both.

B. The operation of sound amplifying equipment shall only occur between the hours of 8:00 a.m. and 10:00 p.m. each day except on Sundays and legal holidays. No operation of sound amplifying equipment for commercial purposes shall be permitted on Sundays or legal holidays. The operation of sound amplifying equipment for noncommercial purposes on Sundays or legal holidays shall only occur between the hours of 10:00 a.m. and 10:00 p.m.

C. No sound emanating from sound amplifying equipment shall exceed 15 dbA above the ambient as measured at any property line.

D. It shall be unlawful to operate any sound amplifying equipment within 200 feet of churches, schools, hospitals or City or county buildings.

E. In any event, the volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing or a nuisance to reasonable persons of normal sensitiveness within the area of audibility.
§ 143-20. Penalties for offenses.

Any person who shall violate any provision of this chapter shall be punishable as provided in Chapter 1, General Provisions, § 1-3.
Chapter 147

PARENTAL RESPONSIBILITY

§ 147-1. Statement of authority.

The City Council, pursuant to the authority granted it under § 20 of the General City Law and § 10 of the Municipal Home Rule Law of the State of New York, hereby enacts this chapter.

§ 147-2. Statement of purpose and finding.

The City Council has determined that minors have been congregating, causing general disturbances and committing acts which would be violations of the law. In order to reduce juvenile crime, protect the children of this municipality and reinforce parental and guardian authority as well as ensure parental and guardian responsibility, it is necessary to establish responsibility for the acts of minors and their parents or legal guardians.

§ 147-3. Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include the plural number, and words in the masculine include the feminine.

CITY -- The City of Ogdensburg.

KNOWLEDGE and CONSENT -- Actual or constructive knowledge and consent, and includes knowledge which a parent should be reasonably expected to have concerning the whereabouts and activities of a minor in the custody of that parent or guardian. Failure of a parent or legal guardian to exercise reasonable diligence in the care and control of said minor shall constitute constructive knowledge of the parent or legal guardian of the acts of a minor child.

MINOR -- Anyone under the age of sixteen (16), whose care and custody repose in a parent or legal guardian.
PRIVATE PLACE -- Any privately owned property or business, including any parking lot, vacant lot, yard, building, place of amusement, eating establishment and the like, where minors may be found without the consent or permission of the owner or occupant of the property or when the property or business is closed to the public.

PUBLIC PLACE -- Any street, avenue, highway, road, sidewalk, curb, gutter, parking lot, alley, vacant lot, park, playground, yard, building, place of amusement or eating place.

§ 147-4. Restrictions.

A. It shall be unlawful for any minor to commit an act which would constitute trespass (as defined by Penal Law § 140.05), harassment (as defined by Penal Law § 240.26), disorderly conduct (as defined by Penal Law § 240.20), unlawfully dealing with fireworks and dangerous fireworks (as defined by Penal Law § 270.00) or a violation of the Ogdensburg Municipal Code. [Amended 7-9-2001 by Ord. No. 1-2001]

B. It shall be unlawful for any parent or legal guardian of a minor to knowingly consent or permit said minor to be in a public or private place within the city so as to allow or permit or provide the minor with the opportunity to commit any of the aforementioned acts. It shall be unlawful for a parent or guardian to fail to exercise reasonable diligence in the care and control of the activities of said minor.

§ 147-5. Penalties for offenses.

A. A police officer who has probable cause to believe that a minor is in violation of this chapter shall take such minor to the residence of his parent(s) or guardian or, as may be necessary, to the police station, where the minor's parent(s) or guardian shall be immediately contacted. The minor shall be held until the parent or guardian comes to take the minor home. On initial contact with the parent, he or she must be given a copy of this chapter.

B. In the case of a first violation by a minor or a parent or legal guardian, the police shall send the minor's parents or legal guardians written notice of the violation, warning them that further violations will result in imposition of the penalty provided for in the law. Upon a second violation within a twelve-month period, a fine of fifty dollars ($50.) will be imposed. Upon a third violation within a twelve-month period, a fine of one hundred dollars ($100.) will be imposed. Upon a fourth violation, plus any subsequent violation, within a twelve-month period, a fine of two hundred dollars ($200.) shall be imposed.

C. On a violation of this chapter, the parent(s) or legal guardian shall be issued a summons requiring that the parent(s) or legal guardian and child shall appear in the City Court of the City of Ogdensburg.
§ 149-1. Applicability.

This chapter shall apply to and be in effect in all parks under the control, supervision and jurisdiction of the Department of Parks and Recreation of the City of Ogdensburg.

§ 149-2. Definitions.

As used in this chapter, unless the context requires otherwise, the following terms shall have the following meanings:

GREENBELT -- Morrissette Park, Library Park, Crescent Park, Municipal Marina and all public lands bordering the Saint Lawrence and Oswegatchie Rivers from Caroline Street to LaFayette Street.
PARKS -- The grounds and buildings thereon, waters therein and any other property necessary for the operation thereof, and constituting a part thereof, which is now or may hereafter be maintained, operated and controlled by the City of Ogdensburg for public park purposes.72

PERSON -- Any individual, firm, partnership, corporation or association of persons; and the singular number shall include the plural.

SKATEBOARD PARK -- The grounds, buildings and equipment thereon, and any other property necessary for the operation thereof, and constituting a part thereof, which is now or hereafter be maintained, operated and controlled by the City of Ogdensburg for public skateboarding and in-line skating. [Added 7-8-1996 by Ord. No. 11-1996]

§ 149-3. Hours of operation.

A. Except as hereinafter provided; all City parks shall be open to the public between the hours of 5:00 a.m. and 11:00 p.m.

B. The Greenbelt Park, from May 1 until October 31 of each year, shall be open to the public 24 hours per day. Quiet hours will begin at 11:00 p.m. [Amended 4-13-1981 by L.L. No. 3-1981]

C. With an application to the Director of Parks and Recreation or the City Manager, a special permit may be issued allowing use of City parks during hours other than those noted in Subsection A. [Amended 12-7-1992 by L.L. No. 3-1992]

D. The municipal dock shall be closed to vehicular traffic between 11:00 p.m. and 4:00 a.m. between May 1 and October 31. [Added 7-13-1992 by Ord. No. 8-1992]

E. In case of an emergency or when, in the judgment of the Director of Parks and Recreation, the Chief of Police or the City Manager, the public interest demands, any portion of any park may be closed to the public or to designated persons. [Amended 10-14-1980 by L.L. No. 5-1980; 12-7-1992 by L.L. No. 3-1992]

F. The Skateboard Park, located on the western end of the Ogdensburg Mall parking lot, shall be open from July 9 until Labor Day of each year, between the hours of Monday through Friday, 6:00 p.m. to 8:00 p.m., and Saturday and Sunday 1:00 p.m. to 6:00 p.m., and then only when an employee designated by the City of Ogdensburg to supervise the Skateboard Park is present. [Added 7-8-1996 by Ord. No. 11-1996]

G. The hours of operation in playground apparatus areas of all City parks shall be from sunrise to 1/2 hour after sunset. No skateboards, in-line skaters, bicycles or pets are allowed in playground apparatus areas. [Added 10-13-1998 by Ord. No. 8-1998]

72 Editor's Note: The definition of "Parks Foreman," which immediately followed this definition, was deleted at time of adoption of Code; See Ch. 1, General Provisions, Art. II.
PARKS

§ 149-4. Tampering with property or equipment. [Amended 12-7-1992 by L.L. No. 3-1992]

A. No person shall injure, damage, deface, remove, destroy or tamper with any equipment, signage, fencing, drive, walk, path, bridge or approach situate in any City park or Skateboard Park without the written permission of the Director of Parks and Recreation or City Manager. [Amended 7-8-1996 by Ord. No. 11-1996]

B. No person shall disturb, remove or damage any asphalt, concrete, flagstone, rock, gravel, sand, earth and all plantings thereon, or ice, or make any excavation of any kind in any City park without the written permission of the Director of Parks and Recreation or the City Manager.

§ 149-5. Restrictions.

A. Camping. No person or organization shall be permitted to erect, place, pitch or position any tent or temporary shelter, canopy or similar type device in or upon municipal property within the City of Ogdensburg, unless such person or organization has received a permit from the Department of Parks and Recreation. Applications for such permission shall be filled out, in writing, upon the form prescribed by the City Department of Parks and Recreation.

B. Alcoholic beverages.

(1) Except as hereinafter provided, no person shall consume beer, wine, whiskey or other alcoholic beverages on or in any City park unless authorized as provided in Chapter 69, Alcoholic Beverages.

(2) Except as provided herein, public consumption of alcoholic beverages and possession of open containers containing alcoholic beverages shall be allowed within boats docked at the Municipal Marina. The consumption of alcoholic beverages shall be allowed by special permit to accommodate organized group activities to be held in specific areas of the Greenbelt, i.e. horseshoe pit areas. Said permit shall be applied for at the Recreation and Parks Department not less than 48 hours prior to the event and can be issued for a long-term (seasonal) basis. There shall be no charge for said permit. [Amended 4-13-1981 by L.L. No. 3-1981; 3-10-1997 by Ord. No. 4-1997; 4-14-1997 by Ord. No. 5-1997]

(3) No alcoholic beverages may be dispensed or displayed at temporary bars or from kegs or other bulk dispensing units except as provided in Chapter 69, Alcoholic Beverages, of this Code.

C. Beverage containers. No person shall be permitted to bring into any City park any beverage encased in a glass container.

D. Fires. No person shall maintain any fire within any park except in receptacles or places provided for that purpose. Any fire so maintained shall be under the care and direction of a person over the age of 16 years from the time it is kindled until the time it is extinguished.

E. Parking/driving of motor vehicles. Parking and/or driving of motor vehicles shall be permitted in designated areas only. In no event shall any lawn or seeded area or any walkway be designated by any person or official except on direction of the City Council.
F. Picnics. Picnics shall be allowed in any City park. However, any group of persons who shall use or occupy more than two picnic benches or more than two cooking receptacles shall be required to apply for a permit for use of a picnic area.

G. Golfing. Golfing shall be prohibited in any City park where playground equipment is on the property. [Added 9-26-1994 by Ord. No. 6-1994]

H. Required equipment/clothing-Skateboard Park. No person shall be permitted to skateboard or in-line skate within the confines of Skateboard Park unless such person is equipped with a helmet, knee pads, elbow pads and wrist pads. The wearing of shorts is also prohibited. [Added 7-8-1996 by Ord. No. 11-1996]

I. Failure to obey rules/disruptive behavior-Skateboard Park. No person shall fail to obey the rules and restrictions pertaining to the use of the Skateboard Park or behave in a manner which is unduly disruptive or which interferes with the use of the Skateboard Park by other skateboarders or in-line skaters. [Added 7-8-1996 by Ord. No. 11-1996]

J. Canines. The Director of Parks and Recreation may, during scheduled events, prohibit canines, leashed or otherwise, from appearing in any or all portions of a park. No person shall cause or allow a canine to be in any portion of a park in violation of such a restriction. This shall not apply to a canine commonly known as a "Seeing eye dog." [Added 5-24-2004 by Ord. No. 7-2004]

K. Clifford Montroy Youth Complex. The Clifford Montroy Youth Complex has been designated for youth organized sporting events only (ages 16 and under) and adult organized sporting event usage is prohibited. [Added 9-25-17 by Ord. No. 16-2017]

§ 149-6. Use of marina.

A. Dockage for private pleasure craft will be made available during the months of May, June, July, August and September. The fee to be charged shall be established on an annual basis by the Ogdensburg City Council.

B. Dockage within the marina shall be limited to a maximum consecutive period of 48 hours, and craft previously docked must absent themselves from the marina for at least 12 clock hours before any consideration for renewed docking is given.

C. Dockage will be allowed only within the slips provided by the marina itself, and only one boat per slip shall be permitted. Mooring of any vessel along the western or northern sea wall of the municipal dock shall be prohibited unless written and specific permission is granted by the Department of Parks and Recreation.

D. Seasonal dockage between May 1 and October 31 within the marina shall be permitted with the approval of the Director of Parks and Recreation and with the filing of the proper application and payment of the required fee. The fee charged shall be established on an annual basis by the Ogdensburg City Council. [Added 5-13-1985 by L.L. No. 4-1985]
E. The City Manager is hereby empowered to issue a permit allowing dockage by one craft for periods in excess of 48 hours and allowing dockage in places other than designated slips in exceptional circumstances and when, in the judgment of the City Manager, a public purpose and the best interests of the City shall be served by such a permit.

F. Vessels proceeding into and out of the marina bay shall be operated at speed low enough to prevent the existence of any wake and shall maintain such a low speed until 100 feet from the marina and municipal dock.

G. Waterskiing within 100 feet of the marina or municipal dock is prohibited.

H. Fishing within or into the marina proper is prohibited between May 1 and October 31 unless written permission is granted by the City Manager or Director of Parks and Recreation. This includes all docks, boats, walls, breakwater and shoreline. Fishing is permitted from the breakwater out into the river and from the northern face of the municipal dock, running in an easterly direction from the entrance to the marina. [Amended 7-8-1996 by Ord. No. 13-1996]

§ 149-7. Responsibilities of parents and guardians.

No parent, guardian or custodian of any minor shall permit or allow him or her to do any act which would constitute a violation of these regulations.

§ 149-8. Permits.

A. The Director of Parks and Recreation and the City Manager are hereby authorized to grant permits in conformity with this chapter on application to the Director of Parks and Recreation or the City Manager. [Amended 12-7-1992 by L.L. No. 3-1992]

B. All permits issued shall be in writing and are subject to all park rules and regulations.

C. The City Manager is hereby empowered to promulgate rules and regulations governing the implementation of this chapter. Such rules and regulations shall be filed in the office of the City Clerk, and copies thereof shall be made available to each applicant for any permit. Any rules and regulations promulgated by the City Manager shall not become effective except on approval by the City Council of the City of Ogdensburg.


Any person who shall violate any provision of this chapter or any rule or regulation thereunder shall be punished as provided in Chapter 1, General Provisions, § 1-3.
Chapter 153

PEACE AND GOOD ORDER

ARTICLE I
General Provisions


No person shall expectorate, urinate or defecate in this city upon the floors of any public place, building, street, sidewalk or public conveyance.


No person shall publicly bathe without bathing suits in the daytime in any river, pond or canal in the city.


A. Areas designated. No person shall swim off the Lake Street Bridge, the Spring Street Bridge, the pier on the west side of the Oswegatchie Dam or off any or all property owned by or under the control or supervision of the City of Ogdensburg.

B. Penalties. Any person violating the provisions of this section shall be fined or punished as follows:

(1) First offense: by a fine not to exceed ten dollars ($10.) or imprisonment for a period not to exceed two (2) days.
(2) Second offense: by a fine not to exceed twenty-five dollars ($25.) or by imprisonment for a period not to exceed five (5) days.

(3) Third or subsequent offense within one (1) year: by a fine not to exceed one hundred dollars ($100.) or by imprisonment not to exceed fifteen (15) days, or by both such fine and imprisonment.

§ 153-4. Playing in city streets.

No person shall play ball or knock or kick any ball or play any other game or sport in any public street, lane or alley in this city.

§ 153-5. Throwing snowballs and missiles.

No person shall throw a snowball or any other missile or instrument in, over or across any public street, lane or alley in the city.

ARTICLE II
Weapons


§ 153-6. Discharge restricted.

No person shall discharge any firearms, air guns, spring guns, sling shot or other instrument or weapon within the city except in self-defense or in the discharge of official duty or during a memorial service or veterans' funeral or at an indoor rifle range operated under the supervision, guidance and instruction of a duly commissioned officer of the armed forces, including the National Guard and reserve forces, or a duly qualified adult citizen of the United States who has been granted a certificate as an instructor of small arms practice issued by one (1) of the armed forces of the United States, the Adjutant General of the state or by the National Rifle Association of America.
### Chapter 157

**PEDDLING AND SOLICITING**

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[HISTORY: Adopted by the City Council of the City of Ogdensburg as indicated in article histories. Amendments noted where applicable.]

**GENERAL REFERENCES**

Notes -- See Ch. 143.

**ARTICLE I**

**General Provisions**


§ 157-1. Definitions.

As used in this Article, the following terms shall have the meanings indicated:
HAWKER AND PEDDLER -- Include, except as hereinafter expressly provided, any person, either principal or agent, who from any public street or public place or by going from house to house or place of business to place of business, on foot or on from vehicle, sells or barters, offers for sale or barters or carries or exposes for sale or barter any goods, wares or merchandise, books, magazines, periodicals or any other item or items of value, except milk, newspapers and food distributed on regular customer routes.

SOLICITOR -- Includes any person who goes from place to place or house to house or by telephone or stands in any street or public place taking or offering to take orders for goods, wares or merchandise, books, magazines, periodicals or any other item or items of value (except newspapers or milk), or for services to be performed in the future, or for making, manufacturing or repairing any article or thing whatsoever for future delivery. The term "solicitor" shall, however also mean and include any person taking or offering to take orders for goods, wares or merchandise, books, magazines, periodicals or any other item or items of value (except newspapers or milk), or for services to be performed in the future or for making, manufacturing or repairing any article or thing whatsoever for future delivery at the home or residence of any person who has been solicited prior thereto by telephone or has responded to any type of advertising media requiring an appointment or consultation or sales presentation in the home or place of residence of such person.

§ 157-2. Exceptions.

A. Nothing in this Article shall be held to apply to:

(1) Any sales conducted pursuant to statute or by order of any court.

(2) Any person selling personal property at wholesale to dealers in such articles.

(3) Persons under the age of 18 years.

(4) Peddling of meats, fish, fruit and farm produce by farmers and persons who produce such commodities.73

B. This Article shall also not apply so as unlawfully to interfere with interstate commerce.

§ 157-3. License required.

It shall be unlawful for any person within the corporate limits of the city to act as a hawker, peddler or solicitor as herein defined or assist the same without first having obtained and paid for and having in force and effect a license therefor.

73 Editor's Note: Original Subsection A5, which immediately followed this subsection and dealt with persons licensed under § 32 of the General Business Law, was deleted 5-14-1990. In addition, original Subsection B, which dealt with nonprofit organizations and also followed this subsection, was deleted 12-7-1992 by L.L. No. 3-1992.
PEDDLING AND SOLICITING

§ 157-4. License application.

A. Any person desiring to procure a license as herein provided shall file with the City Clerk a written application upon a form furnished by the City Clerk and shall file at the same time satisfactory proof of good character. Such application shall give:

(1) The number and kind of vehicle to be used by the applicant in carrying on the business for which the license is desired.

(2) The kind of goods, wares and merchandise he desires to sell or the kind of service he desires to perform.

(3) The method of distribution.

(4) The name, address and age of the applicant.

(5) Whether or not the applicant has been convicted of a misdemeanor or felony, and if so, give date of conviction, nature of offense, penalty imposed and the name and address of the court.

(6) The name and address of the person, firm or corporation he represents.

(7) The length of time the applicant desires the license.

(8) An endorsement in writing by two reputable citizens of the State of New York certifying to the good reputation of the applicant.

B. If applicable, such application shall be accompanied by a certificate from the Sealer of Weights and Measures certifying that all weighing and measuring devices to be used by the applicant have been examined and approved.

§ 157-5. Bond.

An application for a license as a solicitor who demands, accepts or receives payment or deposit of money in advance of final delivery shall also be accompanied by a cash deposit of $5,000 or a surety company bond of $5,000 or other bond secured by sufficient collateral, said bond to be approved by the City Attorney as to form and surety conditioned for making a final delivery of the goods, wares or merchandise ordered or services to be performed in accordance with the terms of such order or failing therein that the advance payment on such order be refunded. Any person aggrieved by the action of any licensed solicitor shall have the right by action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect, and in case of a cash deposit, such deposit shall be retained by the city for a period of 90 days after the expiration of any such license, unless sooner released by the City Council.
§ 157-6. License issuance; refusal.

Upon the filing of the application, bond and certificate as provided in the preceding section, the City Clerk shall, upon approval of such application, issue to the applicant a license as provided in § 157-3. A license may be refused if the applicant shall have been convicted of a misdemeanor or felony, which in the judgment of the City Clerk renders the applicant unfit or undesirable to carry on the trade or occupation for which the license is sought. The City Clerk may also refuse a license to any person who in his judgment shall be an undesirable person or incapable of properly conducting the trade or business for which a license is sought.


A license shall not be assignable. Any holder of any license who permits it to be used by any other person and any person who uses such license granted to any other person shall each be guilty of a violation.

§ 157-8. Loss or destruction of licenses.

Whenever a license shall be lost or destroyed on the part of the holder or his agent or employee, a duplicate in lieu thereof, under the original application and bond, may be issued by the City Clerk upon the filing with him by the licensee of an affidavit setting forth the circumstances of the loss, and what, if any, search has been made for its recovery.

§ 157-9. Records to be kept.

All licenses shall be issued from a properly bound book with proper reference stubs kept for that purpose, numbered in that order in which they are issued and shall state clearly the kind of vehicle to be used, the kind of goods, wares and merchandise to be sold or service to be rendered, the number of his license, the date of issuance and expiration of the license, fee paid and the name and address of the licensee.


Such license shall be for such term as requested by the applicant but shall expire not later than the 31st day of December following the date of issuance of such license.


Every licensee, while exercising his license, shall carry the license with him and shall exhibit the same upon demand.


A. The license fee for each person licensed as a hawker, peddler or solicitor for a period of up to one year shall be $75.
B. The license fee for each person licensed to assist a hawker or peddler or solicitor shall be $25 for a period of up to one year. For the purpose of this Article, a "person who assists a hawker, peddler or solicitor" shall be deemed to be any person who participates in delivering merchandise or any other items sold, performs any services in or about the customer's premises or otherwise generally renders aid or assistance, except participation in selling or soliciting orders.


The City Manager may, at any time for a violation of this Article or any other law, revoke any license. When a license shall be revoked, no refund of any unearned portion of the license fee shall be made. Notice of such revocation and the reason or reasons therefor in writing shall be served upon the person named in the application or by mailing the same to the address given in the application, and upon filing a copy of such notice with the City Clerk.


A. It shall be unlawful for any person to enter upon private property for the purpose of peddling or soliciting before the hour of 9:00 a.m. of any day or after the hour of 7:00 p.m. of any day except upon the invitation of the householder or occupant.

B. It shall be unlawful for any peddler or solicitor in plying his trade to ring the bell or knock upon or enter any building whereon there is painted or otherwise affixed or displayed to public view any sign containing any or all of the following words: "No Peddlers," "No Solicitors," "No Agents" or other wording, the purpose of which purports to prohibit peddling or soliciting on the premises.

C. No peddler or solicitor shall peddle, vend or sell his goods or wares within 200 feet of any place occupied exclusively as a public or private school or for school purposes, nor shall he permit his cart, wagon or vehicle to stand on any public highway within said distance of such school property.

D. No peddler or solicitor shall falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale. No person shall by any trick or device or by any false representation obtain or attempt to obtain admission to the house or garage of any person or corporation in the city.

E. No peddler or solicitor shall blow a horn, ring a bell or use any other noisy device to attract public attention to his wares or shout or cry out his wares.

F. It shall be unlawful to create or maintain any booth or stand or place any barrels, boxes, crates or other obstruction upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.

G. No peddler or solicitor shall represent or state or otherwise indicate that he is not intending to sell or otherwise enter into a contract with any person in the household.

H. No peddler or solicitor shall, in order to effectuate or assist in any sale or solicitation, represent that he is engaged in any contest or in any way attempt to induce a sale or solicitation by appealing to the sympathies of the person so solicited.
I. Any contract or sale made in violation of Subsections D, G or H shall be null and void and of no effect as to the person solicited, and the merchandise delivered shall be forfeited and any sums paid by the person so solicited shall become immediately due and payable jointly and severally by the peddler or solicitor and his principal.

J. A peddler or hawker shall keep the vehicle and any receptacles used by him in a clean and sanitary condition and any foodstuffs and edibles offered for sale well covered and protected from dirt, dust and insects.

K. A peddler or hawker shall not stand or permit the vehicle used by him to stand in any public place or street for more than 10 minutes, or in front of any premises for any time if the owner or lessee of the ground floor thereof objects.


All orders taken by licensed solicitors who demand, accept or receive payment or deposit of money in advance of final delivery shall be in writing made in duplicate, stating the terms thereof and the amount paid in advance, and one copy shall be given to the purchaser at the time the deposit is paid to the solicitor.

§ 157-16. Additional records to be kept.

It shall be the duty of the City Clerk to keep a record of all applications and of all licenses granted under the provisions of this Article giving the number and date of each license, the fee paid and the date of revocation of all licenses revoked.

§ 157-17. Penalties for offenses.

A violation of any provision of this Article is hereby declared to be a violation and shall be punishable by a fine not exceeding $250 or imprisonment of not more than 15 days, or both.

ARTICLE II
Street Festivals
[Adopted 4-27-1992 as Ord. No.]

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

CITY -- The City of Ogdensburg, New York.

CITY COUNCIL -- The City Council of the City of Ogdensburg.

FESTIVAL -- A series of related events or performances conducted on City property, sidewalks, streets and other public rights-of-way, including but not limited to festive activities, cultural events, exhibitions, farmer's market, green market, craft market, competitions, collections of shows, live entertainment and other amusement enterprises and/or the dispensation of food, which is open to the public at large. [Amended 7-9-2007 by Ord. No. 6-2007]
PEDDLING AND SOLICITING

LICENSE -- The permission in writing of the City Clerk of the City of Ogdensburg, issued in accordance with the provisions of this Article or other applicable law, to carry on a festival.

PERSON -- Every natural person, copartnership, association or corporation, whether profit or nonprofit.

SPONSOR -- The person or entity who executes the application of a license to conduct a festival.

VENDOR -- A person who operates, during the life of the license, a booth or stand, or otherwise occupies space in which he conducts games of skill or chance or dispenses food and beverage, merchandise or the like.

§ 157-19. Purpose; repealer.

A. The purpose of this Article is the regulation through licensing and inspection of festivals and affairs of like nature to be conducted in the City of Ogdensburg on public streets, sidewalks, rights-of-way and/or other city property, for the protection of the health, welfare and safety of the public in general.

B. This Article supersedes the requirements of Article I of this chapter as it relates to peddlers, solicitors and vendors on public property, but only for those peddlers, solicitors and vendors whose sales are restricted to a licensed street festival site.

§ 157-20. License.

A. No license for a festival or other activity of a similar nature shall be considered or issued unless and until the sponsor desiring to conduct the affair shall have made and signed a written application to the City Clerk for an operator's license, in the form provided by the city, and paid the proper fee therefor when required, not less than two weeks prior to the first day of operation of the proposed festival.

B. The issuance of the festival operator's license shall be further conditioned upon the following:

(1) The sponsor's requesting and obtaining from the City Council of the City of Ogdensburg permission to close the street or streets necessary to conduct the festival.

(2) The sponsor's requesting and obtaining from the City Council of the City of Ogdensburg permission to use property owned by the city as well as sidewalks and other rights-of-way.

(3) The sponsor's and/or vendor's executing an indemnification agreement on behalf of the City, substantially as follows:

   The sponsor and/or vendor hereby represent, stipulate, contract and agree that they do jointly and severally indemnify and hold harmless the City of Ogdensburg against liability for any and all claims for damages to property or injury to or death of persons arising out of or resulting from the issuance of the license or conduct of the public at and during the life of the festival.
(4) Approval by the Fire Department, upon a satisfactory examination of the premises, with respect to compliance with regulations as hereinafter set forth in the fire prevention section of this Article.

(5) The sponsor's depositing with the City Clerk at the time of the filing of the application, in cash or by certified check made payable to the City of Ogdensburg, the sum of $500 to guarantee that, upon the termination of the festival, the general area where the affair has been conducted will be left in good condition, cleaned up and cleared of all paper, waste material and debris within two days from the termination of the festival. If the sponsor fails to meet this requirement, the city, in its discretion, shall clean and restore the area to pre-festival condition, deducting the moneys spent thereon from the deposit aforementioned.


A. If the sponsor is determined to be a wholly nonprofit entity, a minimum licensing fee of $25 shall be charged. A fee of $500 shall be charged in all other instances for a festival operator's license.

B. Except in those instances where the sponsor is a wholly nonprofit entity, the fee for a vendor's license shall be the sum of $50 per day.

C. The preceding fees shall be payable in advance to the City Clerk.

D. In addition thereto, vendors intending to operate food and beverage stands shall be required to obtain a license, if required, from the New York State Health Department and pay any fee required by the health and sanitary laws of the State of New York.


A. All health and sanitary requirements, regulations and licensing shall be adhered to by the sponsors and/or vendors of the festival, as provided for in the Sanitary Codes of the City of Ogdensburg, the County of St. Lawrence and the State of New York, which are incorporated by reference herein as if fully set forth.

B. In addition thereto, the operator of a festival shall provide a sufficient number of temporary or permanent toilet facilities for the use of vendors and the use of the public, such number to be determined in the discretion of the City Clerk.


A. The sponsor and/or vendors shall, with the consent of the Fire Department, be authorized to install, hook and connect to fire hydrants specially marked by the Fire Department a master hose or water-carrying device to supply water to booths and stands operating at the festival, subject to the following provisions:

(1) The Fire Department, in its sole discretion, shall determine which fire hydrants will be used as hereinabove stated.
PEDDLING AND SOLICITING

(2) The sponsor and/or vendors shall maintain all fire hydrants within the perimeter of the festival free and clear of any obstruction, with the closest object located next to a fire hydrant at no less than two feet in any direction from its geometrical center.

(3) The sponsor and/or vendors shall meet and observe at all times the requirements of the Water Department of the City of Ogdensburg.

B. The sponsor and/or vendors, while operating a booth or stand in which there is heating or cooking apparatus for the preparation of food, shall keep at all times, in a visible, easily accessible location within the booth or stand, a fully charged fire extinguisher of the kind classified as "ABC."

C. All doors or gates on entrances to and exits from the premises where the festival shall be conducted shall be kept open and unobstructed during the hours of operation of the festival in order to facilitate the rapid ingress or egress of all persons attending in case of emergency.

D. It shall be the duty of the sponsor, before the license shall be issued, to provide the City Clerk, the Fire Department and the Police Department with a sketch depicting the following:

(1) Location of all fire hydrants within the perimeter of the festival.

(2) The physical layout of booths, stands, amusement rides and the lanes of traffic that shall hereinafter be set forth, showing the dimensions of said booths and stands and the location and size of the area which the amusement rides will occupy. This must be provided at least seven days prior to the start of a festival to the Police and Fire Departments and the City Clerk.

E. After the sponsor has assigned the individual booths and stands to the vendors and the areas used for amusement rides to the operators, it shall be the duty of said sponsor, at least 24 hours prior to the first day of the festival, to provide the City Clerk and the Police Department with the list in which the names, addresses and locations of the vendors and operators of amusement rides shall be set forth as well names, dates of birth and addresses of all employees of all vendors and operators.

F. It shall be the obligation and duty of the sponsor to maintain, during the duration of the festival, an unimpeded and unobstructed lane for emergency traffic, at least 10 feet in width, for the rapid ingress and egress of vehicles required for emergencies or other governmental purposes.


A. All electrical requirements, regulations and licensing shall be adhered to by the sponsors and/or vendors of the festival, as provided for in the Electrical and Building Codes of the City of Ogdensburg which are hereby incorporated by reference as if fully set forth.

B. Where electrical power is requested from and provided by the City of Ogdensburg for ride, amusements and concessions through a city facility, a fee of $25 per day shall be charged for the provision of such electrical power. This fee shall be payable in advance.
§ 157-25. Alcoholic beverages; games of chance or skill.

A. No alcoholic beverages shall be sold or served at any street festival, excluding Farmer’s Market events. No games of skill or chance shall be conducted during the operation of the festival unless and before the sponsor or the vendors obtain a proper and legal license to conduct games of skill or chance from the State of New York, the city or any other regulatory agency. [Amended 4-13-2015 by Ord. No. 5-2015]

B. The sponsor and vendors receiving such licenses to conduct games of skill or chance shall be conclusively presumed to be cognizant of the provisions of state rules and regulations in regard thereto and all applicable federal, state and municipal laws, rules and regulations regarding the operation of games of skill and chance, all of which are incorporated herein by reference as if fully set forth.

§ 157-26. Term of license; hours of operation.

A. The duration of a license for a festival shall be for not more than 10 consecutive days or for one day per week for not more than 26 consecutive weeks, after which period it shall lapse. [Amended 7-9-2007 by Ord. No. 6-2007]

B. The hours in which it shall be lawful to operate or permit the operation of a festival in the City shall be between the hours of 11:00 a.m. and 11:00 p.m., Monday to Saturday; and 1:00 p.m. to 11:00 p.m. on Sunday.

C. Vendor sales will be permitted between 11:00 a.m. and 11:00 p.m. Monday to Friday and 8:00 a.m. to 11:00 p.m. on Saturday and Sunday.


A. If requested by the City Clerk, it shall be the duty of the sponsor to furnish the city, not later than 90 days from the last day of the operation of the festival, with a detailed financial statement submitted by the chief financial officer of the sponsor, in a form and manner satisfactory to the City Attorney. This financial record, with a profit and loss statement in the form of an affidavit attached, shall include but not be limited to fees and sources thereof, rental derived, donations received by the sponsor and other pertinent data.

B. Failure to provide this data upon request, to wit, the financial statement in the manner set forth, shall preclude the sponsor from applying for and receiving a festival license for future operations until such requirements have been met and to such other penalty or fines as set forth herein.


A. The operator's license or any vendor's license may be revoked by the City Clerk at any time during the life of such license for any violation by the operator or individual vendor of any provision of this Article or any violation of the Code of the city or any other applicable state or federal law, in addition to the penalties set forth in the general penalties section of this Article.
PEDDLING AND SOLICITING

B. Anything to the contrary in this section notwithstanding, in the cases of revocation of food and beverage vendors' licenses, such revocation shall be at the discretion of the appropriate health or regulatory authority.

§ 157-29. Insurance; liability.

A. Before any license shall be granted, the sponsor shall provide and deposit with the City Clerk a public liability insurance policy in an amount to be determined by the City Manager of the City of Ogdensburg, but in no event to be less than the amount of $1,000,000, single limit, naming the sponsor and the City of Ogdensburg as coinsured.

B. In addition thereto, the sponsor shall hold the city harmless from any and all claims or judgments recovered against him or the city in any court of competent jurisdiction in excess of the amount of insurance required by the city, or if the maximum is required, for all claims in excess of said one-million-dollar single-limit-liability insurance policy.


A violation by the sponsor or any vendors of the provisions of this Article, upon conviction thereof, in addition to the forfeiture of the license, shall be punished by a fine of not less than $100 nor more than $500 or by imprisonment not exceeding 14 days, or both, per violation, such fine and imprisonment to be in the discretion of the court.
§ 161-1. Findings; purpose.

A. It is hereby found and determined that:

(1) There has been an increase in the incidents of property theft.

(2) The market value of precious metals, gems and coins has risen dramatically.

(3) The ease with which persons may buy and sell precious metals, gems and coins without requiring personal identification, property identification or proof of ownership of said property provides opportunities for disposal of stolen personal property, including precious metals, gems and coins.

(4) The regulation and control for the purchase and sale of precious metals, gems and coins will serve to protect the property rights of victims of theft and other criminal activity.

(5) The regulation and control of the purchase and sale of said property will serve to aid police investigation of theft, robbery and burglary and aid in the return of property to its rightful owners all without unduly hindering legitimate business activity.

B. Therefore, the public health, morals and general welfare of the City of Ogdensburg will be protected and promoted and the best interest of the people will be served by the control and regulation of the buying, selling, trading or dealing of precious metals, gems and coins.
OGDENSBURG CODE


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

DEALER -- Any person who individually or as principal, broker, agent, employee or assign of any person buys or sells from any person precious metals, gems or coins or who buys or sells from any person articles composed wholly or in part of precious metals or gems for the purpose of melting or refining said precious metals or gems.

GEMS -- Includes emerald, diamond, ruby, sapphire, black opal, ruby spinel, citrine, demantoid, bloodstone, jasper, pearl, aquamarine, beryl, topaz, garnet, chrysolite, fire opal, moonstone, rose quartz, tourmaline, carelian, peridot, sardonyx, zircon, morganite, chrysoprase, kunzite, cat's eye, amethyst, chalcedony, onyx, agate, alexandrite, star sapphire, lapis lazuli, harlequine opal, turquoise, jade or any utensil, jewelry, object of art or other item of personal property containing one (1) or more of said gems.

PERSON(S) -- Includes a human being, public or private corporation, association, unincorporated association or partnership.

PRECIOUS METALS -- Gold, silver, platinum or any coins, utensils, jewelry, objects of art or any other personal property containing one (1) or more of these elements.

PRECIOUS METALS EXCHANGE -- Any person who buys, sells or exchanges precious metals, gems or coins for currency, bank drafts or other negotiable instruments.

PRECIOUS METALS EXCHANGE ESTABLISHMENT -- Any shop, store, residence, place of business or premises from which a precious metals exchange is conducted.

§ 161-3. License required; application.

A. It shall be unlawful for any person to operate a precious metal exchange or to operate as a dealer of precious metals and/or gems within the city limits of the City of Ogdensburg without having first obtained and paid for and having in full force and effect a license therefor.

B. Any person desiring to procure a license shall file with the City Clerk a written application upon a form furnished by the City Clerk. Said application shall contain the following information:

(1) The name and description of the applicant.

(2) The name and address of the person, public or private corporation, association, unincorporated association or partnership represented by the applicant.

(3) The local and legal address of the applicant and the person, if any, represented by the applicant.

(4) The age and date of birth of the applicant.


**PRECIOUS METALS AND GEMS**

(5) Whether or not the applicant has been convicted of a misdemeanor or felony and, if so, the date of the conviction, nature of the offense, penalty imposed and the name and address of the court.

(6) An endorsement in writing by two (2) reputable citizens of the State of New York certifying to the good reputation of the applicant or the person represented by the applicant and the ability of the applicant or the person represented by the applicant to properly conduct a precious metal exchange or deal with the buying and selling of precious metals and/or gems.

(7) A description of the nature of the business the applicant or the person represented by the applicant intends to conduct.

(8) The name and address of the owner of the premises on which the applicant or the person represented by the applicant intends to operate a precious metal exchange or intends to deal in the purchase and sale of precious metals and/or gems.

(9) A description of the right of occupancy of the applicant or the person represented by the applicant to the use of said premises.

(10) Two (2) photographs of the applicant taken not more than thirty (30) days prior to the filing of the application showing the head and shoulders of the applicant in a clear and distinguishing manner.

(11) If the applicant shall be a corporation, proof of authority to do business within New York State.

C. An application fee of fifty dollars ($50.) shall accompany each license application.74

**§ 161-4. License issuance; eligibility.**

A. Upon the filing of the application, fee and endorsement as provided in the preceding section, the City Clerk shall, on approval of the application by the Chief of Police of the City of Ogdensburg, issue to the applicant a license as provided in this section.

B. Each license shall be issued as of July 1 of each and every year and shall be valid to and including June 30 of the next succeeding year unless said license is suspended or revoked.

C. No license shall be granted pursuant to this chapter to any person or dealer:

1. Who has been convicted of a felony or misdemeanor within the ten (10) years preceding the date of the application.

2. Who has been found by any court of the State of New York to have practiced a civil fraud, deceit or misrepresentation in the conduct of a business or business transaction.

3. Whose license under this chapter has been previously revoked.

74 Editor's Note: Amended at time of adoption of Code; See Ch. 1, General Provisions, Art.II.
(4) Whose license has been suspended pursuant to this chapter when the period of suspension has not expired at the time of the application for the license.

D. Notwithstanding any provision of this chapter to the contrary, the Chief of Police, in his discretion and after hearing thereon, may grant a license as provided herein to an applicant who has been convicted of a crime or who has been found by a court to have practiced a civil fraud, deceit or misrepresentation in the conduct of a business or business transaction upon a finding of the Chief of Police that said applicant or the person represented by said applicant is of good moral character and has demonstrated reliability and trustworthiness in finance and commercial transactions and would not compromise or jeopardize the public in the operation of a precious metal exchange or in the buying or selling of precious metals and/or gems.

§ 161-5. Use of license.

A. The licensee shall display the license obtained pursuant to this chapter in a conspicuous place within the establishment or premises maintained by the licensee for the operation of a precious metal exchange or for the buying and selling of precious metals and/or gems.

B. The Clerk shall issue duplicate licenses for use by the licensee in the event that the licensee maintains more than one (1) premise for business within the City of Ogdensburg.

C. The licensee shall immediately notify the City Clerk of the City of Ogdensburg of any change of address.

D. No license issued pursuant to this chapter shall be transferred or assigned to or used by any person other than the licensee to whom it was issued, his agents, employees or duly authorized representatives.

E. Licenses may be renewed on July 1 of each year on payment of the required fee and the filing of a renewal application with the City Clerk of the City of Ogdensburg. Said renewal application shall certify that the information contained within the original application has not been modified or changed except as provided within the renewal application.

F. Whenever a license shall be lost or destroyed on the part of the holder or his agent or employee, a duplicate in lieu thereof under the original application may be issued by the City Clerk upon the filing by the licensee of an affidavit setting forth the circumstances of the loss and what, if any, search has been made for its recovery.

§ 161-6. Display of purchase method; records.

A. Display of purchase method.

(1) A licensee must prominently display a sign which will notify customers that their purchases and sales are made by weight or not by weight.
PRECIOUS METALS AND GEMS

(2) If purchases or sales are made by weight, the establishment must have scales which are approved, tested and sealed by the Sealer of Weights and Measures of Saint Lawrence County. All sales must be by pennyweight. If the establishment purchases a precious metal or gem by weight, the seller must be told the weight (in pennyweight), and the price per pennyweight. In addition, if the establishment purchases precious metals or gems by weight, the establishment must post the current price paid for pennyweight, based on purity.

(3) If a precious metal exchange establishment does not utilize a scale, it must display a sign stating that precious metals and/or gems are not purchased by weight.

(4) All signs and notices required by this section shall be conspicuously posted and readily visible by customers. The numerals and letters contained within the required signs and notices must be at least four (4) inches in height.

(5) Nothing in this section shall prohibit any establishment which purchases by weight from purchasing an object for more than its value based upon its weight.

B. Records required.

(1) Each licensee shall keep records, legibly written in English, within a bound volume. All entries shall be made in ink at the time of each transaction and shall be serially numbered and shall include:

(a) An accurate account and description of the object purchased or sold, which description shall include but shall not be limited to the weight of the object (if applicable), the purity of the precious metal, any monogram, numbers, inscription or other marks of identification which may appear on such article.

(b) The amount paid or received on the purchase or sale of the object.

(c) The date of the transaction.

(d) The name, legal address, date of birth, sex and description as near as possible of the person purchasing or selling the items.

(e) The nature of identification, if any, produced by the person purchasing or selling the article.

(2) No alteration or erasures are to be made in the record book of the licensee. Erroneous entries are to have a simple line drawn through them with the corrected entry made on the next line.

(3) The records shall be retained in possession of the licensee in a good condition and orderly fashion for six (6) years.

(4) Each licensee shall issue a written receipt to any purchaser or seller. Each written receipt shall contain the serial number of the transaction and shall contain all information required to be posted in the records of the licensee. The licensee shall retain a copy of the written receipt issued to the customer, purchaser or seller.
C. Inspection of records. All records and books required to be kept pursuant to this section shall be, at all reasonable times, during regular business hours, open for inspection by the Chief of Police or any officer of the Ogdensburg Police Department.

D. Reporting requirements. Each licensee shall be required to submit reports of all transactions to the Chief of Police of the City of Ogdensburg. Said reports shall be made by the 15th day of each calendar month and shall include information relating to all transactions of the preceding month. Said reports shall be made on report forms available at the office of the City Clerk of the City of Ogdensburg or at the Police Department of the City of Ogdensburg.


A. No precious metals and/or gems shall be purchased or sold by any person, dealer or precious metal exchange from:

(1) A person who appears intoxicated.

(2) A person under the age of eighteen (18) unless on the written consent of his or her parent or legal guardian. Said written consent shall be retained with the record of the transaction.

(3) A person who is unable to produce proper personal identification. Proper personal identification shall be identification that contains, in addition to a person's name and address, a photograph or physical description of said person.

B. No licensee shall dispose of, alter, melt or refine any precious metal, gem or coin except on ten (10) days' notice to the Chief of Police of the City of Ogdensburg of the acquisition of said precious metal, gem or coin. However, notification to the Chief of Police shall be waived on proof that said precious metals, gems or coins were purchased from a person licensed pursuant to this chapter and held by said licensee for the required ten-day period. After notification to the Chief of Police of the acquisition of purchase of said precious metals, gems or coins, the same shall be made available for inspection by the Chief of Police or any officer duly authorized by him.


No license shall be required of:

A. Any bank, financial institution, trust company, savings or loan federation or thrift institution doing business pursuant to state or federal banking laws.

B. Precious metal, gems or coin dealers or precious metals exchange who transact business only with other precious metals, gems or coin dealers or wholesale exchange.

C. Persons who own or operate jewelry stores wholly for the purpose of engaging in the business of purchasing and selling jewelry for apparel purposes or artistic or aesthetic content.
§ 161.9. Penalties for offenses.

A. Any person who shall violate any provision of this chapter shall be guilty of a violation and, upon conviction of such, shall be punished by a fine of not more than two hundred fifty dollars ($250) or imprisonment for not more than fifteen (15) days, or by both such fine and imprisonment.

B. In addition to such fine and/or imprisonment, a licensee who is convicted of a violation of any of the provisions of this chapter may have his license suspended for a period not to exceed one (1) year or may have his license revoked for a period not to exceed five (5) years.
Chapter 167

(RESERVED)

[Former Chapter 167, Real Property Transfers, as amended, was repealed 10-22-2007 by Ord. No. 10-2007.]
ARTICLE I
Records Retention

§ 171-1. Adoption of standards.

§ 171-2. Disposition of standards.

[HISTORY: Adopted by the City Council of the City of Ogdensburg: Art. I, 2-12-1990. Amendments noted where applicable.]

§ 171-1. Adoption of standards.

Records Retention and Disposition Schedule MU-1, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law and containing legal minimum retention periods for municipal government records, is hereby adopted for use by all municipal officers in disposing of municipal government records listed therein.

§ 171-2. Disposition of records.

In accordance with Article 57-A:

A. Only those records will be disposed of that are described in Records Retention and Disposition Schedule MU-1 after they have met the minimum retention period prescribed therein.

B. Only those records will be disposed of that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond established time periods.
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[HISTORY: Adopted by the City Council of the City of Ogdensburg as indicated in past histories. Amendments noted where applicable.]

CHARTER REFERENCES
Department of Public Works -- See Art. X.
SEWERS

GENERAL REFERENCES

Health Officer; Board of Health -- See Ch. 33. Subdivision of land -- See Ch. 193.
Fire prevention and building construction -- See Ch. 97. Water -- See Ch. 215.
Housing -- See Ch. 117. Zoning -- See Ch. 221.
Streets and sidewalks -- See Ch. 189.

PART 1

Sewer Rates

[Adopted 11-26-1979 as L.L. No. 6-1979 (Ch. 146 of the 1975 Ogdensburg Municipal Code)]

ARTICLE I

General Provisions

§ 177-1. Legislative authority; rents established.

Pursuant to the authority granted by Article 14-F of the General Municipal Law of the State of New York, the City Council of the City of Ogdensburg does hereby establish a scale of rents to be called "sewer rents" which are hereby levied and assessed against every lot, parcel of land, building or premises now or hereafter having any connection with the sewer system of said City or otherwise discharging domestic sewage, commercial and industrial waste, water or other liquids either directly or indirectly into the sanitary sewer system of the City, the revenue from which shall be used for the payment of the cost of operations, maintenance and repairs of the sewer system or such part or parts thereof for which sewer rents have been and are hereby established and imposed, the interest on and amortization of, payment of, indebtedness which has been or shall be incurred for the construction and repair of the sewer system or such parts or part thereof for which sewer rents have been and are established or imposed (other than indebtedness, and the interest thereon, which is to be paid in the first instance from assessments upon benefited real property) and for the construction of sewage treatment and disposal works with necessary appurtenances, including pumping stations, or for the extension, enlargement or replacement of or additions to such sewer systems or a part or parts thereof.

§ 177-2. Determination of sewer rents.

A. City resident users. In addition to any and all fees and charges provided by law, the owner of any parcel of real property within the City limits connected with the sewer system of the City of Ogdensburg shall pay a sewer rent for the use of such sewer system based upon consumption of water, both metered or flat rate, to said premises in an amount to be fixed and determined as hereinafter provided.

B. Nonresident users. In order that property lying outside the corporate limits of the City of Ogdensburg being served by its sewage disposal system shall bear proportionate share of the cost of such system, the charge made for such property shall be determined by the City Council as hereinafter provided and as authorized by § 451, Subdivision 1, of the General Municipal Law, such charge to be collected and the collection enforced as herein provided for other rental charges.
C. User whose water source is not from City water system. For the purpose of determining the amount to be charged, premises using the sewer system whereon the water used is derived in whole or in part from sources independent of the City water system such water shall be measured by a City water meter or by a meter acceptable to the City Engineer, to be installed and maintained by the owner or occupant thereof, at his own cost, and subject to the supervision, control and inspection by said City Engineer. The sewer rent charged against such property shall be determined by the metered consumption of water used on said premises regardless of the source from which supplied according to the schedule herein and hereinafter adopted by the City Council. Whenever the owner or occupant fails to install such meter or when the City Council finds it impractical to insist upon such meter, the City Council may accept the report of said property owner as to the amount of water used on said premises or the City Council may fix and determine the amount ordinarily consumed upon said premises by such method as it may find practicable in the light of the conditions and attendant circumstances of the case, in order to determine the sewer rental charge, all in accordance with corresponding rates assessed against other similar property.

§ 177-3. Rules and regulations.

The City Council shall have power to make and enforce such general rules and regulations, both as to public and private water supply, for the collection, rebating and refunding or adjustment of such charges for any reason, including diversion of water from the sewer system as may be reasonably necessary to avoid injustice, to the end that all property discharging sewage in the sewer system will bear its equitable proportionate share with other property of the cost of construction, operation, maintenance and repairs of said sewer system or any extension, enlargement, replacement or additions to such sewer system or any part or parts thereof.

§ 177-4. Deposit and use of funds.

All revenues derived from the sewer rents imposed hereunder, together with all penalties and interest thereon, shall be kept by the City Comptroller in a separate account to be known as the "Sewer Rent Fund" to be deposited and used as provided by § 453 of the General Municipal Law.


The following rates for sewer rents are hereby fixed and established to every lot, parcel of land, building or other premises now or hereafter being charged at a metered rate for sewer service within the City of Ogdensburg, New York, effective the first billing date after January 1, 2018:

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<tr>
<th>Meter Size (inches)</th>
<th>Water Allowed (gallons)</th>
<th>Minimum Quarterly Charge</th>
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</thead>
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<td>$101.25</td>
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<td>43,770</td>
<td>$271.00</td>
</tr>
<tr>
<td>Meter Size (inches)</td>
<td>Water Allowed (gallons)</td>
<td>Minimum Quarterly Charge</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------------------</td>
<td>-------------------------</td>
</tr>
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</tr>
</tbody>
</table>

$6.19 per 1,000 gallons of water used


The following schedule of rates for sewer rents is hereby fixed and established for every lot, parcel of land, building or premises now or hereafter being charged at a flat rate for sewer service within the City of Ogdensburg, New York, effective the first billing date after January 1, 2018:

A. Single-family residence, per year: $405.

B. Multifamily residence for each family unit or each tenant, per year: $405.

C. Combination residential/commercial for each individual unit, per year: $405.

D. Apartment houses, for each individual unit: $405.

E. Rooming houses (private homes with additional rooms to rent or commercial rooming houses):
   (1) Minimum annual rent: $405.
   (2) Additional rooms to hire (annual rent): $101.25.

§ 177-7. Rates for nonresident users.

The sewer rent rate for any lot, parcel of land, building or other premises located outside the corporate limits of the City of Ogdensburg and serviced by the wastewater collection and treatment facilities of the City of Ogdensburg shall be the same rate as that charged for the equivalent type of structure within the corporate limits of the City.

§ 177-8. Surcharge for high-strength wastes.

A. Any user of the City wastewater treatment facilities who contributes high-strength wastewater shall pay a surcharge, the measure of which is normally the concentration of biochemical oxygen demand (BOD) and suspended solids (SS) above a certain limit. A regular sampling and analysis program will be instituted on the wastewater from those users with suspected high-strength wastes in order to obtain data to determine the magnitude of the surcharge (if any).
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B. Table A shows the system whereby the surcharge is calculated when concentrations above 300 parts per million BOD and 350 parts per million SS are found from sampling and analysis. The sampling and analysis program, including the calculations, will be geared to a quarterly surcharge rather than monthly, although sampling once each week provides more consistent and reliable data.

Table A
Table of Surcharges
for High-Strength Waste
Wastewater Treatment Facilities
Ogdensburg, New York

<table>
<thead>
<tr>
<th>Range of BOD (parts per million)</th>
<th>Range of SS (parts per million)</th>
<th>Percent of Normal Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 600</td>
<td>0 to 700</td>
<td>(no surcharge)</td>
</tr>
<tr>
<td>600 to 700</td>
<td>700 to 800</td>
<td>5%</td>
</tr>
<tr>
<td>700 to 800</td>
<td>800 to 900</td>
<td>10%</td>
</tr>
<tr>
<td>800 to 900</td>
<td>900 to 1,000</td>
<td>15%</td>
</tr>
<tr>
<td>900 to 1,000</td>
<td>1,000 to 1,100</td>
<td>20%</td>
</tr>
<tr>
<td>1,000 to 1,100</td>
<td>1,100 to 1,200</td>
<td>25%</td>
</tr>
<tr>
<td>1,100 to 1,200</td>
<td>1,200 to 1,300</td>
<td>30%</td>
</tr>
</tbody>
</table>

[Etc., each increment of 100 parts per million of BOD or SS accompanied by 5% increase in charge.]

§ 177-9. Billing; payment; penalties.

A. Metered premises. Where water is supplied by the City on a metered rate, meters shall be read periodically (not less frequently than quarterly) and the charges shall be payable upon rendering of bills to the owners of the City Comptroller.

B. Unmetered premises. Where water is supplied by the City on a flat rate, the sewer rent established by this Part 1 shall become due and payable on the fifth day of February and August of each year. [Amended 5-10-1982 by L.L. No. 2-1982]

C. Payment period; penalties; enforcement. Each such installment shall be paid to the City Comptroller within a period of 30 days after it is due and payable. If said sewer rent is not paid within said 30 days, a penalty of 10% for nonpayment of said sewer rents shall be assessed and collected. It is hereby made the duty of the City Comptroller to collect such penalties for failure to pay the sewer rental charge when due.
SEWERS

(1) Where water is not supplied by the City, the sewer rent established by this Part 1 shall be payable upon rendering of bills to the owners by the City Comptroller. If such charge is not paid when due it shall be subject to the same penalty as above and the City Comptroller is hereby required to collect such penalty. In the event that any bill for sewer rent for premises where water is not supplied by the City of Ogdensburg is not paid within 30 days after rendering thereof, said City Comptroller shall certify the same, together with such penalty, and the same shall be collected and the collection thereof enforced in the same manner in all respects as City, county and state taxes and they shall be added to said taxes subject to like penalty, costs and interest charges.

(2) All sewer rents for premises using City water shall be payable, collectible and enforceable in the manner provided by law for the collection of City taxes and when remaining unpaid shall be added to the annual City taxes or state and county tax on the property to and for which sewer service was furnished and rendered.

§ 177-10. Refunds.

The claims for refunds of flat-rate sewer rents on whatever basis shall first be approved by the City Comptroller. Claims for refunds shall not be allowed for a longer period than one year from the date such claims are filed and, in no event, shall claims for refunds for less than 1/4 of a year be allowable.

§ 177-11. Industrial cost recovery system.

A. Under the ICR system, industrial users of the wastewater collection and treatment facilities will be charged for the portion of the federal grant amount applicable to the treatment of their wastes. An "industrial user" is defined as a nongovernmental nonresidential user discharging more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes and identified in the Standard Industrial Classification Manual 1972, under Division A, B, G, E or I. In determining the amount of discharge for ICR purposes, the City, at its option, may include or exclude the strictly domestic-type discharge from such users. If the domestic type discharge is excluded and the remaining amount of discharge is greater than the equivalent of 25,000 gpd of sanitary wastes, the user is then considered to be an industrial user. Also, any user discharging toxic materials into the sewers in sufficient quantities to affect the treatment of the waste stream or the ultimate processing and disposal of sludge is considered to be an industrial user. Regulations outlining the ICR system requirements, including the preceding definitions, appear in United States Environmental Protection Agency (USEPA) regulations as published in the Federal Register of September 27, 1978.

B. Under the present USEPA system, users who are classified as industrial users are required to repay their share of the federal grant amount in addition to any user charges. The federal grant is normally 75% of the total, eligible capital cost of the project. (Costs related to the detection, rehabilitation and treatment of excessive infiltration/inflow to the sewer system are not included.)
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C. Industrial users will be charged based on their relative waste contributions to the plant. The following format shall be used to calculate the ICR charges:

\[
\text{IC} = \frac{F_a \times G_f + BOD_a \times G_b + SS_a \times G_s}{F_c \times BOD_c + SS_c}
\]

Where:

| IC | Annual charge to a specific industrial user for industrial cost recovery (dollars). |
| F_a | Average daily flow from an industrial user throughout the year (gallons per day) (determined by metering flow to the municipal sewers). |
| F_c | Average daily flow capacity at treatment plant (gallons). |
| G_f | Portion of total federal grant amount allocated to flow (dollars). |
| BOD_a | Average daily biochemical oxygen demand (BOD) input from the industrial user's waste throughout the year (pounds per day) (determined by regular sampling and analysis of industrial discharge). |
| BOD_c | Average daily biochemical oxygen demand capacity at treatment plant (pounds per day). |
| G_b | Portion of total federal grant amount allocated to BOD (dollars). |
| SS_a | Average daily suspended solids input from the industrial user throughout the year (pounds per day) (determined by regular sampling and analysis of industrial discharge). |
| SS_c | Average daily suspended solids capacity of the treatment plant (pounds per day). |
| G_s | Portion of total federal grant amount allocated to suspended solids (dollars). |

NOTE: Total federal grant amount = \( G_f = G_b = + G_s \)

D. Any industry which contributes the following approximate amounts would be subject to ICR:

1. ICR (flow): 25,000 gpd or greater.
2. ICR (BOD): 43,000 pounds per day or greater.
3. ICR (SS): 50 pounds per day or greater.
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E. The City may exclude inputs from strictly sanitary conveniences located within the industry, using the following amounts:

(1) Sanitary flow = (number of workers) x 40 gallons per day per worker.

(2) Sanitary BOD = (number of workers) x 0.8 pounds per day per worker.

(3) Sanitary SS = (number of workers) x 0.94 pounds per day per worker.

F. Calculated sanitary parameter levels are subtracted from measured total industrial (sanitary and process) levels to obtain ICR parameter levels. If any of the three ICR parameter levels are higher than the minimum ICR parameter levels listed above, the user is considered to be an industrial user and is subject to ICR charges.

G. Moneys collected by the City under the ICR program must be allocated in the following manner:

(1) Fifty percent of the ICR moneys collected and all accrued interest may be returned to the Federal Treasury by way of the United States Environmental Protection Agency.

(2) Forty percent of the ICR moneys collected must be retained by the City to be used for upgrading or expanding the sewerage works to meet applicable pollution discharge requirements in the future.

(3) The remaining 10% may be used in any manner the City sees fit, provided that it is not used for rebates to industries or the construction of pretreatment works.

H. Industrial cost recovery charges are hereby suspended until their imposition is mandated by the federal government.

PART 2
Sewer Connections and Use
(Ch. 46 of the 1975 Ogdensburg Municipal Code)]

ARTICLE II
Definitions and Word Usage

§ 177-12. Definitions and word usage.

A. Unless the context specifically indicates otherwise, the meanings of terms used in this Part 2 shall be as follows:

ACT OR THE ACT -- The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. § 1251 et seq.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER -- An authorized representative of an industrial user may be:
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(1) A principal executive officer of at least the level of vice president, if the industrial user is a corporation.

(2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively.

(3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

BOD (denoting "biochemical oxygen demand") The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C. expressed in parts per million.

BUILDING DRAIN -- That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer inside the inner face of the building wall nearest the sewer line.

BUILDING SEWER -- The extension from the inner face of the building wall to the public sewer or other place of disposal.

CITY ENGINEER -- The City Engineer of the City of Ogdensburg or his/her duly authorized deputy, agent or representative.

COMBINED SEWER -- A sewer receiving both surface runoff and sewage.

COMPOSITE SAMPLE -- A combination of individual samples of water or wastewater taken at selected intervals, generally hourly for some specified period, to minimize the effect of the variability of the individual sample. Individual samples may have equal volume or may be roughly proportioned to the flow at time of sampling.

COOLING WATER -- The water discharged from any use such as air conditioning, cooling or refrigeration or to which the only pollutant added is heat.

CONTROL AUTHORITY – The City of Ogdensburg.

EASEMENT -- An acquired legal right for the specific use of land owned by others.

GARBAGE -- Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

GRAB SAMPLE -- A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and shall be collected over a period of time not to exceed fifteen minutes.

INDUSTRIAL WASTES -- The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

INDUSTRIAL USER -- A discharger to the POTW who discharges non-domestic
INTERFERENCE -- Inhibition or disruption of the POTW treatment processes or operations or which contributes to a violation of any requirement of the City's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, (33 U.S.C. § 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

NATIONAL CATEGORICAL PRETREATMENT STANDARD – Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (B) and (C) of the Act (22 U.S.C. 1347), which applies to a specific category of industrial users which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471. These standards apply at the end of the categorical process (“end of process”).

NATURAL OUTLET -- Any outlet into a watercourse, pond, ditch, lake or other body of Surface or ground water.

NEW SOURCE -- Any building, structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

(i) The building, structure, facility or installation is constructed at a site at which no other source is located; or
(ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
(iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

In determining whether these are substantially independent factors, such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

pH -- The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PASS THROUGH – Shall mean a discharge which exits the City’s POTW into water of the State in quantities which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirement of the POTW’s SPDES Permit (including an increase in the magnitude or duration of a violation).

PRETREATMENT -- The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of the pollutant properties in wastewater prior to discharge to the City of Ogdensburg wastewater facilities.

PRETREATMENT STANDARD -- Any regulation containing pollutant discharge limits
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promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act, as amended, which applies to industrial users including the general and specific prohibitions found in 40 CFR Part 403.5.

PROPERLY SHREDDED GARBAGE -- The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions, normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

PUBLIC SEWER -- A sewer in which all owners of abutting properties have equal rights, and is owned or controlled by public authority.

PUBLICLY OWNED TREATMENT WORKS or POTW -- A treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

SANITARY SEWER -- A sewer which carries sewage and to which storm-, surface and ground waters are not intentionally admitted.

SANITARY SEWAGE – Liquid wastes from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from stormwater, surface water, industrial and other wastes.

SEWAGE -- A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground-, surface and storm waters as may be present.

SEWAGE TREATMENT PLANT -- Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS -- All facilities for collecting, pumping, treating and disposing of sewage.

SEWER -- A pipe or conduit for carrying sewage.

SIGNIFICANT INDUSTRIAL USER

(1) All industries subject to promulgated Categorical Pretreatment Standards (categorical industries).

(2) Industries having substantial impact, either singly or in combination with other contributing industries, on the operation of the treatment works.

(3) Except as provided in 40 CFR 403.3(v)(3), any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater) to the POTW.

(4) Except as provided in 40 CFR 403.3(v)(3), any other industrial user that contributes a process waste stream which makes up 5 percent or more average dry weather hydraulic or organic capacity of the POTW treatment plant.
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(5) All facilities permitted under 6 NYCRR Part 360 or Part 364 which discharge or transport leachate from sanitary landfills to any portion of the City's collection or treatment system. [Added 11-25-1991]

(6) Any other industrial user that the Control Authority designates as having a reasonable potential for adversely affecting the POTW’s operation or for violating a pretreatment standard or requirement.

SIGNIFICANT NON-COMPLIANCE – A user is in significant non-compliance when its violation(s) meet one or more of the following criteria:

(1) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits;

(2) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a Pretreatment Standard or Requirement (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report non-compliance;

(8) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

SLUG -- any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW’s regulations, local limits or permit conditions, including, but not limited to, any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow, that exceeds, for any period of duration longer than 15 minutes more than five times the average twenty-four-
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hour concentration or flows during normal operation.

SPDES (DENOTING "STATE POLLUTION DISCHARGE ELIMINATION SYSTEM") -- A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

STANDARD INDUSTRIAL CLASSIFICATION (SIC) -- A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office Management and Budget 1972, or newest edition.

STORM SEWER OR STORM DRAIN -- A sewer which carries storm- and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUSPENDED SOLIDS -- Solids that either float on the surface of or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

TOXICS -- Any of the pollutants designated by federal regulations pursuant to Section 307(a)(1) of the Clean Water Act, as amended.

WASTEWATER -- The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

WATERCOURSE -- A channel in which a flow of water occurs, either continuously or intermittently.

B. Industrial or commercial classifications which bear upon applications, rates, fees or other considerations shall be determined solely by the Common Council.
C. "Shall" is mandatory; "may" is permissive.

ARTICLE III
Use of Public Sewers Required


It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of Ogdensburg or in any area under the jurisdiction of said City any human or animal excrement, garbage or other objectionable waste.

§ 177-14. Discharges to natural outlets.

It shall be unlawful to discharge to any natural outlet within the City of Ogdensburg or in any area under the jurisdiction of said City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Part 2.

§ 177-15. Use of individual disposal systems restricted.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
§ 177-16. Connection to available public sewer required.

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the City of Ogdensburg and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Part 2 within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet of the property line. This section shall not apply to any person served with a privately constructed, owned, operated and maintained wastewater sewer and wastewater treatment facility which discharges directly to a natural outlet in accordance with the provisions of this Part 2 and applicable state and federal laws.

ARTICLE IV
Private Sewage Disposal

§ 177-17. Use restricted.

Where a public sanitary or combined sewer is not available under the provisions of § 177-16, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

§ 177-18. Permit required; fee.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the City Engineer. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the City Engineer. A permit and inspection fee of $15 shall be paid to the City at the time the application is filed.

§ 177-19. Inspections.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City Engineer. He shall be allowed to inspect the work at any stage of construction and, in any event the applicant for the permit shall notify the City Engineer when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the City Engineer.

§ 177-20. Compliance with other provisions.

The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the New York State Department of Health, the Department of Environmental Conservation or any municipal health department having jurisdiction. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet, in accordance with Part 74 of the Administration Rules and Regulations of the State Department of Health effective January 1, 1967. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
§ 177-21. Connection to public sewer.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 177-16, a direct connection shall be made to the public sewer in compliance with this Part 2, and any septic tanks, cesspools and similar private sewage disposal facilities shall be cleaned of sludge and filled with suitable material.

§ 177-22. Operation and maintenance.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

§ 177-23. Additional requirements.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the authorized representatives of the New York State Departments of Health and Environmental Conservation.

ARTICLE V

Building Sewers; Connections

§ 177-24. Connection permit required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City Engineer.

§ 177-25. Classes of building sewer permits.

There shall be two classes of building sewer permits:

A. For residential and commercial service.

B. For service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City Engineer. A permit and inspection fee of $15 for sewer permit shall be paid to the City Comptroller at the time the application is filed.

§ 177-26. Connection costs.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

§ 177-27. Separate building sewers required.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or
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can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building, and the whole considered as a separate building sewer.

§ 177-28. Use of old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City Engineer, to meet all requirements of this Part 2.

§ 177-29. Building sewer specifications.

A. Generally. The building sewer shall be cast-iron soil pipe, ASTM Specification A74 or equal or transite or equal, asbestos-cement house connection pipe or other suitable material approved by the City Engineer. Joints shall be tight and waterproof. Any part of the building sewer that is located within 10 feet of a water service pipe shall be constructed of cast-iron soil pipe with leaded joints. Cast-iron pipe with leaded joints may be required by the City Engineer where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground the building sewer shall be of cast-iron soil pipe, except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the City Engineer. Building sewer pipe shall have a maximum length of five feet between joints.

B. Size and slope. The size and slope of the building sewer shall be subject to the approval of the City Engineer, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall be not less than 1/8 inch per foot.

C. Required elevation of building sewer. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment, insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.

D. Artificial lift. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

E. Excavations. All excavations required for the installation of a building sewer shall be open-trench work unless otherwise approved by the City Engineer. Pipe laying and backfill shall be performed in accordance with ASTM Specification C12-58T, except that no backfill shall be placed until the work has been inspected.

F. Joints.

(1) All joints and connections shall be made gastight and watertight.

(2) Cast-iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead not less than one inch deep. Lead shall be run in one pouring and caulked tight. The entire joint shall conform to AWWA Specification C600-54T Section 9a. No paint, varnish or other coating shall be permitted on the jointing material until after the joint has been tested and approved. The transition joint between cast-iron pipe and transite
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pipe shall be made with either lead or approved hot-poured jointing material as specified herein.

(3) Material for hot-poured joints shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of 160° F. nor be soluble in any of the wastes carried by the drainage system. The joint shall first be caulked tight with jute, hemp or similar approved material. "Transite," asbestos-cement pipe joints, shall follow the manufacturer's recommendations.

(4) Other jointing materials and methods may be used only by approval of the City Engineer.

§ 177-30. Laterals; connections to public sewer.

The connections of the building sewer into an existing public sewer shall be made at the property line. If a lateral connection has not previously been provided, the lateral will be constructed from the existing public sewer to the property line by the Department of Public Works upon submittal of a proper request by the property owner. The method of connection of the lateral to the public sewer will depend upon the type of sewer material used and, in all cases, shall be approved by the City Engineer.

§ 177-31. Inspection; supervision of connection.

The applicant for the building sewer permit shall notify the City Engineer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City Engineer or his representative.

§ 177-32. Inspection of trenches.

When trenches are opened for the laying of house sewer lateral pipes, such trenches shall be inspected by the City Engineer before the trenches are filled, and the plumber performing such work shall notify the City Engineer when the laying of house sewer is completed. The filling of a trench before inspection is made will subject the plumber to whom a permit is issued to a penalty of $25 for each offense.

§ 177-33. Guarding of excavations; restoration of surface.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

ARTICLE VI
Use of Public Sewers

§ 177-34. Discharge of surface water unlawful.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.
§ 177-35. Discharge of stormwater or unpolluted drainage.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or combined sewers or to a natural outlet approved by the City Engineer. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City Engineer, to a storm sewer or natural outlet.

§ 177-36. Unlawful discharges.

A. No user shall contribute or cause to be contributed, in any manner or fashion, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW or cause pass through. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards, or any other National, State or Local Pretreatment Standards or Requirements.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

1. Any liquid or vapor having a temperature higher than 104°F. (40°C.) or heat in amounts that will inhibit the biological activity at the sewage treatment plant, resulting in interference.

2. Any waters or wastes which contain grease or oil or other substances that will solidify or become discernibly viscous at temperatures between 32°F. and 104°F.

3. Any waters or wastes containing emulsified oil and grease exceeding an average of 50 parts per million (417 pounds per million gallons) of ether-soluble matter.

4. Any gasoline, benzine, naphtha, fuel oil or mineral oil or other flammable or explosive liquid, solid or gas which cause a flame-type explosivity meter to read 40% of the lower explosive limit (LEL) for 15 minutes or when the reading exceeds 60% of the LEL for any period.

5. Any noxious or malodorous gas such as hydrogen sulfide, sulfur dioxide or nitrous oxide or other substance, which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.

6. Any garbage that has not been properly pulverized or ground to fine powder.

7. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, beer and distillery slops, chemical residues, paint residues, cannery, waste bulk solids or any other solid or viscous substance capable of causing obstruction to the flow of the sewers or other interference with the proper operation of the sewage system, including debris from disposable products utilized by hospitals, nursing homes or correctional institutions.
(8) Any waters or wastes, acid and alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage system. Free acids and alkalis must be neutralized, at all times, within a permissible pH range of 6.0 to 9.5.

(9) Any cyanides in excess of the concentrations listed in Subsection A(14) of this section.

(10) Any radioactive waste or isotopes of such half-life or concentrations as may exceed limits established by the City Engineer in compliance with applicable state or federal regulations.

(11) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW. Any waters or wastes that for a duration of 15 minutes has a concentration greater than five times the average of that of normal sanitary sewage (defined in Subsection B of this section) as measured by suspended solids and BOD and/or which is discharged continuously at a rate exceeding 1,000 gallons per minute except by special permit. A special permit shall not allow discharges of any pollutants that released in a discharge at a flow rate or concentration which will cause interference at the POTW.

(12) Any stormwater, cistern or tank overflow, cellar drain, discharge from any vehicle wash rack or water motor or the contents of any privy vault, septic tank or cesspool or the discharge of effluent from any air-conditioning machine or refrigeration unit.

(13) Any wastes containing odor- or color-producing substances exceeding concentration limits which may be established by the City Engineer for purposes of meeting the City's SPDES permit.

(14) Any substance which creates a fire or explosion hazard in the POTW, including but not limited to, waste streams with a closed cup flash point of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21.

(15) Any waters or wastes with high biochemical oxygen demand (BOD), of high chlorine demand or containing a toxic or poisonous substance or containing suspended solids of high volume, all acting singly or in combination, and of sufficient quantity to damage or interfere with the sewage treatment process, contaminate the sludge produced at the treatment plant, constitute a hazard to humans or animals or create any hazard in the waters receiving the discharge from the treatment plant.

(a) Toxic substances shall be limited to the average concentrations listed below and as promulgated in the Categorical Pretreatment Standards, pursuant to Section 307 of the Act. At no time shall the concentration exceed two times the twenty-four-hour average concentration.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>30-Day Average (mg/l)</th>
<th>24-Hour Average (mg/l)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cadmium</td>
<td>0.25</td>
<td>0.5</td>
</tr>
<tr>
<td>Hex. chromium</td>
<td>0.1</td>
<td>0.2</td>
</tr>
</tbody>
</table>
SEWERS

<table>
<thead>
<tr>
<th>Substance</th>
<th>Maximum Concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total chromium</td>
<td>1.70 3.4</td>
</tr>
<tr>
<td>Copper</td>
<td>2.05 4.1</td>
</tr>
<tr>
<td>Lead</td>
<td>0.4 0.8</td>
</tr>
<tr>
<td>Mercury</td>
<td>0.1 0.2</td>
</tr>
<tr>
<td>Nickel</td>
<td>2.0 4.0</td>
</tr>
<tr>
<td>Zinc</td>
<td>1.5 3.0</td>
</tr>
<tr>
<td>Arsenic</td>
<td>0.1 0.2</td>
</tr>
<tr>
<td>Available chlorine</td>
<td>15.0 15.0</td>
</tr>
<tr>
<td>Cyanide-free</td>
<td>0.2 0.4</td>
</tr>
<tr>
<td>Cyanide, total</td>
<td>0.65 1.3</td>
</tr>
<tr>
<td>Selenium</td>
<td>0.1 0.2</td>
</tr>
<tr>
<td>Sulfide</td>
<td>3.0 6.0</td>
</tr>
<tr>
<td>Barium</td>
<td>2.0 4.0</td>
</tr>
<tr>
<td>Manganese</td>
<td>2.0 4.0</td>
</tr>
<tr>
<td>Gold</td>
<td>0.1 0.2</td>
</tr>
<tr>
<td>Silver</td>
<td>0.2 0.4</td>
</tr>
<tr>
<td>Fluorides</td>
<td>2.0 4.0</td>
</tr>
<tr>
<td>Phenol</td>
<td>2.0 4.0</td>
</tr>
<tr>
<td>Total toxic organics</td>
<td>1.0 2.0</td>
</tr>
</tbody>
</table>

Except for Hex, Chromium, all concentrations listed for metallic substances shall be as “total Metals”, which shall be defined as the value measured in a sample acidified to a pH of 2 or less, without prior filtration.

(b) Samples are to be gathered using procedures as approved by the City Engineer.

(16) Any substance which may cause the sewage treatment plant's effluent or any other product of the sewage treatment plant, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the sewage treatment plant is pursuing a reuse and reclamation program. In no case shall a substance discharged to the sewage treatment plant cause the treatment plant to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solids Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used.

(17) Any trucked or hauled wastewater unless permitted as provided for in § 177-67. [Added 12-12-1994 by Ord. No. 12-1994]

B. Normal sanitary sewage shall be construed to fall below the following maximum levels in the effluent of the commercial establishment or industrial plant in question:
Constituents | Maximum Levels (ppm)
---|---
BOD | 300
Suspended solids (SS) | 350
Chlorine demand | 15

C. In case the state or federal regulations come into conflict with the pollutant discharge concentrations given in this Part 2, the strictest level shall apply.

D. **Treatment Bypasses**
   (1) A bypass of the treatment system is prohibited unless all of the following conditions are met:
   - (a) The bypass was unavoidable to prevent the loss of life, personal injury, or severe property damage;
   - (b) There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater;
   - (c) The industrial user properly notified the City Engineer as described in paragraph (2) below.

   (2) Industrial users must provide immediate notice to the City Engineer upon discovery of an unanticipated bypass. If necessary, the City Engineer may require the industrial user to submit a written report explaining the cause(s), nature, and duration of the bypass, and the steps taken to prevent its recurrence.

   (3) An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Industrial users anticipating a bypass must submit notice to the City Engineer at least 10 days in advance. The City Engineer may only approve the anticipated bypass if the circumstances satisfy those set forth in paragraph (1) above.

§ 177-37. **Grease, oil and sand interceptors.**

A. Grease, oil and sand interceptors shall be provided when, in the opinion of the City Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City Engineer and shall be located so as to be readily and easily accessible for cleaning and inspection.

B. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

C. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times and shall be readily accessible and open to inspection by the City Engineer at all times.
§ 177-38. Restricted discharges.

A. The admission into the public sewers of any waters or wastes having a five-day biochemical oxygen demand (BOD5) greater than 300 parts per million by weight or containing more than 350 parts per million by weight of suspended solids or containing more than 15 parts per million of chlorine demand or containing any quantity of substances having the characteristics above the previously described limits or having an average daily flow greater than 2% of the average daily flow of the City shall be subject to the review and approval of the City Engineer.

B. Where necessary, in the opinion of the City Engineer, the owner shall provide at his expense such preliminary treatment as may be necessary to:

1. Reduce the biochemical oxygen demand to 300 parts per million and the suspended solids to 350 parts per million by weight;

2. Reduce the chlorine demand to 15 parts per million;

3. Reduce objectionable characteristics or constituents to within the maximum limits provided for; or

4. Control the quantities and rates of discharge of such waters or wastes.

§ 177-39. Pretreatment requirements and facilities.

A. When pretreatment regulations are adopted by USEPA or the City of Ogdensburg for any industry, then that industry must immediately conform to the USEPA, NYSDEC or City timetable for adherence to federal, state or local pretreatment requirements and any other applicable requirements promulgated in accordance with Section 307 of the Clean Water Act as amended. The National Categorical Standards, found in 40 CFR Chapter I, Subchapter N, Parts 405 – 471, are hereby incorporated into these regulations.

B. Plans, specifications and any other pertinent information relating to proposed pretreatment facilities shall be submitted for the approval of the City Engineer. No construction of such facilities shall be commenced until said approvals are obtained in writing.

C. The City Engineer shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12 and as amended.

§ 177-40. Maintenance of pretreatment or flow-equalizing facilities.

Where preliminary treatment of flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

§ 177-41. Manholes.

When required by the City Engineer, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary
meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the City Engineer. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

§ 177-42. Measurements, tests and analyses.

A. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made shall be determined in accordance with the procedure outlined under 40 CFR Part 136 and as amended, upon suitable samples taken at the control manhole provided for above. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer, from the point at which the building sewer is connected.

B. A testing laboratory, which is hired by an industry to do its wastewater analyses, shall be certified by the New York State Health Department for the relevant, analytical methods.

C. If a required procedure is not outlined in 40 CFR Part 136, then the measurement, test or analysis shall be done in accordance with Methods for Chemical Analysis of Water and Waste, as published by EPA, and Standard Methods for the Examination of Water and Wastewater, 15th or most current edition.

§ 177-43. Accidental discharges.

A. If, for any reason, a user does not comply with or will be unable to comply with any prohibition or limitations in this Part 2, the user responsible for such discharge shall immediately notify the City Engineer so that corrective action may be taken to protect the treatment system. In addition, a written report addressed to the City Engineer detailing the date, time and cause of the accidental or slug discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges shall be filed by the responsible industrial facility within five days of the occurrence of the noncomplying discharge.

B. This notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant, treatment process or any other damage to person or property, nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or on the municipality under applicable state and federal regulations.

(1) Excessive discharge. No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment in order to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, as amended, or in any other pollutant-specified limitation developed by the state or City.

(2) Accidental and Slug discharges. Each user shall provide protection from accidental and slug discharge of prohibited materials or of exceeding the limitations of other substances regulated by this Part 2. If deemed necessary by the City Engineer,
facilities to prevent accidental and slug discharge shall be provided and maintained at
the owner's expense. Detailed plans, showing facilities and operation procedures
to provide this protection, shall be submitted to the City Engineer for review and
shall be approved by the City Engineer prior to construction of the facility. Review
and approval of such plans and operating procedures shall not relieve the industrial or
commercial user from the responsibility to modify the user's facility as necessary to
meet the other requirements of this Part 2. At the request of the City, the user shall
develop a slug control plan which includes a description of the discharge practices
including non-routine batch discharges; a description of the stored chemicals;
procedures for immediately notifying the POTW of slug discharges and if necessary
procedures to prevent adverse impact from accidental spills. The slug control plan
shall be updated by the User as changes are made to the facility.

(3) The industrial user shall develop a compliance schedule including milestone dates for
the installation of technology required to meet a pretreatment standard, as necessary.
The POTW shall develop compliance schedules and report requirements to the POTW.
The industrial users shall be required to comply with the compliance schedule and any
succeeding revisions to that schedule.

C. Upset Provision

(1) Definition. For the purposes of this section, Upset means an exceptional incident in
which there is unintentional and temporary noncompliance with categorical
Pretreatment Standards because of factors beyond the reasonable control of the
Industrial User. An Upset does not include noncompliance to the extent caused by
operational error, improperly designed treatment facilities, inadequate treatment
facilities, lack of preventive maintenance, or careless or improper operation.

(2) Effect of an upset. An Upset shall constitute an affirmative defense to an action brought
for noncompliance with categorical Pretreatment Standards if the requirements of
paragraph (3) are met.

(3) Conditions necessary for a demonstration of upset. An Industrial User who wishes to
establish the affirmative defense of Upset shall demonstrate, through properly signed,
contemporaneous operating logs, or other relevant evidence that:
   (a) An Upset occurred and the Industrial User can identify the cause(s) of the Upset;
   (b) The facility was at the time being operated in a prudent and workman-like manner
       and in compliance with applicable operation and maintenance procedures;
   (c) The Industrial User has submitted the following information to the POTW and
       Control Authority within 24 hours of becoming aware of the Upset (if this
       information is provided orally, a written submission must be provided within five
days):
       (i) A description of the indirect discharge and cause of noncompliance;
       (ii) The period of noncompliance, including exact dates and times or, if not
            corrected, the anticipated time the noncompliance is expected to continue;
       (iii) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of
            the noncompliance.

(4) Burden of proof. In any enforcement proceeding the Industrial User seeking to establish
the occurrence of an Upset shall have the burden of proof.
Reviewability of agency consideration of claims of upset. In the usual exercise of prosecutorial discretion, EPA enforcement personnel should review any claims that non-compliance was caused by an Upset. No determinations made in the course of the review constitute final EPA action subject to judicial review. Industrial users will have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

User responsibility in case of upset the industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

§ 177-44. Damaging sewers unlawful.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest.

ARTICLE VII
Inspections

§ 177-45. Right of entry; limitations.

The City Engineer and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Part 2. The City Engineer and other duly authorized employees shall also have the right to review and copy records from the files of industrial users. Inspections of residential premises shall be performed in proper observance of the resident’s civil rights. The City Engineer or other duly authorized employees of the City shall have the right to set up on the user’s property, such devices as are necessary to conduct sampling and flow measurement.

§ 177-46. Observation of safety rules.

While performing the necessary work on private properties referred to in § 177-45, the City Engineer or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees, and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by the negligence or failure of the company to maintain safe conditions as required in §§ 177-40 and 177-41.
§ 177-47. Entry on easements.

The City Engineer and other employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, replacement, improvement and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private properties involved.


Authorized officials or their duly appointed representatives of New York State Department of Environmental Conservation and United States Environmental Protection Agency enjoy the same powers and authority of inspection as given to the City Engineer, as it pertains to commercial or industrial discharges to the system, under Article VII of this Code.

ARTICLE VIII
Penalties for Offenses

§ 177-49. Penalties for offenses.

A. Any person who shall violate any provision of § 177-44 shall be guilty of a violation and, on conviction thereof, shall be punished by a fine not exceeding $1,000. [Amended 1-8-1990 by Ord. No. 1-1990]

B. Written notice of violation.

(1) Any person found to be violating any provision of the foregoing Articles of this Part 2, except § 177-44, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Notwithstanding the above notification procedure, the City reserves the right to suspend the wastewater treatment service and/or wastewater discharge permit of the offender when such suspension is necessary, in the opinion of the City Engineer, in order to stop an actual or threatened discharge of any liquid or substance which, either singly or in combination with other wastewaters, could result in any of the following:

(a) Physical damage to the sewers or sewage treatment works.
(b) Interference of the treatment process.
(c) Create potentially hazardous conditions for City employees or the public.
(d) Obstruct the normal flow of sewage in the public sewers.
(e) Create a hazard in the waters which receive the discharge from the sewage treatment works.
(f) Contaminate the sludge produced at the treatment plant.
(g) Causes the City to violate any of the conditions of its SPDES permit.
(3) The City shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement, describing the causes and nature of the harmful discharge and the measures taken to prevent any future occurrence, shall be submitted by the user to the City within 15 days of the occurrence.

(4) The City shall annually publish, in the largest daily newspaper of the area, a list of the industrial users who were in significant non-compliance (SNC) with their industrial discharge permits or other applicable pretreatment requirements or standards during the previous 12 months. The notification shall also give the location of the specific violation date and summaries of enforcement actions which were taken against the user(s) during the same 12 months.

C. Continued violation.

(1) Any person who shall continue any violation beyond the time limit provided for in Subsection B herein shall be guilty of an offense, and, on conviction thereof, shall be punished by a fine not exceeding $1,000 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. [Amended 1-8-1990 by Ord. No. 1-1990]

(2) In the event of the continuing failure of the person to comply with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the sewers and sewage treatment works or endangerment of any individuals.

D. Civil liability. Any person violating any of the foregoing provisions of this Part 2 shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

E. Legal action. If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this Part 2, federal or state pretreatment requirements or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief in the (circuit) court of this county.

F. Show cause hearing.

(1) The City may order any user who causes or allows an unauthorized discharge to show cause before the City Council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the user to show cause before the City Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 10 days before the hearing. Service may be made on any agent or officer of a corporation.

(2) The City Council may itself conduct the hearing and take the evidence or may designate any of its members of any officer or employee of the City to:
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(a) Issue in the name of the City Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.

(b) Take the evidence.

(c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for action thereon.

(3) At any hearing held pursuant to this Part 2, testimony taken must be under oath and recorded stenographically.

(4) The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(5) After the City Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

G. Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Part 2 or wastewater contribution permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Part 2 or wastewater contribution permit shall, upon conviction, be punished by a fine of not more than $1,000 or by imprisonment for not more than six months, or by both.

H. Enforcement Response Plan. The City shall prepare an Enforcement Response Plan. The Enforcement Response Plan, in a step-by-step fashion, shall outline the procedures to be followed to identify, document, and respond to violations by Users of the POTW. All violations by Users of the POTW shall be met with some type of enforcement response. The response shall be comprehensive and effective.

The Enforcement Response Plan shall:

(1) describe how the City will investigate instances of non-compliance
(2) describe the types of escalated enforcement actions that the City will take in response to all anticipated types of User violations and the time periods within which to initiate and follow-up these actions
(3) adequately reflect the Town Board's responsibility to enforce all applicable standards and requirements.

The Enforcement Response Plan shall contain:

(1) criteria for scheduling periodic inspection and/or sampling visits to POTW Users
(2) forms and guidelines for documenting compliance data in a manner which will enable the information to be used as evidence
systems to track due dates, compliance schedule milestones, and pending enforcement actions

criteria, responsible personnel, and procedures to select and initiate an enforcement action.

The range of appropriate enforcement actions shall be based on the nature and severity of the violation and other relevant factors, such as:

- magnitude of the violation
- duration of the violation
- effect of the violation on the receiving water
- effect of the violation on the POTW
- effect of the violation on the health and safety of the POTW employees
- compliance history of the User
- good faith of the User

and shall promote consistent and timely use of enforcement remedies.

The City Council shall approve the Enforcement Response Plan. The Enforcement Response Plan shall be reviewed at least every five years.

The remedies provided for in the Enforcement Response Plan are not exclusive. The City of Ogdensburg may take any, all, or any combination of actions included in the Enforcement Response Plan against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City’s enforcement response plan. However, the City of Ogdensburg may take other action against any user when the circumstances warrant. Further, the City of Ogdensburg is empowered to take more than one enforcement action against any noncompliant user.

ARTICLE IX
Sewer Service Charges

§ 177-50. Schedule; use of funds.

A sewage service charge schedule shall be used for deriving revenues for financing and maintaining sewage collection and treatment facilities. The funds derived from these charges shall be used for all municipal expenses associated with constructing, improving, operating or maintaining the wastewater treatment facilities, including engineering planning, constructing, reconstruction of sewers and sewage treatment works and all necessary appurtenances thereto, including pumping stations, extension, enlargement, replacement or additions to the sanitary or stormwater sewer system or the preliminary or other studies and surveys relative thereto and for the acquisition of land or rights-of-way for any of the capital improvements.

§ 177-51. Charges levied; computation.

A. The sewer service charge shall be levied to owners of properties located within the corporation limits of the City of Ogdensburg who contribute wastes to the municipal sanitary system.

B. Separate sewer service charges shall be levied for industrial wastes and sanitary wastes.
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C. Annual user charges for significant industrial users shall be based on all factors which significantly influence the operation and maintenance costs of the treatment facilities. These factors shall include flow, BOD and suspended solids. The amount of the annual industrial user charge required shall be calculated by the City utilizing the user charge formula for industrial wastes. However, in no case shall those charges be less than the charge for an equivalent discharge from a nonsignificant industrial user plus the cost to operate the Industrial Pretreatment Management Program divided by the number of significant users. [Amended 11-25-1991]

D. Annual user charges for commercial and light industrial establishments shall be based on volume only, since wastewater characteristics of sanitary wastes are similar. The amount of the annual commercial and light industrial establishments user charge required shall be calculated by the City utilizing the user charge formula for sanitary wastes. Volume of wastewater shall be determined by metered water consumption.

E. Measurement of volume, if necessary, and sampling of industrial wastes shall be accomplished once every three months by the City Engineer's office for a particular user, and the data obtained shall be utilized to calculate the user's normal charge for said three-month period. If a particular user requests more frequent measurement and sampling such additional measurement and sampling will be carried out by that user by approved standard methods and the costs of metering and sampling shall be borne by said user. [Amended 11-25-1991]

**User Charge Formula for Significant Industrial Users**

\[
USI = \frac{OM}{100} \left[ OQ \left( \frac{Q_{IA}}{Q_A} \right) + OB \left( \frac{B_{IA}}{B_A} \right) + OS \left( \frac{S_{IA}}{S_A} \right) \right] + \frac{IPP}{SIU}
\]

Where:

- **USI** = User's share of annual operation and maintenance costs for industrial wastes.
- **OM** = Annual operation and maintenance costs for treatment facilities.
- **OQ** = Percentage of operation and maintenance costs attributable to flow (Q).
- **OB** = Percentage of operation and maintenance costs attributable to BOD5.
- **OS** = Percentage of operation and maintenance costs attributable to suspended solids.
- **Q_{IA}** = Actual average daily flow rate (mgd) of industrial discharge.
- **B_{IA}** = Actual average daily BOD5 loading (pounds per day) of industrial discharge.
- **S_{IA}** = Actual average daily suspended solids loading (pounds per day) of industrial discharge.
- **Q_A** = Actual daily flow rate (mgd) at wastewater treatment facilities.
- **B_A** = Actual average daily BOD5 loading (pounds per day) at wastewater treatment facilities.
- **S_A** = Actual average daily suspended solids loading (pounds per day) at wastewater treatment facilities.
§ 177-52. Changes in charges.

The City Council of the City of Ogdensburg reserves the right, from time to time, to change sewer service charges originally or previously assigned to any property owner.

§ 177-53. Connection charges. [Amended 2-10-2003 by Ord. No. 3-2003]

A. A charge will be levied against all property owners who tap in on municipal sanitary sewers or replace existing laterals to municipal sanitary sewers. Such charge will reimburse the City for salary and benefits of Department of Public Works Operators, plus the actual cost of materials utilized.

B. The cost of constructing the lateral from the public sewer to the property line will be covered by the above connection charge, and the work will be performed by the City of Ogdensburg. The property owner shall be responsible to construct the lateral from the property line to the waste piping within the building.

§ 177-54. Unpaid charges to become liens.

Any unpaid sewer service or installation charges shall be, like other taxes of the City of Ogdensburg, a lien upon the lots and buildings against which the same are chargeable.

ARTICLE X
Industrial Discharge Permit System

§ 177-55. Discharge permit required.

All establishments which produce industrial wastes and who propose to connect to or discharge into any part of the wastewater treatment system must first obtain a discharge permit prior to any connection or discharge to any part of the wastewater treatment system.

§ 177-56. Permit application.

A. Users seeking a wastewater discharge permit shall complete and file with the City Engineer an application on the form included as Appendix I of this Part 75 and accompanied by the applicable fee. In support of this application, the user shall submit the following information:

(1) The name, address and SIC number of the applicant.

(2) The volume of wastewater to be discharged.
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(3) Wastewater constituents and characteristics, including but not limited to those set forth in Article IX of this Part 2 as determined by a reliable analytical laboratory.

(4) The time and duration of discharge.

(5) The average and thirty-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any.

(6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.

(7) A description of activities, facilities and plant processes on the premises, including all materials and types of materials which are or could be discharged.

(8) Each product produced by type, amount and rate of production.

(9) The number and type of employees, and hours of work.

(10) Categorical Industrial Users must submit a Baseline Monitoring Report (BMR) which fulfills the requirements outlined in 40 CFR 403.12(b). This BMR must contain the certification found in 40 CFR 403.6(a)(2)(ii) and 40 CFR 403.12(b)(6).

(11) If additional pretreatment and/or Operation & Maintenance (O&M) will be required to meet the standards, then the industrial user shall provide the shortest schedule to accomplish such additional treatment and/or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, and beginning routine operation).

(b) No increment referred to in (a) above shall exceed nine (9) months, nor shall the total compliance period exceed 18 months.

(c) No later than 14 calendar days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the City of Ogdensburg including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of the progress, the reason for delay, and the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the City of Ogdensburg.

(12) Any other information as may be deemed by the City Engineer to be necessary to evaluate the permit application.
(13) Information and data.

(a) Information and data on a user obtained from reports, questionnaires, permit application, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods or production entitled to protection as trade secrets of the user.

(b) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Part 2, the National Pollutant Discharge Elimination System (NPDES) permit, State Disposal System permit and/or pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(c) Information accepted by the City as confidential shall not be transmitted to the general public by the City. A ten day notification will be given to the user informing them of the confidential information that will be given to a governmental agency.

B. The City Engineer will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City Engineer may issue a wastewater discharge permit subject to terms and conditions provided herein.

§ 177-57. Permit conditions.

Wastewater discharge permits shall be expressly subject to all provisions of this Part 2 and all other regulations, user charges and fees established by the City. The conditions of wastewater discharge permits shall be uniformly enforced in accordance with this Part 2 and applicable state and federal regulations. Permit conditions will include the following:

A. The unit charge or schedule of user charges and fees for the wastewater to be discharged to the system.

B. The average and maximum wastewater constituents and characteristics.

C. Limits on rate and time of discharge or requirements for flow regulations and equalization.

D. Requirements for installation of inspection and sampling facilities, and specifications for monitoring programs.

E. Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges.
F. Daily average and daily maximum discharge rates or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge.

G. Compliance schedules.

H. All reports shall contain the following certification:
   
   I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that the qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I. The 90 day compliance report for new discharges shall contain the certification statement found in 40 CFR 403.12(b)(6), a statement indicating whether pretreatment standards are met.

J. All reports must be signed by the appropriate official as defined in 40 CFR 403.12(l).

K. Requirements to control Slug Discharges, including the development of a Slug Control Plan, if determined by the POTW to be necessary.

L. Other conditions to ensure compliance with this Part 2.

§ 177-58. Duration of permits; modifications.

A. Permits shall be issued for a specified time period, not to exceed three years. A permit may be issued for a period of less than one year or may be stated to expire on a specified date. If the user is not notified by the City Engineer 30 days prior to the expiration of the permit, the permit shall automatically be extended for six months. The terms and conditions of the permit may be subject to modification and change by the City Engineer during the life of the permit. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

B. A request for a permit modification must be requested by the permittee prior to any change in production or process that would alter any of the wastewater characteristics.

C. The industrial discharge permit of industrial users subject to national categorical or state pretreatment standards shall be revised to require compliance with such standards within the time frame prescribed by such standard. The permit shall be revised as soon as possible by the Control Authority. Where a user, subject to a National Categorical or State Pretreatment Standard, has not previously submitted an application for an industrial discharge permit as required by this Part 2, the user shall apply for an industrial discharge permit within 180 days after the promulgation of the applicable pretreatment standard. In addition, the user
with an existing industrial discharge permit shall submit to the City Engineer, within 180 days after the promulgation of an applicable National Categorical or State Pretreatment Standard, the information required by the form included as Appendix I of this Part 274 and as amended by the City Engineer.

§ 177-59. Permits nontransferable.

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation.

§ 177-60. Revocation of permit.

Any user who violates the following conditions of his permit or of this Part 2 or of applicable state and federal regulations is subject to having his permit revoked. Violations subjecting a user to possible revocation of his permit include, but are not limited to, the following:

A. Failure of a user to accurately report the wastewater constituents and characteristics of his discharge;

B. Failure of the user to report significant changes in operations or wastewater constituents and characteristics prior to changing the discharge;

C. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;

D. Violation of conditions of the permit; or

E. Failure of the user to report permit violations in accordance with § 177-62.

§ 177-61. Discharge reports.

A. Every significant industrial user shall file a periodic discharge report at such intervals as are designated by the City Engineer. The City Engineer may require any other industrial users discharging or proposing to discharge into the treatment system to file such periodic reports.

B. The discharge report shall include, but in the discretion of the City Engineer, shall not be limited to: nature of process, volume, rates of flow, mass emission rate, production quantities, hours of operation, concentrations of controlled pollutants or other information which relates to the generation of waste. Such reports may also include the chemical constituents and quantity of liquid materials stored on site even though they are not normally discharged. In addition to discharge reports, the City Engineer may require information in the form of industrial discharge permit applications and self-monitoring reports.

C. The reports or documents required to be submitted or maintained under this section shall be subject to:
   1. The provisions of 18 USC Section 1001 relating to fraud and false statements;
   2. The provisions of Section 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and
D. Baseline Monitoring Report. Within 180 days after promulgation of an applicable Federal Categorical Pretreatment Standard, existing sources subject to that standard shall submit, to the City Engineer, the information required by paragraphs 40 CFR 403.12(b)(1)-(5). At least 90 days prior to commencement of discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable categorical Standard shall be required to submit to the Control Authority a report which contains the information listed in paragraphs 40 CFR 403.12(b)(1)–(5). New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New Sources shall give estimates of the information requested in paragraphs 403.12(b) (4) and (5).

E. 90 Day Compliance Report. Within 90 days following the date for final compliance with applicable pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit, to the City Engineer, a report indicating the nature and concentration of all pollutants in the discharge, from the regulated process, which are limited by pretreatment standards and requirements, and the average and maximum daily flow for these process units in the user’s facility which are limited by such pretreatment standards and requirements. The report shall state whether the applicable pretreatment standards and requirements are being met on a consistent basis and if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative of the industrial user, and certified by a qualified professional.

F. Violation Report. If sampling, performed by the user, indicates a violation of this Law and/or the user’s discharge permit, the user shall notify the City Engineer within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City Engineer within 30 days after becoming aware of the violation. The user is not required to resample if the POTW performs monitoring of the user’s discharge at least once a month for the parameter which violated, or if the POTW performs sampling, for the parameter which was violated, between the user’s initial sampling and when the user receives the results of this sampling.

G. Notification of Hazardous Waste Discharge. All industrial users shall notify in writing the City of Ogdensburg, the State and the EPA, of any discharge which would be considered hazardous waste as defined by 40 CFR Part 261 if disposed of in a different manner. The one time notification must include the name of the hazardous waste under 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic
hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12 (j).

§ 177-62. Records; monitoring.

A. All industrial users who discharge or propose to discharge wastewaters to the wastewater treatment system shall maintain such records of production and related factors, effluent flows and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this Part 2 and any applicable State or Federal Pretreatment Standards or requirements for a minimum of three years or longer in case of unresolved litigation or when requested by the Approval Authority.

B. Such records shall be made available upon request by the City Engineer. All such records relating to compliance with pretreatment standards shall be made available to officials of the United States Environmental Protection Agency and New York State Department of Environmental Conservation upon demand. A summary of such data indicating the industrial user's compliance with this Part 2 shall be prepared (quarterly) and submitted to the City Engineer.

C. The owner or operator of any premises or facility discharging industrial wastes into the system shall install at his own cost and expense suitable monitoring equipment to facilitate the accurate observation, sampling and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.

D. The monitoring equipment shall be located and maintained on the industrial user's premises outside of the building. When such a location would be impractical or cause undue hardship on the user, the City Engineer may allow such facility to be constructed in the public street or sidewalk area, with the approval of the public agency having jurisdiction over such street or sidewalk, and located so that it will not be obstructed by public utilities, landscaping or parked vehicles.

E. When more than one user can discharge into a common sewer, the City Engineer may require installation of separate monitoring equipment for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the City Engineer may require that separate monitoring facilities be installed for each separate discharge.

F. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the City's requirements and all applicable construction standards and specifications.

§ 177-63. Inspections; sampling; analysis.

A. Compliance determination. Compliance determinations with respect to Article IX prohibitions and limitations may be made on the basis of either instantaneous grab samples or composite samples of wastewater. Composite samples may be taken over a twenty-four-hour period or over a longer or shorter time span, as determined necessary by the City Engineer, to meet the needs of specific circumstances.
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B. Analysis of industrial wastewaters. All wastewater sampling and analysis for the local pretreatment program must be conducted using methods and procedures in 40 CFR Part 136. Analysis of those pollutants not covered by 40 CFR Part 136 Laboratory analysis of industrial wastewater samples shall be performed in accordance with the current edition of Standard Methods or Methods for Chemical Analysis of Water and Waste, published by the United States Environmental Protection Agency.

C. Sampling frequency. Sampling of industrial wastewater for the purpose of compliance determination with respect to Article IX prohibitions and limitations will be done at such intervals as the City Engineer may designate. However, it is the intention of the City Engineer to conduct compliance sampling or to cause such sampling to be conducted for all major contributing industries at least once in every one-year period. The City Engineer shall have the power to take samples and make tests necessary to determine the nature and concentration of such wastes, and shall have the right to reassess his determination by taking samples and tests at any time or by periodic rechecks without notice to the person discharging such wastes:

(1) Samples shall be taken and flow measurements made at the control manhole or manholes which are specifically identified with the user unit.

(2) In the event that a control manhole or manholes have not been required, the samples shall be taken at a suitable and accessible point or points to be selected by the City Engineer and are specifically identified with the user unit.

(3) An aliquot portion of the sample(s) taken will be made available to the person whose premises are being tested if he so requests.

§ 177-64. Determination of pollutant concentrations.

A. The pollutant concentration of any sewage, industrial waste or other wastes shall usually be determined from representative samples of the effluent discharged to public sewers, taken by the City Engineer at sampling stations, at any period or time and of such duration and in such manner as the City Engineer may elect or at any place or manner mutually agreed upon between the user and City Engineer. The intent of any sampling procedure is to establish the pollutant concentration in the sewage discharged during an average or typical working day. This concentration may be derived according to the best judgment of the City Engineer, by combination of repeated sub-samplings during any one day, by combination of a series of such days or by combination of a number of multiple samples. The analysis of samples taken shall be performed in a laboratory designated by the City Engineer and the surcharge and/or the acceptability of the wastes shall be determined from said analyses.

B. All charges shall be based on the analysis of the wastes from any plant or premises related to total volume of wastes. The concentration of pollutants in sewage, industrial waste or other waste shall be used in calculating the sewer surcharge in accordance with the billing procedure of the City for the collection of charges and shall remain in effect until the person shall prove or the City shall determine that a change in the manufacturing process, production or waste treatment of said company warrants a reanalysis for the determination of a new pollutant concentration of its wastes discharged from such premises into the public sewer system. The new pollutant concentration shall then be used in calculating new charges and shall become effective as of the date of the subsequent billing period.
C. Whenever the wastes discharged from a premises to the public sewer might be expected to show appreciable periodic variations during the year due to manufacturing process or production variation due to seasonal changes, the City Engineer may average the results of two or more series of analyses taken to reflect these variations and thereby determine an average pollutant concentration.

§ 177-65. Determination of volume.

The City Engineer may use, as the figure representing the number of cubic feet and/or gallons of sewage discharged into the sewer system the amount of water supplied to the premises by the City or if such premises are used for an industrial or commercial purpose of such nature that the water supplied to the premises cannot be entirely discharged into the sewer system made by the City Engineer or the number of cubic feet of sewage discharged into the sewer system as determined by measurements and samples taken at a manhole installed by the owner of the property served by the public sewer system, at his own expense, in accordance with the terms and conditions of the permit issued by the City Engineer pursuant to § 177-11 of these rules and regulations.

§ 177-66. Disputed pollutant concentrations; resampling.

In the event that the pollutant concentration of the waste discharged from a premise to a public sewer is disputed by a person, a program of resampling and gauging with subsequent chemical determination may be instituted as follows:

A. The person must submit a request for resampling and gauging of the wastes to the City Engineer and bind himself to bear all of the expenses incurred by the City in the resampling and gauging and subsequent analysis of the wastes.

B. A consultant or agency of recognized professional standing in the employment of the person must confer with representatives of the City in order that an agreement may be reached as to the various factors which must be considered in a new sampling program.

C. The consultant or agency of recognized professional standing employed by the person must be present or represented during the resampling operation.

D. Resampling must be performed when all waste producing processes are contributing wastes of normal concentrations at their normal rate.

E. The results of the resampling and the reanalysis in a laboratory designated by the City Engineer shall be considered to be the current analysis of the wastes discharged to the public sewer system and shall be used for determining the surcharge and/or acceptability of the wastes.

ARTICLE XI
Trucked or Hauled Waste
[Added 12-12-1994 by Ord. No. 12-1994]

§ 177-67. Licenses and application; fees.
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A. The discharge of trucked or hauled wastes into the City's sewer system and public sewers tributary thereto will be permitted only with the written approval (license) of the City Engineer. Applicants for such license shall apply on a form provided by the City Engineer. These forms may require information such as vehicle specifications, vehicle license number, vehicle color, NYSDEC permits issued under 6 NYCRR Part 364, approximate annual septic volume expected, service area and any other information that the City Engineer may require to determine whether the trucked or hauled wastes could adversely impact the sewage treatment system. The application shall be accompanied by a fee prescribed by the City Engineer, not to exceed $100.

B. The licensee of trucked or hauled wastes will also be charged a fee for each dumping. The charge for treatment and disposal of trucked or hauled waste which has been introduced into the sewage treatment system shall be as established by the City Council. The manner of determining the volume dumped shall be at the discretion of the City Engineer.

§ 177-68. Concurrent requirements.

The applicant for a license to truck or haul wastes shall be the owner of the vehicle or vehicles to be used for such discharge. Any false or misleading statement in any license application shall be grounds for invalidating the license. All licenses issued by the City Engineer for this purpose shall be for one year. The licensee shall also be duly permitted by the NYSDEC under 6 NYCRR Part 364 (364 permit). If for any reason the 364 permit is revoked, lapses or becomes invalid, then the license issued under this article shall be subject to the inspection and regulations as established by the City Engineer, the terms and conditions of the license and all local and general laws, ordinances and regulations which are now or may come in effect, and such license may be suspended or revoked at any time by the City Engineer for willful, continued or persistent violation thereof.

§ 177-69. Dumping location and timing.

The City Engineer may require discharging at only certain locations within the sewage treatment system and only at certain times and on only certain days of the week or seasons of the year as shall be stated on said license or as may be relocated by the City Engineer after appropriate notice. The time and conditions for permissible discharge shall be as set forth on the license or as may be revised by the City Engineer after appropriate notice.

§ 177-70. Notification of dumping.

Each discharge of trucked or hauled wastes shall be made only with the approval of the City Engineer. The City Engineer may require inspection, sampling and analysis of each load prior to the discharge of a load. Any extra costs associated with such inspection, sampling and analysis shall be paid by the licensee.
# Chapter 181

## SOLID WASTE

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ARTICLE I
Spring SeasonalCleanup
[Adopted 4-10-1989]


The following policy shall be established by the City Council for the collection of yard waste:

A. A spring and fall cleanup for yard waste shall be completed by the Department of Public Works (DPW) on an annual basis. The Director of Public Works shall ensure that the dates for the cleanups are publicized in advance and done on an area-by-area basis.

In the spring, yard waste may be placed on the home owners’ property between the edge of the street and the sidewalk or along the edge of the street if no sidewalk exists as soon as weather permits. It is prohibited to place yard waste in the street. Collection will start no later than May 1 of each year and will run through the week leading up to Memorial Day. The last day to place material out for pick up is the second to last Sunday in May (i.e. if Memorial Day is May 28th, then the last day to put material out for pick up is May 20th). There will be no penalties for putting out yard waste early during this cleanup cycle.

The fall cleanup will start during the last full week of October, but no later than November 1st. As with the spring cleanup, yard waste may be placed between the edge of the street and the sidewalk or along the edge of the street if no sidewalk exists on the home owners’ property. It is prohibited to place yard waste in the street. DPW will continue the fall collection process until late November or until weather no longer permits. The last day to place material out for pick up is the Sunday before Thanksgiving.

Storm related debris will be picked up by the City’s DPW on an on-call basis. City residents can contact DPW during regular business hours to schedule a pickup.

Free, year-around drop off of yard waste is available to all City residents at the City’s land clearing debris landfill located on outer Champlain Street on scheduled drop-off days.

B. “Yard waste” shall be defined as:
   (1) Leaves
   (2) Brush
   (3) Small branches, sticks and twigs cut to manageable sizes.
   (4) Tree limbs and small trees less than six (6) inches in diameter. They must be cut into sections less than six (6) feet in length.
Note: Larger trees and limbs taken down by the home owner or a contractor may be dropped off at no charge at the City’s land clearing debris landfill located on outer Champlain Street on scheduled drop-off days or on an on-call basis. The City will not pick up trees taken down by a contractor.

C. One Time Summer Pickup

1) In addition to the Spring and Fall pickups, the City will conduct one summer pickup just before the Annual Seaway Festival (last full week in July).

2) Property owners can place their yard waste out for pick up two weeks before the festival, but no later than the Sunday prior to the commencement of the festival. DPW will conduct City wide pick-up Monday – Friday before the festival (see example below).

   Seaway Festival – Saturday – July 21st to Sunday – July 29th
   Material can start to be placed out for pickup on Sunday – July 8th
   Last day to put out material, Sunday – July 15th
   DPW will perform pickup between Monday – July 16th and Friday – July 20th

3) Yard waste shall be placed on the home owners’ property at the street’s edge, between the street and sidewalk, if a sidewalk exists.

ARTICLE II
Waste Haulers
(Ch. 48 of the 1975 Ogdensburg Municipal Code)]


The City Council of the City of Ogdensburg hereby determines it appropriate to promote the separation and recovery of reusable and recyclable materials from the waste stream to the extent that economic markets or alternate uses exist. Further the City Council is desirous of complying with the provisions of New York State General Municipal Law § 120-aa.


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

   CITY -- The territory within the incorporated boundaries of the City of Ogdensburg.

   CITY COLLECTION -- The seasonal collection of yard waste (leaves, brush and tree limbs less than six inches in diameter) by City Department of Public Works crews as advertised in the official newspaper of the City.

   CITY COUNCIL -- The City Council of the City of Ogdensburg.

   COMMINGLED WASTE -- The presence of solid waste and recyclables in same bag or
container.

COMPOSTABLE -- A form of recycling where vegetable and other organic materials are biologically decomposed under conditions which discourage nuisance odors, vermin and/or litter to produce humus, a valuable soil additive.\textsuperscript{76}

\footnotesize{Editor's Note: The former definition of "permit," which immediately followed this definition, was repealed 1-24-2000 by Ord. No. 00-1.}
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PERSON -- Any individual, head of household, landlord, tenant, chief executive person, owner or manager of a commercial or industrial establishment or institution which generates or collects and transports solid waste, and any other generator of solid waste as defined herein.

RECYCLABLES -- Any material that after having served its intended specific purpose still has useful or physical or chemical properties that enables it to be feasibly separated, recovered, processed, marketed and/or reused. "Feasibly recovered" shall mean that an "economic market" as defined in the General Municipal Law, § 120-aa exists for a material that is recyclable.

REUSABLES -- Any item which has been discarded by an owner but has an effective life and use for another person.

SOLID WASTE -- All non-recyclable materials or substances discharged or rejected as being spent, useless or worthless to the owners at the time of such discard or rejection or as being accumulated, stored or physically, chemically and biologically treated prior to being discarded or rejected having served their intended use in having no economic reuse as measured by the cost of processing such waste for reuse as compared to the cost of discarding said waste in landfills, storage or incinerators. "Solid wastes" are, in addition, all portions of the waste stream which do not have "economic markets" as defined in the General Municipal Law § 120-aa. The medical waste is hereby excluded from this definition.

SOURCE SEPARATION -- The segregation of reusable and/or recyclable materials at the point of generation for separate collection, sale or other disposition.


A. Hours of collection. It shall be unlawful and a violation of this article to make any collection within the City of Ogdensburg prior to 5:00 a.m. and after 7:00 p.m., Monday through Saturday, or at any time on Sunday.

B. Standards for recycling.

(1) All solid waste haulers conducting business within the City of Ogdensburg shall provide a source separation system designed to achieve maximum on-site recovery of reusable or recyclable materials specified herein and shall collect and transport said materials directly to market or to resource recycling facilities in compliance with the laws of the State of New York and regulations implementing those laws. A copy of the acceptable recyclables list, sorting and handling requirements, and best practices is available through the St Lawrence County Solid Waste Department or North Country Recycles.

All persons, firms or corporations who carry or transport solid waste shall when so carrying said items over the city streets in the City of Ogdensburg, New York, cover such solid waste with a tarpaulin or other material or shall carry such solid waste in containers so as to prevent such material in being bounced, jarred or blown off from the transporting vehicle. No person, firms or corporations who carry or transport solid waste over the city streets in the City of Ogdensburg shall operate in any manner which violates the Vehicle and Traffic Law of the State of New York or unreasonably endangers the safety of passengers in the vehicle carrying waste or other persons on the city streets in the City of Ogdensburg, New York.


A. No person shall dispose of solid waste, including recyclable materials, in the City of Ogdensburg unless the solid waste is picked up by a hauler or transported to an approved County or private facility. A person may engage in composting within the City of Ogdensburg, provided that composting meets all applicable state laws and regulations. Composting on home grounds shall be permitted, provided that:

1. The composting process is carried out within a bin or other suitable aboveground enclosure.

2. The compost pile is turned or otherwise aerated as required to prevent nuisance odors from developing.

3. Fresh kitchen or garden waste that could attract vermin are buried within the pile.

B. No person shall bring solid wastes into the City of Ogdensburg for the purpose of disposing of them unless all solid wastes are source-separated as defined in this article and unless those solid wastes are destined to be delivered to a solid waste management facility as defined in Part 360 of the regulations of the Department of Environmental Conservation. A person shall be permitted to dispose of solid waste and recyclable materials or reusable materials by transferring or selling those materials to a hauler or to another person for that person's use or by transporting them to a "solid waste management facility" as defined in Part 360 of the regulations of the Department of Environmental Conservation of the State of New York, provided that the solid waste management facility is designed to accept the materials so delivered. A person within the City of Ogdensburg shall be in violation of this article by disposing of solid waste or recyclable materials in any other manner.
C. The hauler shall prohibit residential customers from using opaque or translucent plastic bags for the disposal of solid waste or recyclables at curbside. Transparent plastic bags are acceptable. Haulers who collect opaque or translucent plastic bags or transparent bags with commingled waste that is not separated shall be subject to the enforcement penalties noted in § 181-7.


A. All provisions of this article shall be enforced by the City of Ogdensburg.

B. Failure to comply with this article by any person or hauler shall be an offense punishable as provided herein and shall be treated as a "violation" as it relates to this chapter.

C. Maximum penalties for the violation of the provisions of this chapter shall be:

1. A first offense of any violation of this chapter shall be punishable by a maximum fine of $25, a charge to the violator for all costs incurred by the City of Ogdensburg in removing the yard waste, prohibited yard waste materials, solid waste and/or recyclables which caused the violation and a ten (10%) percent administration fee and shall be payable upon demand of the City of Ogdensburg.

2. A second offense within one year of the first violation of this chapter shall be punishable by a fine of not more than $85, all removal costs incurred by the City of Ogdensburg in removing the yard waste, prohibited yard waste materials, solid wastes and/or recyclables which caused the violation and a ten (10%) percent administration fee and shall be payable upon demand of the City of Ogdensburg.

3. Subsequent violations within a year of the date of the first violation of this chapter shall be punishable by a fine of not more than $500, a charge for all costs incurred by the City of Ogdensburg in removing the yard waste, prohibited yard waste materials, solid wastes and/or recyclables which caused the violation and a ten (10%) percent administration fee and shall be payable upon demand of the City of Ogdensburg.


The removal of building demolition debris shall be exempt from the provisions of this article where the hauler is in possession of a valid demolition permit from the City of Ogdensburg Code Enforcement Office.
§ 181-9. Unlawful acts. [Amended 4-26-2010 by Ord. No. 5-2010]

No person shall drop, deposit or otherwise dispose of any solid waste or recyclables within the boundaries of any street, road, highway or public place of said City of Ogdensburg or upon any private property adjacent to any such street, road, highway or public place except as permitted by this article. No person shall allow, permit or cause to exist any unsanitary or filthy condition in or about any premises owned, used or occupied by said persons. No person shall ignite or burn or cause to be ignited or burned within the City of Ogdensburg any solid waste or recyclables unless permitted by this article and unless those wastes are placed in an incinerator constructed for such purpose and properly installed and equipped in conformity with all laws, rules and regulations pertaining thereto. No person shall bury on private property any solid waste, garbage, whole or portions of buildings with the exception of foundation walls consisting of stone, brick or masonry. This section may be enforced by either the City of Ogdensburg Police Department or the Code Enforcement Division of the Ogdensburg Fire Department.

ARTICLE III
Placement for Collection
[Adopted 12-7-1992 by L.L. No. 3-1992]

§ 181-10. Placement of solid waste for collection; disposal or donation.

All items intended for collection, disposal or donation are to be placed on the city's right-of-way, immediately adjacent to, but not on or obstructing public streets, alleys, lanes, fire hydrants, sewers, catch basins, sidewalks or walkways, in a neat and orderly manner. Items may be placed immediately in front of the property from which it was generated and on no other location or property.

A. Collection; Disposal - It is the property owner's responsibility to arrange for the proper and prompt disposal of these items from the appropriate disposing entity. All applicable solid waste codes must be adhered to. Owner is fully responsible for all items and any cleanup or pickup costs associated with said items.

B. Donations – It is the property owner’s responsibility to manage donated items, “free stuff” on a daily basis. Items cannot be left out overnight and must be clearly marked as “free”. Owner is fully responsible for all items and any cleanup or pickup costs associated with said items. Donated items displayed for a period not to exceed 3 days.

C. Notice and Cost

(1) The written notice shall be served upon the owner, either personally or by first-class prepaid mail, addressed to the last known address of the owner as said address is shown on the records of the Assessor. If the name of the owner or his last known address cannot be ascertained, notice shall be given by posting in a conspicuous place on the adjoining land.

(2) If the owner shall fail to comply with the notice within 24 hours, the City shall pickup and properly dispose of identified items at the owner’s expense.
(3) Owner will be billed all costs associated with time, equipment and disposals fees. Repeat offenders will be assessed a fine not to exceed 100% of costs to manage administrative costs.
Chapter 185

SPRAY PAINTING, OUTDOOR

§ 185-1. Definitions.

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

SPRAY PAINTING -- Any method that propels paint through the air and onto a surface through the utilization of pressure, either hydraulic or pneumatic.

§ 185-2. License required.

No person or business shall conduct outdoor spray painting for a fee or other compensation in the City of Ogdensburg without first obtaining a license and having the same in force and effect under provisions of this chapter.

§ 185-3. Application requirements.

A. General requirements. Each applicant for an outdoor spray painting license must comply with the following to the satisfaction of the City Clerk:

(1) Must first have obtained a valid certificate of insurance for general liability insurance of not less than one hundred thousand dollars ($100,000) from an insurance provider admitted by the New York State Insurance Department.

(2) Must agree to present a valid certificate on insurance as cited above and present this document annually to the City Clerk.

(3) Must complete the form provided by the City Clerk for this purpose, which shall include a signature by the applicant.

B. City Clerk. Any false or misleading statement of the applicant shall be grounds for withholding or revocation of the outdoor spray painting license by the City Clerk.

[HISTORY: Adopted by the City Council of the City of Ogdensburg 4-8-1991 (Ch. 24 of the 1975 Ogdensburg Municipal Code). Amendments noted where applicable.]
§ 185-4. License fees. [Amended 9-28-2009 by Ord. No. 11-2009]

The fee for an outdoor spray painting license shall be a one-time charge of twenty-five dollars ($25.). If a fee has been suspended or revoked it may be re-instated for a one-time charge of twenty-five dollars ($25.).

§ 185-5. Suspension or revocation of license.

An outdoor spray painting license may be suspended or revoked for cause after a hearing by the City Clerk. Any violation of any of the provisions of this chapter shall be considered cause for the suspension or revocation of an outdoor spray painting license under this chapter.

§ 185-6. Penalties for offenses.

Failure to possess a valid license or failure to maintain a valid certificate of insurance as described above shall constitute a violation under this chapter. The penalty for each violation under this chapter shall be two hundred fifty dollars ($250.).
ARTICLE I
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ARTICLE II
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ARTICLE III
Complete Streets

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[HISTORY: Adopted by the City Council of the City of Ogdensburg as indicated in article histories. Amendments noted as applicable.]

CHARTER REFERENCES

Department of Public Works -- See Art. X.

GENERAL REFERENCES

Brush, grass and weeds -- See Ch. 83.
Littering -- See Ch. 131.
Sewers -- See Ch. 177.
Subdivision of land -- See Ch. 193.
Vehicles and traffic -- See Ch. 209.
ARTICLE I
Use; Maintenance

§ 189-1. Placement of materials restricted. [Amended 5-28-2013 by Ord. No. 8-2013]

A. No person shall place or deposit, except as hereinafter provided, on any sidewalk or in any street or lane any sign, cask, box, crate, stone, vehicle, trailer, lumber or other substances or materials. Each twenty-four-hour period the same shall remain shall constitute a separate violation.

B. The deposit or placement of such items or material on streets and sidewalks shall be permitted, however, while loading or unloading a vehicle.

§ 189-1.1. Placement of materials between developed or undeveloped sidewalks and curbs or on streets, highways or public places. [Added 4-23-2001 by Ord. No. 4-2001; Amended 5-28-2013 by Ord. No. 8-2013; Amended 10-14-2014 by Ord. No. 13-2014; Amended 5-26-2015 by Ord. No. 11-2015]

A. Except as herein provided, no person shall put, place or allow any structure, unregistered motor vehicle or trailer, rubbish or other material, temporarily or otherwise, between the developed or undeveloped sidewalk and the curb, or the city right-of-way should there be no sidewalk, or on the traveled portion of any street, sidewalk, highway or other public place. This prohibition shall not be applicable to garbage and trashcans placed in front of an owner or lessee's premises after dusk on the day before a regularly scheduled trash pickup. Further, this prohibition shall not be applicable to yard waste placed in a manner conforming to § 181-10 of Article III of Chapter 181 for collection pursuant to § 181-1 of Article I of Chapter 181 of the Municipal Code of the City of Ogdensburg. Further, this prohibition shall not be applicable to any structure for which a property owner or lessee holds a valid permit allowing the placement thereof.

B. "Rubbish" shall mean any refuse, filth, dirt, waste matter, sweepings, garbage, putrescible mailer, decomposable or organic mailer, carcass, sewage, excrement, swill, slops, malodorous or obnoxious liquids or substances, compost, ashes, soot, tin cans, leaves, tree limbs, tree trunks, brush, weeds, grass, straw, hay, excelsior, shavings, barrels, crates, boxes, litter, easily combustible matter, used furniture or appliances or other substance or material offensive or dangerous to the public or detrimental to its health.

C. Parking of a registered motor vehicle or trailer between the developed or undeveloped sidewalk and the curb, or the city right-of-way should there be no sidewalk, is only allowed directly in front of owner’s property, within clearly identifiable residence property lines. Enforcement action for this provision will only be initiated upon receipt of a valid complaint filed by the actual property owner.

D. The City of Ogdensburg is hereby empowered to tow any registered or unregistered motor vehicles or trailers parked in violation hereof. Said towing shall not eliminate liability for penalties hereinafter set forth.
E. Penalties. Failure to comply with this section by any person shall be an offense punishable as provided herein, and a conviction shall be a "violation" as defined by the Penal Law of the State of New York. Violations shall be punishable by a fine of up to $100. Each 24 hours that a violation is continued shall be deemed a separate offense.


A. No person shall place and keep building materials of any kind in any street or on any sidewalk except with written permission of the Director of Public Works as hereinafter provided.

B. The Director of Public Works may grant permission, in writing, to any person to place and keep any building materials in any of the public streets for the purpose of building or repairs, for a period not exceeding three months; but such permission shall not authorize the obstruction of more than 1/3 the sidewalk and 1/3 of the paved portion of the street opposite the lot on which any erection is to be made by the person to whom such permission is granted, and such permission may, at any time, be revoked by the Director of Public Works on one day's notice.

C. The Director of Public Works as a condition for granting permission may require the person to whom the permission is granted to provide and maintain fencing, barriers, warning lights and temporary signs and structures as he deems necessary to adequately protect the public and lessen the interference with the public of the use of adjoining streets and sidewalks.


No person shall place or set out for sale any goods on the sidewalk, in front of and within three feet of the store or building or to occupy the sidewalk in front of the same except as may be necessary in receiving and delivering articles to or from such premises. This provision shall not apply if such displays and/or sales are part of a general festival or celebration endorsed or promoted by the City of Ogdensburg.


A. No person shall put up or erect or suffer to remain any sign, showcase or other thing projecting into or hanging over the street or sidewalk or between the sidewalk and the street curbing without first obtaining a written permit from the Director of Planning and Development of the City of Ogdensburg and having filed with the Director of Planning and Development written application therefor and an insurance policy or certificate of insurance insuring the city against liability for personal injury and property damage to a sum not less than $100,000. [Amended 12-7-1992 by L.L. No. 3-1992]

B. The Director of Planning and Development is hereby authorized to issue permits for the erection of said signs or other things upon the filing of the proper bond, insurance policy or certificate of insurance.
§ 189-5. Projections over streets. [Amended 12-12-1989 by Ord. No. 17-1989]

No person shall erect or place or cause or procure to be erected or placed any building or structure extending or projecting over any street, except by any cornice, window cap or ornamental moulding on any building, projecting into the street three feet or less.

§ 189-6. Excavating or injuring streets or sidewalks. [Amended 12-12-1989 by Ord. No. 17-1989]

No person shall tear up or injure any pavement, planking, sidewalk, bridge or crosswalk, drain or sewer in any street or public place or shall dig any hole or ditch therein without the permission of the Director of Public Works as provided in Article II of this chapter.


No person shall, without permission from the Director of Public Works, dig, remove or carry away or cause to be dug, removed or carried away any stone, earth, sand, gravel or other material from any street or public place.

§ 189-8. Construction or improvement of sidewalks. [Amended 12-12-2016 by Ord. No. 21-2016]

A. No person shall construct, improve, renew or replace any sidewalk unless the grade and width thereof be fixed and material and the manner of construction be prescribed by the Director of Public Works.

B. When the City Council deems that it is in the interest of the general public that sidewalks should be constructed or that unsafe existing sidewalks be reconstructed, the city, by written notice, shall require the owner of adjoining lands, or may, at its option, construct or replace said sidewalks.

(1) Such sidewalks shall be constructed in accordance with the standard specifications for installation of public sidewalks. The standard specifications for installation of public sidewalks shall be developed by the Director of Public Works and revised from time to time in accordance with generally accepted engineering practices for sidewalk construction and installation. The Director of Public Works is also responsible for establishing the reimbursement rate for sidewalk construction on an annual basis in the spring of the year.

(2) The written notice shall be served upon the owner of adjoining lands, either personally or by first-class prepaid mail, addressed to the last known address of the owner as said address is shown on the records of the Assessor. If the name of the owner or his last known address cannot be ascertained, notice shall be given by posting in a conspicuous place on the adjoining land.

C. If the owner shall fail to complete such construction or reconstruction within 30 days of the service of the notice, the City shall cause the sidewalks to be constructed.
D. In cases where required the construction has been performed and verified, the cost of such construction shall be shared by the adjoining owner paying 50% and the City 50%, except for corner lots, which shall be assessed 50% for the shorter street frontage of the parcel and 25% for the longer frontage. Tax-exempt entities shall pay the full cost of such construction.

E. Assessment of costs.
   (1) Whenever expenditures are to be shared pursuant to §189-8D, the City Council shall serve a notice of at least 10 days upon the owner of such property stating that such expenditure has been made, its purpose and amount and that at a specified time and place it will meet to make an assessment of the expenditure upon such land. The City Council shall meet at the time and place specified. It shall hear and determine all objections that may be made to such assessment, including the amount thereof, and shall assess upon the land the amount as determined pursuant to § 189-8D, not exceeding the amount stated in the notice.

   (2) If the amount so assessed is not paid within 30 days after such assessment, an action to recover the amount may be maintained by the city against the owner, or the amount thereof may be included in the next annual tax levy, or if such sidewalk construction was financed with municipal bonds, the amount may be levied annually during the term of such municipal bonds. Nothing herein contained shall be construed to prohibit the financing of the amount of such unpaid assessments pursuant to the Local Finance Law.

F. If/when monies are made available by the Council during the annual budgetary process for sidewalk construction, property owners are eligible for reimbursement in accordance with paragraph “D” (above) based upon the established reimbursement rate until funds have been exhausted. This is a first-come, first-serve program. Property owners wishing to take advantage of this program are required to provide a “paid in full” invoice to the Department of Public Works. The DPW will verify all work has been properly completed and submit reimbursement paperwork to the City Comptroller’s Office if funds are available.


The occupant of every building or lot and the owner of every unoccupied building or lot adjoining which there is any sidewalk shall keep the same clean and free from dirt and rubbish, snow and ice. The owner of every building or lot adjoining which there is a sidewalk shall maintain the same in a state of good repair to provide safe passage to pedestrians. If any such person shall fail, neglect, or refuse to comply with the requirements of this section, the Director of Public Works may perform such work and the cost of the same, together with an additional charge of 50% thereon to cover cost of supervision and administration by the city, shall constitute a lien upon filing in the office of the City Comptroller and shall be collected at the same time and in the same manner as general City taxes.

§ 189-10. Moving buildings or oversize loads.

No person shall move any building, part of a building or oversize loads as specified in Vehicle and Traffic Law § 385 over, across or through any city street, lane or alley except with written permission of the Director of Public Works. Every such permit may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by the Director of Public Works. All permits issued shall be revocable by the Director of Public Works at his discretion without a hearing or the necessity of showing cause.

No person shall, with intent to alter the top grade or earth of any street, alley, lane, square, sidewalk or crosswalk, remove, alter, pull up or move any post, pin, pipe, stake or mark or cause the same to be done which has been fixed or placed by the surveyor or engineer employed by the City.


Failure to comply with this section by any person shall be an offense punishable as provided herein, and a conviction shall be a "violation" as defined by the Penal Law of the State of New York. Violations shall be punishable by a fine of up to $100. Each 24 hours that a violation is continued shall be deemed a separate offense.

ARTICLE II
Street Excavations

§ 189-13. Written consent required; fees; surface alterations between curb and sidewalk. [Amended 6-25-2001 by Ord. No. 8-2001]

A. Application to Director of Public Works. No person shall open or cause to be opened by cutting or digging the surface, pavement or soil in any street, highway or public place under the jurisdiction of the city without first obtaining the written consent of the Director of Public Works and paying the prescribed fees therefor, or without complying with the provisions and condition relating thereto as hereinafter provided.

B. Fees established by City Council. The City Council shall by resolution establish a uniform set of fees, for the written consent, which shall be based upon the estimated actual costs and expenses to be borne by the city in restoring the street, highway or other public property to its former usefulness. The City Council may, from time to time, change said fees to reflect changes in costs and expenses.

C. Notwithstanding the provisions of Subsections A and B, above, a property owner may choose to cover the grass surface of property directly adjacent to his front yard lot line, and between the sidewalk and curb, with paving block, concrete or "Checker Block" (or its equivalent), under the following stipulations:

1. The property must be a single-family house.
2. The property must have no side yard suitable for a driveway.
3. There must be no other access to the property for parking.
4. There must be a minimum of seven feet in width between the sidewalk and curb, and the maximum area to be paved shall be eight feet in width and 20 feet in length.
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(5) There must be no trees removed as a result of the paving.

(6) Vehicles parked in the paved area will not, at any time, obstruct the sidewalk.

(7) The paved area shall be installed and maintained according to the specifications of the Director of the Department of Public Works.

(8) There must be unanimous consent of all property owners within a one-hundred-foot radius of the center point of the grassy area to be altered. The Director of the Department of Public Works shall notify the affected property owners, who shall be given 10 days within which to indicate, to the Director, their consent or disapproval of the proposed alteration. The cost of notification shall be borne by the property owner seeking to make the alteration.

(9) The property owner seeking to make the subject alteration shall provide proof, acceptable to the City Attorney, of title ownership (subject to rights-of-way and easements of the city and/or other infrastructure owners) of the property to be altered.

(10) There shall be no alteration of any area within twenty (20) feet of a crosswalk (as the same is defined by the Vehicle and Traffic Law of the State of New York).

(11) The property owner must assume responsibility for restoration of the area if the paved area needs to be excavated by the city or other infrastructure owners.

(12) There shall be no paving or alteration within four feet of the property line.

(13) The property owner must agree not to park in the paved area from April 1 through November 30.

§ 189-14. Excavations to be guarded.

Any person making or causing to be made any such excavation in the streets, highways or public places of the city shall properly guard or barricade such excavation at all times, and install and maintain adequate and sufficient warning devices to warn the public, and shall restore the street, highway or public property to its former usefulness according to the next section of this Article.

§ 189-15. Filling of excavations; restoration by City.

All excavated materials shall be removed, following which all openings shall be carefully backfilled for their entire length, width and depth in the street or highway area, including the area between the curb and the property line, with bank run gravel or crushed stone well tamped. Additional bank run gravel or crushed stone shall be added by the permittee as long as any settlement occurs, following which the pavement, curbing or other improvements shall be restored by the city, as required.
§ 189-16. Public service corporations.

A. Bond in lieu of paying fees. Public service corporations may, in lieu of paying the fees established pursuant to § 189-12 of this Article, file with the City Clerk a bond to be approved as to form, amount and sufficiency of sureties by the City Attorney, conditioned upon the proper restoration of streets, highways and public places, in accordance with the directions of the Director of Public Works and to his satisfaction; the payment to the city, upon demand, of and costs and expenses incurred by said city; and the saving of the City of Ogdensburg, its officers and its employees, harmless of any loss, injury or damage due to opening streets, highways or public places or to any negligence or fault of such corporation, their employees or agents, in connection therewith.

B. Separate permits not required; amount of bond. All persons engaged within the City of Ogdensburg in the telephone, gas or electric business or any other business, the nature of which would require or result in frequent applications for permits to make obstructions or excavations in the streets, highways or public places of the City, shall not, however, be required to obtain separate permits but in all such cases, a general bond shall be given in lieu of any permit indemnifying the City of Ogdensburg from any and all loss, cost or damage as aforesaid resulting or arising directly or indirectly at any time from any act done by said public service corporation. Said bond shall be in that amount as determined by the City Council and shall be renewed annually or as long as such person continues to do business within the City of Ogdensburg.

C. Notification required.

(1) Notwithstanding the foregoing, public service corporations shall advise the Director of Public Works in writing as soon as feasible but no later than 30 days prior to making any obstructions or excavations of its intention to do so, except in case of emergency in which event notification shall be made as soon as possible prior to or after the emergency and need not be in writing.

(2) The Director of Public Works shall have the power and authority to direct any public service corporation to coordinate its work with the city, its independent contractors or other persons authorized to make excavations or work in streets, highways or public places.

D. Backfilling requirements. Excavations made by a public service corporation must be backfilled by it with bank run gravel or crushed stone, in accordance with the provisions of § 189-15 of this Article, except that the pavement, curbing and other improvements must be restored by and at the expense of said corporation.

§ 189-17. Penalties for offenses. [Amended 12-7-1992 by L.L. No. 3-1992]

Any person who shall violate any of the provisions of this Article shall be punished as provided in Chapter 1, General Provisions, § 1-3.
§ 189-18. Definition.

“Complete Streets” means streets that are designed and operated to enable safe access for all users, in that pedestrians, bicyclists, motorists and public transportation users of all ages and abilities are able to safely move along and across a street.

§ 189-19. Policy.

The City shall develop a safe, reliable, efficient, integrated and connected multimodal transportation system that will promote access, mobility and health for all users, and will ensure that the safety and convenience of all users of the transportation system are accommodated, including pedestrians, bicyclists, users of public transit, people of all ages and abilities, motorists, emergency responders, freight providers and adjacent land users.

§ 189-20. Scope of Applicability.

A. All City-owned transportation facilities in the public right-of-way including, but not limited to, streets, bridges and all other connecting pathways shall be designed, constructed, operated, and maintained so that users of all ages and abilities can travel safely and independently.

B. Privately constructed streets and parking lots shall adhere to this policy.

C. The City shall foster partnerships with the State of New York, St. Lawrence County, neighboring communities, business and school districts to develop facilities and accommodations that further the City's complete streets policy and continue such infrastructure beyond the City's borders.

D. The City shall approach every transportation improvement and project phase as an opportunity to create safer, more accessible streets for all users. These phases include, but are not limited to: planning, programming, design, right-of-way acquisition, construction, construction engineering, reconstruction, operation and maintenance. Other changes to transportation facilities on streets and rights-of-way, including capital improvements, re-channelization projects and major maintenance, must also be included.


A. Any exception to this policy, including for private projects, must be reviewed and approved by both the Director of Public Works and the Director of Planning and Development and be documented with supporting data that indicates the basis for the decision. Such documentation shall be publicly available.

B. Exceptions may be considered for approval when:
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(1) An affected roadway prohibits, by law, use by specified users (such as an interstate freeways or pedestrian malls), in which case a greater effort shall be made to accommodate those specified users elsewhere, including on roadways that cross or otherwise intersect with the affected roadway;

(2) The activities are ordinary maintenance activities designed to keep assets in serviceable condition (e.g. mowing, cleaning, sweeping, spot repair and surface treatments such as chip seal or interim measures);

(3) The Director of Public Works issues a documented exception concluding that the application of Complete Streets principles is unnecessary, unduly cost prohibitive, or inappropriate because it would be contrary to public safety; or

(4) Other available means or factors indicate an absence of need, including future need.

§ 189-22. Design Standards.

The City shall follow accepted or adopted design standards and use the best and latest design standards available. These standards include, but are not limited to: ITE Designing Walkable Urban Thoroughfares: A Context Sensitive Approach; and AASHTO Guide for Planning, Designing and Operating Pedestrian Facilities.

In recognition of context sensitivity, public input and the needs of many users, a flexible, innovative and balanced approach that follows other appropriate design standards may be considered, provided that a comparable level of safety for all users is present.

§ 189-23. Performance Measures and Reporting.

A. The City shall measure the success of this Complete Streets policy using, but not limited to, the following performance measures:

   (1) Total miles of bike lanes
   (2) Linear feet of new pedestrian accommodation
   (3) Number of new curb ramps installed along city streets
   (4) Crosswalk and intersection improvements

B. An annual report will be made by the Complete Streets Active Living Task Force to the Ogdensburg City Council showing progress made in implementing this policy. The annual report on the annual increase or decrease for each performance measure contained in this ordinance compared to the previous year(s) shall be posted on-line for each of the above measures.


A. The City of Ogdensburg shall view Complete Streets as integral to everyday transportation decision- making practices and processes. To this end:
(1) The Department of Public Works, the Department Planning and Development, and other relevant departments, agencies, or committees will incorporate Complete Streets principles into all existing plans, manuals, checklists, decision-trees, rules, regulations, and programs as appropriate (including, but not limited to the Local Waterfront Revitalization Program, the Comprehensive Plan, Transportation Capital Program, and other appropriate plans);

(2) The Department of Public Works, the Department Planning and Development, and other relevant departments, agencies, or committees will review current design standards, including subdivision regulations which apply to new roadway construction, to ensure that they reflect the best available design standards and guidelines, and effectively implement Complete Streets, where feasible;

(3) When available, the City shall encourage staff professional development and training on non-motorized transportation issues through attending conferences, classes, seminars, and workshops;

(4) City staff shall identify all current and potential future sources of funding for street improvements and recommend improvements to the project selection criteria to support Complete Streets projects;

(5) The City shall promote inter-departmental project coordination among City departments with an interest in the activities that occur within the public right-of-way in order to better use fiscal resources;

(6) Every Complete Streets project shall include an educational component to ensure that all users of the transportation system understand and can safely utilize Complete Streets project elements.

§ 189-25. Complete Streets Active Living Task Force.

A. There is hereby created a Complete Streets Active Living Task Force for the City of Ogdensburg.

B. The Task Force shall consist of seven (7) members holding staggered three-year terms appointed by the Mayor and City Council. [Amended 11-10-2014 by Ord. No. 16-2014]

C. The purpose of the Complete Street Active Living Task Force is to promote health through physical activity and active transportation for all users, specifically, the most vulnerable - children, older adults, and those with disabilities within Ogdensburg.
§ 193-1. Purpose.

The purpose of this chapter is to assure the orderly development of residential areas, the coordination of existing streets and public utilities with new services, the proper division of open spaces for passive and active recreation and the proper location of future sites for public buildings and shopping areas. The integration of all these services will be of mutual benefit to the developer in providing more stable values and to the future home owner in providing the necessary services at minimum cost and maximum convenience, thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens of the City.

§ 193-2. Authority to approve plats.

By a resolution adopted by the City Council on the 16th day of September 1953, pursuant to the provisions of Article 3 of the General City Law, the Planning Board of the City of Ogdensburg has the power and authority to approve plats for subdivisions within the City of Ogdensburg showing new streets or highways.
§ 193-3. Title.

This chapter shall be known and may be cited as the "City of Ogdensburg Subdivision Regulations of 1967."

§ 193-4. Definitions and word usage.

A. Generally. Words in the singular include the plural, and words in the plural include the singular. The word "building" includes "structure" and shall be construed as if followed by the words "or part thereof." The word "street" includes "road," "highway" and "lane," and "watercourse" includes "drain," "ditch" and "stream." The words "shall" or "will" are mandatory, and not directory, the word "may" is permissive.

B. Specific terms. Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings indicated:

ALLEY or SERVICE DRIVE -- A strip of land over which there is a right-of-way, municipally or privately owned, serving as a secondary means of access to two (2) or more properties.

BLOCK -- An area bounded by streets.

BOARD, PLANNING BOARD or CITY PLANNING BOARD -- The City of Ogdensburg Planning Board.

CROSSWALK -- A right-of-way, municipally or privately owned, at least ten (10) feet in width, which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

CUL-DE-SAC -- A residential street with one (1) end open for public vehicles and pedestrian access and the other end terminating in a vehicular turnaround.

EASEMENT -- A right granted to use certain land for a special purpose not inconsistent with the general property rights of the owner.

FINAL SUBDIVISION PLAN -- A plan prepared for recording by a registered engineer or surveyor. (See § 193-9.)

GRADING PLAN -- A plan showing all present and proposed grades for water drainage.

HALF STREET -- One-half (1/2) of a street right-of-way and paving, usually with its center line located on a property line.

IMPROVEMENTS -- Those physical additions and changes to the land that may be necessary to produce usable and desirable lots (grading, paving, curbing, gutters, fire hydrants, water mains, sanitary sewers, storm sewers and drains, sidewalks, crosswalks and street shade trees). (See § 193-7.)

LOT -- A parcel of land for transfer of ownership or building developing.
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PRELIMINARY PLAN -- A plan prepared by a registered engineer or surveyor or a qualified site planner, showing existing features of the land and proposed street and lot layout within and adjacent to a subdivision. (See § 193-8.)

RIGHT-OF-WAY -- Land opened for use as a street, alley or crosswalk.

STREET -- A right-of-way, municipally or privately owned, serving as a means of vehicular and pedestrian travel, furnishing space for sewers, public utilities and shade trees. The streets are classified by function as follows:

(1) LOCAL RESIDENTIAL STREET -- A street used as the principal means of access to adjacent residential properties serving only a comparatively small number of dwellings.

(2) COLLECTOR STREET OR ROAD -- A street or road connecting local residential streets to each other, to community facilities and to primary or major thoroughfares, serving only neighborhood traffic.

(3) PRIMARY OR MAJOR THOROUGHFARES -- A street connecting district centers, serving large volumes of through fast traffic, preferably located outside or bounding the residential neighborhoods.

SUBDIVIDER -- A person who is the registered owner, or authorized agent of the registered owner, of land to be subdivided.

SUBDIVISION -- A division of any part, parcel or area of land by the owner or agent either by lots or by metes and bounds into lots or parcels two (2) or more in number for the purpose of conveyance, transfer, improvement or sale with appurtenant roads, streets, lanes, alleys and ways, dedicated or intended to be dedicated to public use or the use of purchasers or owners of lots fronting thereon.

§ 193-5. Application; review procedures.

A. Application. Whenever any subdivision of land showing a new street or highway is proposed to be made, the subdivider shall apply in writing to the City Planning Board for approval of such subdivision. The application of the subdivider shall conform to the requirements of §§ 193-6, 193-7, 193-8 and 193-9 of this chapter. It is suggested that the proposed layout be discussed informally with the Planning Board as early as possible and before any engineering details are done. After the contours are prepared a sketch plan should be developed roughly indicating street and lot location. The Planning Board's knowledge of development activities and requirements should be of material assistance at this stage. It is further suggested that sketches showing the future development of the total area, if larger than the initial submission, be made and submitted for informal consideration by the Board prior to formal submission of any portion thereof.

B. Required copies of preliminary layout plan.

(1) The subdivider shall submit to the City Planning Board three (3) copies of each:
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(a) The preliminary layout plan as described in § 193-8, at a scale of not more than one hundred (100) feet to one (1) inch;

(b) A topographic map at the same scale; and

(c) Proposed street profile cross section and grading maps at appropriate scales.

(2) The preliminary layout will be jointly studied in connection with topography of the area, Chapter 221, Zoning, and the requirements of local plans for the area. Particular consideration will be given to the general requirements of the community, the best use of the land to be subdivided and the suitability of the land for development. Provisions for parks, playgrounds, school sites and other public use will be considered.

C. Tentative approval of preliminary plan. Upon tentative approval of the preliminary plan by the City Planning Board, it will communicate in writing within thirty (30) days to the subdivider, giving notice of:

(1) The specific changes to be made on the plan;

(2) The character and extent of the public improvements to be installed as a requirement of final plan approval; and

(3) The amount of performance bond or other assurances acceptable to the Planning Board, that the Planning Board will require in lieu of actual improvement construction.

D. Final approval of preliminary plan; time limit; filing of final subdivision plan.

(1) Upon completion of the changes requested by the City Planning Board, the subdivider will receive final approval of the preliminary plan. Such approval will remain in full force and effect for one (1) year thereafter, and within such time, the subdivider shall file with the Planning Board original drawings, on tracing cloth, of the final subdivision plan, grading plan and street profiles. These drawings shall be as described in § 193-9, at a scale of not more than one hundred (100) feet to the one (1) inch.

(2) This may consist of all or part of the preliminary plan as finally approved by the Planning Board. If it is only part of the total preliminary plan, the remainder must be submitted for final approval within a reasonable period of time.

(a) Offer of cession. The subdivider shall tender offers of cession in a form certified as satisfactory by the City Attorney of all land included in streets, highways or parks, not specifically reserved by him, but approval of the plan by the Planning Board shall not constitute an acceptance by the city of the dedication of any street, highway, park or other public open space.
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(b) Public hearing; approval or disapproval of final plan. A public hearing shall be held by the City Planning Board which hearing shall be advertised at least once in a newspaper of general circulation in the City of Ogdensburg at least five (5) days before such hearing. Upon receiving certificates of approval regarding the adequacy and completion of improvements from the appropriate City departments, the Planning Board shall then, within forty-five (45) days from the date of submission of the final plan and such certificates, approve, modify and approve or disapprove such plan; otherwise such plan shall be deemed to have been approved and a certificate of the City Clerk as to the date of the submission of the plan for approval and the failure to take action thereon within such time shall be issued on demand and shall be sufficient in lieu of the written endorsement or other evidence of approval herein required. The ground of refusal of any plans submitted shall be stated upon the records of the City Planning Board.

(c) Expiration of approval. The approval by the Planning Board or the certificate of the City Clerk as to the date of the submission and the failure of the Planning Board to take action thereon within forty-five (45) days, shall expire ninety (90) days from the date of such approval or such certificate, unless within such ninety (90) days such plan shall have been duly filed or recorded by the owner in the office of the County Clerk or registrar.

E. Completion of improvements before final plat approval. The developer shall complete in accordance with the requirements of the Planning Board all improvements listed in § 193-7 of this chapter; provided, however, that the Planning Board may waive, subject to appropriate conditions and guarantees, for such period as it may determine, the provision of any or all such improvements as in its judgment of the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety and general welfare. During and after installation of the improvements, official inspection shall be made by the Director of Planning and Development or his representatives who shall be at all times free to enter the development area during the period of improvement installation. The Director of Planning and Development shall issue certificates of approval to the City Planning Board upon completion of the improvements in accordance with the standards and specifications herein contained, such certificates to be a requirement to final plat approval. [Amended 12-12-1989 by Ord. No. 17-1989]

F. Performance bond in lieu of improvements. Alternatively, a performance bond sufficient to cover the full cost of the required improvements as estimated by the Planning Board or other appropriate city departments designated by the Planning Board shall be furnished to the city by the subdivider. Such performance bond shall be issued by a bonding or surety company approved by the City Attorney or by the subdivider with security acceptable to the City Council, and shall also be approved by the City Attorney as to form, sufficiency and manner of execution. Such performance bond shall run for a term to be fixed by the Planning Board, but in no case for a longer term than three (3) years; provided, however, that the term of such performance bond may be extended by the Planning Board with consent of the parties thereto. [Amended 12-12-1989 by Ord. No. 17-1989]
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G. Modification. If the Planning Board shall decide at any time during the term of the performance bond that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such performance bond or that required improvements have been installed as provided in these regulations and by the Planning Board in sufficient amount to warrant reduction in the face amount of said bond or that the character and extent of such development requires additional improvements previously waived for a period stated at the time of fixing the original terms of said bond, the Planning Board may modify its requirements for any or all such improvements, and the face value of such performance bond shall thereupon be reduced or increased by an appropriate amount so that the new face value will cover the cost in full of the amended list of improvements required by the Planning Board and any security deposited with the bond may be reduced or increased proportionately. [Amended 12-12-1989 by Ord. No. 17-1989]

H. Default. In the event that any required improvements have not been installed as provided in this section within the term of such performance bond, the City Council may thereupon declare said performance bond to be in default and collect the sum remaining payable thereunder, and upon the receipt of the proceeds thereof the city shall install such improvements as are covered by such performance bond and are commensurate with the extent of building development that has taken place in the subdivision but not exceeding in cost the amount of such proceeds.

§ 193-6. Design standards.

In addition to all other standards, specifications and codes adopted by the city, the following principles of land subdivision, minimum requirements and standards of good design shall be observed by the developer in all instances:

A. Land subject to flooding. Land subject to flooding and land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may involve danger to health, life or property or aggravate the flood hazard, but such land within the plan shall be set aside for such uses as shall not be endangered by periodic or occasional inundation.

B. Streets and roads.

(1) Street system.

(a) The development plan shall conform to such plan or plans for the city as shall have been prepared and adopted by the City Planning Board.

(b) Local residential streets in a new development should be so laid out as to discourage through traffic, but provision for the extension and continuation of major streets into and from adjoining areas is required. If the subdivision abuts a present or proposed primary or major thoroughfare, marginal interceptor streets running parallel to the thoroughfare should be provided.

(c) At all times, the street layout should be logically related to the topography of the land, as may be determined by the Planning Board.
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(d) Where the center lines of minor streets opening into opposite sides of a major thoroughfare are within two hundred (200) feet of each other, they shall be made to coincide by curbing or angling the minor streets.

(e) If the lots resulting from the original development are large enough for subdivision or if a portion of the tract is not subdivided, suitable access and street openings for such an eventuality shall be provided.

(f) Culs-de-sac in the local street system shall not exceed five hundred (500) feet in length and must be designed with a turnaround having an outside roadway diameter of at least one hundred (100) feet and a street property line diameter of at least one hundred forty (140) feet.

(g) Intersecting minor and secondary streets leading from the same subdivision shall not empty into the same side of a major thoroughfare at intervals less than eight hundred (800) feet.

(2) Street alignment.

(a) The minimum radius at the center line for curves on primary roads or major thoroughfares shall be five hundred (500) feet; for collector streets or roads, three hundred (300) feet; and for local residential streets it shall be one hundred fifty (150) feet.

(b) Except for local residential streets, there shall be a tangent of at least one hundred (100) feet measured at the center line between reverse curves.

(c) Proper sight distance should be provided with respect to both horizontal and vertical alignment. Measured along the center line, this should be four hundred (400) feet for primary roads or major thoroughfares; two hundred (200) feet for collect streets or roads; and one hundred (100) feet for local residential streets.

(d) Proper sight lines should be maintained at all intersections of streets. Measured along the center line, there should be a clear sight triangle of seventy-five (75) feet from point of intersection. No present or future building or obstruction will be permitted in this area.

(3) Street grades.

(a) There shall be a minimum grade of at least three-fourths of one percent (3/4 of 1%) on all streets; a maximum grade of six percent (6%) on primary roads, major thoroughfares and collector streets or roads; and ten percent (10%) on local residential streets for distances of one thousand five hundred (1,500) feet maximum.
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(b) Vertical curves shall be used in changes of grade exceeding one percent (1%) and should be designed for maximum visibility. Intersections shall be approached on all sides by leveling areas. Where the grade exceeds seven percent (7%), such leveling areas shall have a minimum length of fifty (50) feet within which no grade shall exceed a maximum of four percent (4%). The grade of actual intersections shall not exceed one percent (1%) in any direction.

(4) Street widths.

(a) Minimum street and pavement widths are shown on the accompanying chart of typical street cross sections.\[^{77}\]

(b) Additional widths may be required by the Planning Board:


[2] For parking in commercial or public use areas.

[3] Where old streets do not provide the proper widths and additional dedication is necessary.

(5) Street intersections.

(a) Multiple intersections involving the junction of more than four (4) roadways shall be avoided, and where such avoidance is impossible, such intersections shall be designed with extreme care for both vehicular and pedestrian safety.

(b) Right angle intersections shall be used whenever practicable especially when local residential streets empty into major or collector thoroughfares, there shall be no intersection angle, measured at the center line, of less than sixty degrees (60°) minimum.

(c) Street curb intersections shall be rounded by a tangential arc with a minimum radius of twenty (20) feet for local residential streets and thirty (30) feet for intersections, including collector streets or roads and primary roads or major thoroughfares.

(6) Other requirements.

(a) The dedication of half streets at the edge of a new subdivision is prohibited. If circumstances rendered this impracticable, adequate provision for the concurrent dedication of the remaining half of the street must be furnished by the subdivider. The existence of a half street in an adjoining subdivision will require the provision of the remaining half in the proposed subdivision.

\[^{77}\] Editor's Note: The chart of typical street cross sections is on file in the Planning Office.
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(b) Reserve strips controlling access or egress are prohibited. New streets shall be provided through to the boundary lines of the development especially if it adjoins acreage.

(c) Streets that are extensions of or obviously in alignment with existing named streets shall bear the names of the existing streets, subject to the approval of the Planning Board.

C. Blocks and lots.

(1) Blocks. In large blocks with interior parks, in exceptionally long blocks or where access to a school or shopping center is necessary, a crosswalk with a minimum right-of-way of ten (10) feet and a paved walk of at least four (4) feet in width shall be provided.

(2) Lots.

(a) The minimum lot size and frontage shall be controlled by the provisions of Chapter 221, Zoning, of the Code of the City of Ogdensburg.

(b) All corner lots shall be one and one-half (1 1/2) times the minimum width of the interior lots of the same block. All lots shall abut on a street, but double frontage lots are prohibited. If, after subdividing, there exists remnants of land, they shall be included in proposed or existing lot areas.

D. Building lines, utility easements and alleys.

(1) Building lines. The minimum building setback shall be controlled by the provisions set forth in Chapter 221, Zoning, of the Code of the City of Ogdensburg.

(2) Utility easements. If easements are used at the rear of lots to provide sewer, water, gas or electrical facilities, a minimum of ten (10) feet from the rear of each lot must be provided.

(3) Alleys. Alleys are prohibited in residential developments. In commercial or industrial districts without expressly designed loading areas, alleys with a minimum width of twenty-two (22) feet shall be required. Where such alleys dead-end, they shall be provided with a turnaround having an outside roadway diameter of not less than seventy-five (75) feet.

E. Dedications and reservations for public land use. Areas for parks and playgrounds shall be dedicated to the city and shall be of reasonable size. The Planning Board does not require an arbitrary percentage of area, but in most cases, the developer should set aside not less than ten percent (10%) of the area for these purposes. Where combinations of such areas with adjoining developments are feasible, this should be done. In all instances, full compliance with City plans is required, and the subdivider shall dedicate or reserve the needed portion of his area for whatever public purpose is determined by such plans and indicated thereon.
§ 193-7. Required improvements.

The following is a complete list of required improvements to be installed by the subdivider:

A. Street grading. All streets shall be graded to the grades shown on the street profile and cross-section plan submitted and approved with the preliminary plan. They shall be inspected and checked for accuracy by the City Engineer or his representative.

B. Storm and surface drainage. All storm sewers and drainage facilities such as gutters, catch basins, bridges and culverts shall be installed and the land graded for adequate drainage as shown on the grading plan submitted and approved with the preliminary plan. These also shall be inspected and checked for adequacy by the City Engineer.

C. Pavement.
   
   (1) All pavement for local residential streets and collector streets or roads shall be installed as shown on the preliminary plan.
   
   (2) All pavement shall conform to the road construction specifications adopted by the City of Ogdensburg.
   
   (3) All curbs shall be either straight or rolled concrete or stone curbs. Straight curbs shall be installed at all intersections and when used throughout, all curb cuts shall be included in initial installation.

D. Sidewalks.

   (1) Sidewalks shall be constructed on both sides of all streets, except for U-shaped streets, culs-de-sac, short service streets and rural streets where this requirement may be modified to their installation on one (1) side only.

   (2) Sidewalks shall be constructed to the following minimum specifications: Sidewalks shall be four thousand five hundred (4,500) pounds minimum strength concrete or better, with a minimum of four (4) feet width and four (4) inches thickness except at driveway crossings where the sidewalk should be increased to six (6) inches thickness. [Amended 04-11-2016 by Ord. No. 09-2016]

E. Planting. Adequate tree planting shall be completed by the developer. Street trees shall be a minimum of forty (40) feet and a maximum of fifty (50) feet apart. Tentative tree species will be indicated on the preliminary plan. Trees shall not be less than one and one-half (1 1/2) inches in diameter at the bases at the time of planting. They may be planted on either side of the sidewalk unless the planting strip is less than eight (8) feet in which case, they should be planted in the lawn area. Trees must be adequately supported by guy wires until firmly rooted.

F. Sewers. All necessary mains and laterals for connection from the lots to the public sewage system as shown on the preliminary plan shall be installed by the subdivider. Individual lot treatment of sewage waste is prohibited.
G. Water. Individual wells used as the major source of supply on an individual lot basis is prohibited.

H. Monuments. Permanent reference monuments of precast concrete or a durable stone, thirty by six (30 x 6) inches, with forty-five-degree beveled edges shall be set at final grade at all corners and angle points of the boundaries of the original tract to be subdivided and at all street intersections and such intermediate points as may be required. All lot corner markers shall be permanently located and shall be at least a three-fourth-inch metal pin with a minimum length of thirty (30) inches located in the ground to final grades.

I. Street signs. Permanent street signs, of the same type and design in general use throughout the City, showing the names of the intersecting streets shall be erected at each intersection. Such signs shall be embedded in a concrete base at least one (1) foot eight (8) inches square and one (1) foot deep.

§ 193-8. Preliminary plan requirements.

A. The developer shall submit to the Planning Board a preliminary layout of the proposed subdivision, complete topography of the area at two-foot intervals, unless otherwise specified by profiles and cross sections. These shall all be submitted in triplicate [one (1) white cloth and two (2) black and white paper prints] at a scale of not less than one hundred (100) feet to one (1) inch and shall contain the following information:

(1) The proposed subdivision name or identifying title and the tract in which the subdivision is located.

(2) The name and address, personally signed, of the record owner, subdivider and designer of preliminary layout in India ink.

(3) The deed description and map of survey of tract boundary made and certified by a licensed surveyor to be a closed and balanced traverse. Location of property lines, existing easements, buildings, watercourses and other essential features.

(4) The names of all subdivisions immediately adjacent and the names of owners of record for adjacent acreage.

(5) The location and size of any existing sewers, water or gas mains, culverts and drains on the property to be subdivided.

(6) Sanitary sewers detailed as follows:

(a) Plans and profiles of all sewers, showing all special features such as inverted siphons, extra strength pipes, sewer bridges, stream crossing, etc., shall be included.
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(b) Figures showing the manhole stationing, size of sewers, surface and sewer invert elevations at manholes and the grade of all sewers between two (2) adjacent manholes must be shown on the profiles. When there is question of the sewer being sufficiently deep to serve any residence, the elevation and location of the basement floor shall be plotted on the profile of the sewer which is to serve the house in question. The subdivider's engineers shall certify that all sewers are sufficiently deep to serve adjacent basements except where otherwise noted on the plans.

c) Details of all ordinary sewer appurtenances, such as manholes, drop manholes, inspection chambers and inverted siphons as well as of any special appurtenances or structures, such as regulators, tide gates, sewer bridges, pumping stations, etc., must accompany the plans.

d) Detailed plans of all sewer sections, except standard pipe clearly shown as such must accompany the plans. Details of cradling and encasement must also be shown.

e) A summary of design data for all sewers and for pumping stations or any similar facility must accompany the plans.

(7) Storm drainage and sewers detailed as follows:

(a) All details required for the collection and disposal of surface drainage shall be required for sanitary sewers.

(b) Details of catch basins, open channels, culverts, conduits, ditches and headwalls.

(c) Design and construction details for the ultimate disposal of stormwaters.

(d) Design and construction details for any method of lowering the groundwater table with a drainage system.

(e) A summary of design data for all storm drainage.

(8) The location, names and existing widths of present and proposed street, highway, easements, building lines, alleys, parks and other public open spaces.

(9) The width, location, grades and street profiles of all proposed streets.

(10) Typical cross sections of the proposed grading of the roadway and sidewalks and the topographic conditions. Additional cross sections at points where cut or fill exceeds three (3) feet or multiples of three (3) feet.

(11) Zoning regulations for the area with zoning district boundaries affecting the area. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

(12) The date, scale and true North point.
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(13) All proposed lot lines with approximate dimensions. All building setback lines.

(14) The proposed location of and type of sidewalks and the location and species of street trees; the location, size and types of curbs, gutters, water mains and lines; and the character, width and depth of pavement and subbase.

(15) All necessary easements to service public areas.

B. When and if the development covers only a portion of the subdividers entire holding, a sketch of the prospective future street system of the entire area shall accompany the preliminary layout. In addition, the sketch shall show all prospective sewer and drainage facilities with sizes, slope, location and area served.

C. All preliminary plans must be submitted at one (1) of the following sizes or multiples of these sizes: seventeen by twenty-two (17 x 22) inches, twenty-two by thirty-four (22 x 34) inches or thirty-four by forty-four (34 x 44) inches. A suitable border line shall be placed on all drawings with a margin of not less than one-half (1/2) inch on all sides.


The developer shall submit the final subdivision plan and street profiles clearly and legibly drawn in India ink. These shall be original drawings or prints on tracing cloth at a scale of not more than one hundred (100) feet to one (1) inch and shall include the following information:

A. Proposed subdivision name or identifying title and the tract in which the subdivision is located; the name and address of the record owner and subdivider; and the name, license number and seal of the registered professional engineer or surveyor.

B. Street lines, pedestrian ways, lots, reservations, easements and areas dedicated to public use.

C. Sufficient data to determine readily the location, bearing and length of every street, lot line and boundary line and to reproduce such lines upon the ground.

D. The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street. All dimensions of the lines of each lot shall be shown in feet and decimals of a foot. The property boundaries, location, scale and North point shall also be shown.

E. By proper designation thereon, all public open spaces for which deeds of dedication are included. All offers of dedication shall bear the certificate of approval of the City Attorney as to their legal sufficiency.

F. Lots and blocks within a subdivision, numbered and lettered.

G. Permanent reference monuments shown thus "X." All lot corner markers shall be shown thus "O."

H. As-built drawings, certified by the subdivider's engineer, showing plans, profiles and ground ties to sanitary sewers, storm drainage facilities, manholes, house lateral stubs and all other underground facilities constructed by the contractor.
I. Certification of approval by the appropriate public agencies, when and where required, as well as such other certificates, affidavits, endorsements or other agreements as may be required by the Planning Board in the enforcement of this chapter.

§ 193-10. Variances.

A. Hardship.

(1) Where the Planning Board finds that because of unusual circumstances of shape, topography or other physical features of the proposed subdivision or because of the nature of adjacent developments extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secures, provided that such variation will not have the effect of nullifying the intent and purpose of Chapter 221, Zoning, this chapter or any other codes, local laws and ordinances of the City of Ogdensburg.

(2) In granting variances and modifications, the Planning Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

B. Large scale development. The standards and requirements of this chapter may be modified by the Planning Board in case of a plan and program for a new complete community or a neighborhood unit, which, in the judgment of the Planning Board, provide adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provide such covenants or other legal provisions as will assure conformity to and achievement of the plan.


This chapter may be amended, altered or revised by the City Planning Board from time to time, after public hearing and subject to the approval and enactment of the City Council. The City Council shall not enact any amendments to this chapter until referral to the Planning Board as provided in Chapter 221, Zoning, § 221-87, of this Code.
## Chapter 199
### TAXATION

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[HISTORY: Adopted by the City Council of the City of Ogdensburg as indicated in article histories. Amendments noted where applicable.]

CHARTER REFERENCES

Department of Buildings and Assessments -- See Art. XIII.
Fiscal policies -- See Art. XVII.

GENERAL REFERENCES

Economic development zone -- See Ch. 23.

ARTICLE I

Utility Tax


§ 199-1. Legislative authority; tax imposed; applicability.

Pursuant to the authority granted by § 20-b of the General City Law of the State of New York, an annual tax equal to 1% of its gross income from and after July 1, 1937, is hereby imposed upon every utility doing business in the City of Ogdensburg which is subject to the supervision of the Department of Public Service, State of New York, which has a gross income for the 12 months ending May 31 of each year in excess of $500, except motor carriers or brokers subject to such supervision under Article 5 of the Transportation Law; and a tax equal to 1% of its gross operating income is hereby imposed from and after July 1, 1937, upon every other utility doing business in the City of Ogdensburg which has a gross operating income for the 12 months ending May 31 of each year, in excess of $500, which taxes shall have application only within the territorial limits of the City of Ogdensburg, and shall be in addition to any and all other taxes and fees imposed by any other provision of law for the same period. Such taxes shall not be imposed on any transaction originating or consummated outside of the territorial limits of the City of Ogdensburg, notwithstanding that such act be necessarily performed with respect to such transaction within such limits.

§ 199-2. Definitions.

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

GROSS INCOME -- Includes receipts received in or by reason of any sale, conditional or otherwise (except sales hereinafter referred to with respect to which it is provided that profits from the sale shall be included in gross income), made or service rendered for ultimate consumption or use by the purchaser in this city, including cash, credits and property of any kind or nature (whether or not such sale is made or such service is rendered for profit), without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or services or other costs, interest or discount paid or any other expense whatsoever; also profits from the sale of securities; also profits from the sale of real property growing out of the ownership or use of or interest in such property; also profit from the sale of personal property (other than property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the period for which a return is made); also receipts from interest, dividends and royalties derived from sources within this city other than such as are received from a corporation, a majority of whose voting stock is owned by the paying utility, without any deduction therefrom for any expenses whatsoever incurred in connection with the receipt thereof, also profits from any transaction (except sales for resale and rentals) within this city whatsoever.

GROSS OPERATING INCOME -- Includes receipts received in or by reason of any sale, conditional or otherwise, made for ultimate consumption or use by the purchaser of gas, electricity, steam, water, refrigeration, telephony or telegraphy, or in or by reason of the furnishing for such consumption or use of gas, electric, steam, water, refrigerator, telephone or telegraph service in this city, including cash, credits and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or services or other costs, interest or discount paid or any other expenses whatsoever.

PERSON -- Persons, corporations, companies, associations, joint-stock associations, copartnerships, estates, assignees of rents, any person acting in a fiduciary capacity or any other entity, and persons, their assignees, lessees, trustees or receivers, appointed by any court whatsoever or by any other means, except the state, municipalities, political and civil subdivisions of the state or municipality, public districts and corporations and associations organized and operated exclusively for religious, charitable or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual and excepting a corporation organized and operated exclusively for the purpose of leasing from a city in this state a waterworks system designed to supply water at cost to users thereof for discharge, either before or after industrial use, into a river within such city in order to improve the flow and condition of such river and thereby to provide a means to relieve such river from pollution.

UTILITY -- Includes every person subject to the supervision of the State Department of Public Service except persons engaged in the business of operating on the public highways of this state one or more omnibuses, having a seating capacity of more than seven persons, and persons engaged in the business of operating or leasing sleeping and parlor railroad cars or of operating railroads other than street surface, rapid transit, subway and elevated railroads, and also includes every person (whether or not such person is subject to such supervision) who sells gas, electricity, steam, water, refrigeration, telephony or telegraphy delivered through mains, pipes or wires, or furnishes gas, electric, steam, water, refrigerator, telephone or telegraph service, by means of mains, pipes or wires; regardless of whether such activities are the main business of such person or are only incidental thereto, or of whether use is made of the public streets.
§ 199-3. Records to be kept.

Every utility subject to tax under this article shall keep such records of its business and in such form as the City Comptroller may require, and such records shall be preserved for a period of three years, except that the City Comptroller may consent to their destruction within that period or may require that they be kept longer.

§ 199-4. Filing of returns.

Every utility subject to tax hereunder shall file on or before September 25, December 25, March 25 and June 25 of each year a return for the three calendar months preceding each such return date, including any period for which the tax imposed hereby or by any amendment hereof is effective, each of which returns shall state the gross income or gross operating income for the period covered by each such return. Returns shall be filed with the City Comptroller on a form to be furnished by him for such purpose and shall contain such other data, information or matter as the City Comptroller may require to be included therein. Notwithstanding the foregoing provisions of this section, any utility whose average gross income or average gross operating income, as the case may be, for the aforesaid three-month periods is less than $1,500 may file a return annually on June 25 for the 12 preceding calendar months and the City Comptroller may require any utility to file an annual return, which shall contain any data specified by him, regardless of whether the utility is subject to tax under this chapter. Every return shall have annexed thereto a certification by the head of the utility making the same or of the owner or of a copartner thereof or of a principal officer of the corporation, if such business be conducted by a corporation, to the effect that the statements contained therein are true.

§ 199-5. Payment of tax.

At the time of the filing of a return as required by this chapter, each utility shall pay to the City Comptroller the tax imposed by this article for the period covered by such return. Such tax shall be due and payable at the time of filing the return or, if a return is not filed when due, on the last day in which the return is required to be filed.

§ 199-6. Insufficient or unsatisfactory returns.

In case any return filed pursuant to this article shall be insufficient or unsatisfactory to the City Comptroller and if a corrected or sufficient return is not filed within 20 days after the same is required by notice from him or if no return is made for any period, the City Comptroller shall determine the amount of tax due from such information as he is able to obtain and, if necessary, may estimate the tax on the basis of external indices or otherwise. He shall give notice of such determination to the person liable for such tax. Such determination shall finally and irrevocably fix such tax, unless the person against whom it is assessed shall, within 30 days, after the giving of notice of such determination, apply to the City Comptroller for a hearing, or unless the City Comptroller, of his own motion, shall reduce the same. After such hearing, the City Comptroller shall give notice of his decision to the person liable for the tax. Such decision may be reviewed by a proceeding under Article 78 of the Civil Practice Law and Rules of the State of New York if application therefor is made within 30 days after the giving of notice of such decision. An order to review such decision shall not be granted unless the amount of any tax sought to be reviewed, with interest and penalties thereon, if any, shall be first deposited with the City Comptroller and an undertaking filed with him, in such amount and with such sureties as a Justice of the Supreme Court may require.
TAXATION

Court shall approve, to the effect that, if such proceeding be dismissed or the tax confirmed, the applicant will pay all costs and charges which may accrue in the prosecution of such proceeding, or at the option of the applicant, such undertaking may be in a sum sufficient to cover the tax, interest, penalties, costs and charges aforesaid, in which event the applicant shall not be required to pay such tax, interest and penalties as a condition precedent to the granting of such order. Except in the case of willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return; provided, however, that where no return has been filed as required by this article the tax may be assessed at any time.


Any notice authorized or required under the provisions of this article may be given by mailing the same to the person for whom it is intended, in a postpaid envelope, addressed to such person at the address given by him in the last return filed by him under this article or, if no return has been filed, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this article by the giving of notice shall commence to run from the date of mailing of such notice.


Any person failing to file a return or corrected return or to pay any tax or any portion thereof within the time required by this article shall be subject to a penalty of 5% of the amount of tax due, plus 1% of such tax for each month of delay or fraction thereof, excepting the first month, after such return was required to be filed or such tax became due, but the City Comptroller, for cause shown, may extend the time for filing any return and, if satisfied that the delay was excusable, may remit all or any portion of the penalty fixed by the foregoing provisions of this article.


If, within one year from the payment of any tax or penalty, the payer thereof shall make application for a refund thereof and the City Comptroller or the court shall determine that such tax or penalty or any portion thereof was erroneously or illegally collected, the City Comptroller shall refund the amount so determined. For like cause and within the same period, a refund may be so made on the initiative of the City Comptroller. However, no refund shall be made of a tax or penalty paid pursuant to a determination of the Comptroller as hereinbefore provided unless the City Comptroller, after a hearing as hereinbefore provided or of his own motion, shall have reduced the tax or penalty or if it shall have been established in a proceeding under Article 78 of the Civil Practice Law and Rules of the State of New York that such determination was erroneous or illegal. All refunds shall be made out of moneys collected under this article, deposited to the credit of the City Comptroller with the approval of the City Comptroller. An application for a refund, made as hereinbefore provided, shall be deemed an application for the revision of any tax or penalty complained of and the City Comptroller may receive additional evidence with respect thereto. After making its determination, the City Comptroller shall give notice thereof to the person interested, and he shall be entitled to commence a proceeding to review such determination, subject to the provisions hereinbefore contained relating to the commencement of such a proceeding.
§ 199-10. Taxes not to be added to bills.

The tax imposed by this article shall be charged against and be paid by the utility and shall not be added as a separate item to bills rendered by the utility to customers or others but shall constitute a part of the operating costs of such utility.

§ 199-11. Failure to pay tax.

Whenever any person shall fail to pay any tax or penalty imposed by this article, the City Attorney shall, upon the request of the City Comptroller, bring an action to enforce payment of the same. The proceeds of any judgment obtained in any such action shall be paid to the City Comptroller. Each such tax and penalty shall be a lien upon the property of the person liable to pay the same, in the same manner and to the same extent that the tax and penalty imposed by § 186-a of the Tax Law is made a lien.

§ 199-12. Rules and regulations.

In the administration of this article, the City Comptroller shall have power to make such reasonable rules and regulations, not inconsistent with law, as may be necessary to the exercise of his powers and the performance of his duties, and to prescribe the form of blanks, reports and other records relating to the administration and enforcement of the tax, to take testimony and proofs, under oath, with reference to any matter within the line of his official duty under this article and to subpoena and require the attendance of witnesses and the production of books, papers and documents.

§ 199-13. Confidential information; exceptions.

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the City Comptroller or any agent, clerk or employee of the City of Ogdensburg, New York, to divulge or make known in any manner the amount of gross income or gross operating income or any particulars set forth or disclosed in any return under this article. The officer charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the City of Ogdensburg, New York, in an action or proceeding under the provisions of this article or on behalf of the State Tax Commission in an action or proceeding under the provisions of the Tax Law of the State of New York, or on behalf of any party to any action or proceeding under the provisions of this article when the returns or facts shown thereby are directly involved in such action or proceeding; in either of which events the court may require the production of and may admit in evidence so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding, and no more. Nothing herein shall be construed to prohibit the delivery to a person or his duly authorized representative of a copy of any return filed by him, nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the publication of delinquent lists showing the names of persons who have failed to pay their taxes at the time and in the manner provided for by this article, together with any relevant information which in the opinion of the City Comptroller may assist in the collection of such delinquent taxes; or the inspection by the City Attorney or other legal representative of the City of Ogdensburg, New York, of the return of any person who shall bring action to set aside or review the tax based thereon, or against whom an action has been instituted in accordance with the provisions of this article. Any offense against the foregoing secrecy provisions shall be punishable by a fine not exceeding $1,000 or by
imprisonment not exceeding one year, or both, and if the offender is an officer, agent, clerk or employee of the City of Ogdensburg, New York, he shall be dismissed from office and shall be incapable of holding any office or employment for the City of Ogdensburg, New York, for a period of five years thereafter. Notwithstanding any provisions of this article, the City Comptroller may exchange with the chief fiscal officer of any city or any village of the State of New York information contained in returns filed under this article, provided that such city or village grants similar privileges to the City of Ogdensburg, New York, and provided that such information is to be used for tax purposes only, and the City Comptroller shall, upon request, furnish the State Tax Commission with any information contained in such returns.

§ 199-14. Disposition of taxes and penalties.

All taxes and penalties received by the City Comptroller under this article shall be paid into the treasury of the City of Ogdensburg, New York, and shall be credited to and deposited in the general fund of the City.

ARTICLE II
(Reserved)

§ 199-15. (Reserved)

§ 199-16. (Reserved)

§ 199-17. (Reserved)

§ 199-18. (Reserved)

§ 199-19. (Reserved)

§ 199-20. (Reserved)

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§ 199-24. (Reserved)

§ 199-25. (Reserved)

§ 199-26. (Reserved)

§ 199-27. (Reserved)

§ 199-28. (Reserved)

§ 199-29. (Reserved)
§ 199-30. Exemption established.

Real property in the City of Ogdensburg owned by one or more persons, each of whom is 65 years of age or over or real property owned by husband and wife, one of whom is 65 years of age or over shall be exempt from taxation by the city to the extent of 50% of the assessed valuation thereof.


No exemptions shall be granted:

A. If the income of the owner or the combined income of the owners of the property exceeds the sum of $18,000 for the income tax year immediately preceding the date of making application for exemptions. "Income tax year" shall mean a twelve-month period for which the owner or owners filed a federal personal income tax return or, if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, net rental income, salary or earnings, and net income from self-employment, but shall not include gifts or inheritances. [Amended 9-10-1990 by L.L. No. 2-1990; 11-14-1995 by L.L. No. 3-1995; 3-10-2008 by L.L. No. 3-2008]

B. Unless the title of the property shall have been vested in the owner or all of the owners of the property for at least 24 consecutive months prior to the date of making application for exemption; provided, however, that in the event of the death of either a husband or wife in whose name title of the property shall have been vested at the time of death and then become vested solely in the survivor by virtue of devise by or descent from the deceased husband or wife, the time of ownership of the property by the deceased husband or wife shall be deemed also a time of ownership by the survivor, and such ownership shall be deemed continuous for the purposes of computing such period of 24 consecutive months, provided further that in the event of a transfer by either a husband or wife to the other spouse of all or part of the title to the property the time of ownership of the property by the transferee spouse shall be deemed also a time of ownership by the transferee spouse and such ownership shall be deemed continuous for the purpose of computing such period of 24 consecutive months, and provided further that where property of the owner or owners has been acquired to replace property formerly owned by such owner or owners and taken by eminent domain or other involuntary proceeding, except a tax sale, and further provided that where a residence is sold and replaced with another within one year and is in the same assessment unit, the period of ownership of the former property shall be combined with the period of ownership of the property for which application is made for exemption and such periods of ownership shall be deemed to be consecutive for purposes of this section.

C. Unless the property is used exclusively for residential purposes.

D. Unless the property is the legal residence of and is occupied in whole or in part by the owner or by all of the owners of the property.
§ 199-32. Annual application required.

Application for such exemption must be made by the owner or all of the owners of the property on forms prescribed by the State Board to be furnished by the City Assessor's office.

§ 199-33. Notice to applicants.

At least 60 days prior to the appropriate taxable status date, the City Assessor shall mail to each person who was granted exemption pursuant to this article on the latest completed assessment roll an application form and a notice that such application must be filed on or before the taxable status date and be approved in order for the exemption to be granted. Failure to mail any such application form and notice or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

§ 199-34. Penalties for offenses.

Any conviction of having made any willful false statements in the application for such exemption shall be punishable by a fine of not more than $100, and shall disqualify the applicant or applicants from further exemption for a period of five years.

ARTICLE IV
Veterans Tax Exemption
[Adopted 3-26-1984 as L.L. No. 3-1984
(Ch. 182 of the 1975 Ogdensburg Municipal Code)]

§ 199-35. Legislative intent.

The City of Ogdensburg has fully complied with all of the mandatory terms and provisions of New York State Real Property Tax Law § 458. However, since the City of Ogdensburg voluntarily changed its manner of assessment so as to implement full value assessment, the City Council of the City of Ogdensburg has been required to review the applicability of Real Property Tax Law § 458 to the newly completed assessment roll. On this review, it was determined that the remedial action authorized by Real Property Tax Law § 458, Subdivision 5(a), should be taken. It is for these reasons and pursuant to Real Property Tax Law § 458 that this article is being enacted.

§ 199-36. Exemption increased.

The amount of the exemption granted to any qualifying veteran pursuant to Real Property Tax Law § 458 prior to the date of the enactment of this article be and the same is hereby increased. The increase granted in the allowable exemption shall be in the same proportion as the total assessed valuation of property heretofore eligible for a veteran's exemption has been increased by reason of the conversion to full value assessment.

§ 199-37. Conditions.

The following terms and conditions shall be applied in the implementation of this article:
OGDENSBURG CODE

A. No application on behalf of any owner of property heretofore declared to be eligible for a veteran's exemption pursuant to Real Property Tax Law § 458 shall be required. The Assessor shall make the exemption adjustment based on previously allowed exemptions.

B. On adjustment of the allowable exemption, the Assessor shall make the appropriate entry upon the assessment roll opposite the description of such property and subtract the total amount of such adjusted exemption from the total amount assessed.

C. All other applicable provisions of Real Property Tax Law § 458 shall continue to be complied with by the Assessor.


A. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of $12,000 or the product of $12,000 multiplied by the latest state equalization rate for the City of Ogdensburg.

B. In addition to the exemption provided by Subsection A of this section where the veteran served in a combat theater or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, qualifying residential real property also shall be exempt from taxation to the extent of 10% of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of $20,000 or the product of $20,000 multiplied by the latest state equalization rate for the City of Ogdensburg.

C. In addition to the exemptions provided by Subsections A and B of this section, where the veteran received a compensation rating from the United States Department of Veterans Affairs because of a service-connected disability, qualifying residential real property shall be exempt from taxation multiplied by 50% of the veteran's disability rating; provided, however, that such exemption shall not exceed the lesser of $40,000 or the product of $40,000 multiplied by the latest state equalization rate for the City of Ogdensburg.

§ 199-38.1. Cold War veterans exemption. [Added 3-10-2008 by L.L. No. 2-200878]

A. Pursuant to § 458-b of the Real Property Tax Law of the State of New York, qualifying residential real property owned by one or more persons qualifying as a Cold War veteran shall receive an exemption from taxation equal to 15% of the assessed value of such property; provided, however, that such exemption shall not exceed $12,000 or the product of $12,000 multiplied by the latest state equalization rate for the City of Ogdensburg, whichever is less.

B. In addition to the exemption provided by Subsection A of this section, where the Cold War veteran received a compensation rating from the United States Department of Veterans Affairs or from the United States Department of Defense because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by 50% of the Cold War

78 Editor's Note: This local law also provided for the renumbering of former § 199-38.1 to § 199-38.2.
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veteran disability rating; provided, however, that such exemption shall not exceed $40,000 or
the product of $40,000 multiplied by the latest state equalization rate for the City of
Ogdensburg, whichever is less.

C. If a Cold War veteran receives the exemption under § 458 or § 458-a of the Real Property
Tax Law, the Cold War veteran shall not be eligible to receive the exemption under this
section.

§ 199-38.2. Transfer of veterans exemption upon sale of property. [Added 6-25-2007 by
L.L. No. 2-2007]

A. A veteran who sells property located within the City which receives an exemption pursuant
to § 458 of the Real Property Tax Law and/or § 199-38 of Chapter 199 of this Code and who
purchases property within this City shall be allowed to transfer said exemption from the
property sold to the property purchased.

B. The Assessor shall transfer and prorate, for the remainder of the fiscal year, the exemption
which the veteran received on the property sold to the property purchased. The prorated
exemption shall be based upon the date the veteran obtains title to the new property and shall
be calculated by multiplying the tax rate or rates for each municipal corporation which levied
taxes, or for which taxes were levied, on the appropriate tax roll used for the fiscal year or
years during which the transfer occurred times the previously granted exempt amount times
the fraction of each fiscal year or years remaining subsequent to the transfer of title.

C. Nothing in this section shall be construed to remove the requirement that any such veteran
transferring an exemption pursuant to this section shall reapply for the exemption authorized
on or before the following taxable status date, in the event such veteran wishes to receive the
exemption in future fiscal years.

ARTICLE V
Economic Development Zone Incentives
[Adopted 6-13-1988 as L.L. No. 4-1988;
amended in its entirety 10-25-1994 by L.L. No. 4-1994]

§ 199-39. Local incentives extended.

A. The City Council hereby authorizes the economic development zone exemption as permitted
in Subdivision 1(a) of § 485-e of the Real Property Tax Law, and the exemption so
authorized shall be for a term of 10 years, notwithstanding that the designation of the zone
shall expire before the end of such ten-year term.

B. The Council also encourages the Saint Lawrence County Board of Legislators and the
Ogdensburg City School District Board of Education to offer this abatement.
ARTICLE VI
Exemption of Residential Capital Improvements from Taxation
[Adopted 2-14-1994 as L.L. No. 1-1994; Amended 6-14-2010 as L.L. No. 1-2010]

§ 199-40. Exemption established.

The City of Ogdensburg has adopted the provisions Chapter 704 of the Laws of 1993, by local law, to provide for the partial exemption of certain capital improvements to residential property from taxation, with conditions. "Residential property" shall mean any building or structure designed and occupied exclusively for residential purposes by not more than two families. This article shall apply to residential buildings reconstructed or altered subsequent to the first day of April, 2001.


A. Residential buildings reconstructed, altered or improved for residential purposes, subsequent to the effective date of this article, shall be exempt from taxation to the extent provided hereinafter. This exemption shall be for exterior components of such building for reconstruction, alteration or improvement to an existing residential structure.

B. Such buildings shall be exempt from taxation for capital improvement for a period of one year to the extent of 100% of the increase in assessed value thereof attributable to such exterior reconstruction, alteration or improvement and for an additional period of seven years; provided, however, that the extent of such exemption shall be decreased by 12.5% of the initial exemption each year during each additional period; provided that such exemption shall be limited to $35,000 in increased market value or such other sum less than $35,000, but not less than $3,000 of the property attributable to such exterior reconstruction, alteration or improvement, and any increase in market value greater than such amount shall not be eligible for the exemption pursuant to this section. For the purpose of this section, the market value of the exterior reconstruction, alteration or improvement shall be equal to the increased assessed value attributable to such exterior reconstruction, alteration or improvement divided by the most recently established state equalization rate, except where the state equalization rate equals or exceeds 95%, then the increases in assessed value attributable to such exterior reconstruction, alteration or improvement shall equal the market value of such exterior reconstruction, alteration or improvement.

§ 199-42. Conditions.

The following terms and conditions shall be applied in the implementation of this article:

A. For the purposes of this article, the terms "reconstruction," "alteration" and "improvement" shall not include ordinary maintenance and repairs. Ordinary maintenance and repairs are exempt.
TAXATION

B. For purposes of this article, the terms "reconstruction," "alteration" and "improvement" shall not mean or include any increase in the size or square footage of the residential structure.

C. The exemption provisions of this article shall not apply to swimming pools, garage structures (whether attached or detached) or any other accessory structures to the primary residential structure.

D. In the event that a building granted an exemption pursuant to this article ceases to be used exclusively for residential purposes or title thereto is transferred to a person or entity other than the heirs or distributes of the owner, the exemption granted pursuant to this article shall cease.

E. The value of such reconstruction, alteration or improvement must exceed $3,000.

F. The building to be reconstructed, altered or improved must be at least five years old.

G. Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the state board to the Department of Assessment Office.

ARTICLE VII
Collection of Delinquent Real Property Taxes

§ 199-43. Collection to be enforced pursuant to City Charter.

Pursuant to § 6 of Chapter 602 of the Laws of 1993, as signed into law by Governor Mario Cuomo on August 4, 1993, the City of Ogdensburg hereby acts by local law, not subject to referendum, to provide that the collection of property taxes shall continue to be enforced pursuant to the provisions of the City Charter of the City of Ogdensburg, as may from time to time be amended.

ARTICLE VIII
Exemption of Residential Capital Improvements from Taxation
§ 203-1. Definitions

As used in this chapter, unless the subject matter or context otherwise requires, the following terms shall have the meanings indicated:

DRIVER’S LICENSE -- Includes permission granted by the City of Ogdensburg, New York, to any person to drive upon the streets of such City any licensed livery/limo/taxicab.

OPERATOR -- Includes any person owning or having control of the use of one or more livery/limo/taxicabs for hire upon the streets of the City of Ogdensburg, New York, or engage in the business of operating a livery/limo/taxicab or which is at any time used to carry passengers for hire.

STREET -- Includes any street, alley, avenue, bridge, lane or public place in the City of Ogdensburg, New York.
OGDENSBURG CODE

LIMO/TAXICAB -- Includes any motor vehicle engaged in the business of or at any time used to carry persons for hire except vehicles subject to the provisions of the Transportation Corporations Law.

LIVERY -- Any motor vehicle which is owned or used for the purpose of transporting passengers for hire and which is hired by specific charter or for a particular contract, or by the date, hour or other fixed period, and for which use there is charged a fare or price agreed upon in advance between the owner or operator and the passenger.

LIVERY/LIMO/TAXICAB DRIVER -- Any person who drives a livery/limo/taxicab whether such person is the owner of such livery/limo/taxicab or employed by a livery/limo/taxicab owner or operator.

LIVERY/LIMO/TAXICAB LICENSE -- Includes permission granted by the City of Ogdensburg, New York, to any person to operate or keep for hire any livery/limo/taxicab in such City.

LIVERY/LIMO/TAXICAB LICENSEE -- Includes the owner of any livery/limo/taxicab or livery/limo/taxicabs for which a livery/limo/taxicab license has been issued hereunder.

LIVERY/LIMO/TAXICAB STAND -- Includes any place which is exclusively reserved by the City Council for the use of livery/limo/taxicabs.

§ 203-2. Livery/Limo/Taxicab license required.

No person shall operate or keep for hire or pay within limits of the City of Ogdensburg, New York, any livery/limo/taxicab without first having obtained and paid for a livery/limo/taxicab license and having the same in force and effect under the provisions of this chapter.

§ 203-3. Livery/Limo/Taxicab driver's license required.

No person shall drive a livery/limo/taxicab and no person shall permit anyone to drive a livery/limo/taxicab within the limits of the City of Ogdensburg, New York, without such driver having first obtained and paid for and having in force and effect a driver's license under the provisions of this chapter.

§ 203-4. Driver's license application.

A. General requirements. Each applicant for a driver's license must comply with the following to the satisfaction of the Chief of Police:

(1) Must first have obtained a state chauffeur's license.

(2) Must be of the age of 18 years of age or over.

(3) Must be of sound physique with good eyesight and not subject to any infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.

(4) Be able to read and write the English language.
LIVERY/LIMO/TAXICABS

(5) Be clean in dress and person and not addicted to the use of intoxicating liquors or drugs.

(6) Produce affidavits of good character from two reputable citizens of the City of Ogdensburg, New York, who have known him personally and have observed his conduct for at least one year preceding the date of his application.

(7) Furnish the Chief of Police with a statement giving his full name, residence, places of residence for five years previous to moving to his present address, age, whether a citizen of the United States, places of previous employment, whether he has ever been arrested or convicted of a felony or a misdemeanor, whether he has ever had a driver's or chauffeur's license revoked and for what cause and the number of the chauffeur's license issued by the state.

B. Chief of Police; powers and duties. This statement shall be signed and sworn to by the applicant if the Chief of Police so requires. Any false or misleading statement of the applicant shall be grounds for withholding or revocation of a driver's license. The Chief of Police is also hereby authorized and empowered to require such additional information from applicants as he may deem necessary. The Chief of Police may, in his discretion, examine any applicant for a driver's license as to his knowledge of the provisions of this chapter, the Vehicle and Traffic Law of the State of New York and as to the applicant's skill and ability to safely handle his vehicle.

§ 203-5. Issuance of driver's license; duration; display.

A. Citizenship required. No person shall be issued a driver's license unless such person is a citizen of the United States.

B. Convictions. No driver's license shall be issued to any applicant who has, within five years prior to the date of the application, committed a felony or is, at the time of the application, under indictment for a felony, nor shall any license be issued to any person who has been convicted of two misdemeanors within the two years next preceding the application for said license.

C. Issuance; term; display. Upon fulfillment of the foregoing requirements to the satisfaction of the Chief of Police and upon the conclusion of said Chief of Police that the applicant is a proper person to be given a driver's license, there shall be issued to the applicant a license stamped by the Seal of the City. Each driver's license shall be issued as of July 1 of each and every year, and shall be valid to and including June 30 next succeeding, unless previously suspended or revoked. The chauffeur's license of the driver shall be displayed by the licensee at all times when driving or operating or while in charge of any livery/limo/taxicab and the driver's license shall be carried by the licensee and displayed when requested by patrons or the police authorities.

§ 203-6. Renewal of driver's license.

The Chief of Police may renew a driver's license from year to year upon payment of the fee as prescribed in this chapter.
§ 203-7. Suspension or revocation of driver's license.

A driver's license may at any time be suspended or revoked for cause after a hearing by the Chief of Police. Any violation of any of the provisions of this chapter or of any law regulating traffic or the operation of motor vehicles or the commission of any misdemeanor or felony or any conduct which might tend to render the operation of a motor vehicle unsafe, improper or unpleasant for the public or any failure to provide prompt, efficient service to the public shall be considered cause for the revocation or suspension of a driver's license under this chapter.

§ 203-8. Livery/Limo/Taxicab license application.

A livery/limo/taxicab license shall be issued as of July 1 and shall expire June 30 next succeeding unless suspended or revoked. Application for a livery/limo/taxicab license shall be made by the owner upon a blank form furnished by the City Clerk. Such application shall contain:

A. The name, age and residence of the person applying for the license.

B. The make and type of vehicle to be used, the horsepower, the vehicle identification number, the state license number, the model year and the seating capacity.

C. Whether previously licensed to operate a livery/limo/taxicab and, if so, where.

D. Whether the license to operate a livery/limo/taxicab has ever been revoked or suspended and, if so, for what cause.

E. A certificate of the State Commissioner of Motor Vehicles or other evidence satisfactory to the Chief of Police that the applicant has complied with the provisions of § 370 of the Vehicle and Traffic Law of the State of New York.

F. Such other information as the Chief of Police may deem necessary.

§ 203-9. Issuance of Livery/Limo/Taxicab licenses; duration.

A. Investigation. Upon the filing of an application the Chief of Police shall thereupon make an investigation of the applicant and of the vehicle to be licensed. The Chief of Police shall thereupon either approve or disapprove of the issuance of a license, taking into consideration the character of the owner and whether or not the vehicle is fit or suitable for public patronage.

B. Citizenship and residency. No person shall be issued a livery/limo/taxicab license unless such person is a citizen of the United States and a resident of the State of New York.

C. Convictions. No livery/limo/taxicab licenses shall be issued to any applicant who has, within five years prior to the date of the application, committed a felony or is, at the time of the application, under indictment for a felony, nor shall any license be issued to any person who has been convicted of two misdemeanors within the two years preceding the application for said licenses.
D. Issuance; term. Upon fulfillment of the foregoing requirements to the satisfaction of the Chief of Police and upon the conclusion of said Chief of Police that the applicant is a proper person to be given a livery/limo/taxicab license, there shall be issued to the applicant a license stamped by the Seal of the City. Each livery/limo/taxicab license shall be issued as of July 1 of each and every year and shall be valid to and concluding June 30 next succeeding, unless previously suspended or revoked.

§ 203-10. Suspension or revocation of Livery/Limo/Taxicab license.

Livery/limo/taxicab licenses may be revoked or suspended at any time for cause after a hearing by the Chief of Police if the vehicle shall be used for immoral or illegal business or purpose or for a violation of any ordinance or a law governing the operation of motor vehicles or for the failure to provide adequate service to the public.

§ 203-11. Driver's license fees.

The following license fee shall be paid for a driver's license or renewal thereof: $50 per driver, except that no license fee shall be charged to an owner who exclusively drives his own livery/limo/taxicab.

Owners who drive their own livery/limo/taxicabs shall, however, be required to obtain a driver's license as provided herein except that the same shall be issued without cost upon the payment of the license fee of their vehicles.

§ 203-12. Livery/Limo/Taxicab license fee.

The following license fee shall be charged for each livery/limo/taxicab licensed: $75.

§ 203-13. Compliance with other provisions required.

It shall not be lawful for any person to operate a livery/limo/taxicab or permit a livery/limo/taxicab to be operated within the City of Ogdensburg unless and until he fully complies with all provisions and requirements of § 370 of the Vehicle and Traffic Law of the State of New York nor shall any license hereunder be issued until or unless an applicant therefor fully complies with the provisions and requirements of said § 370. Upon noncompliance of any licensee hereunder at any time with the provisions and requirements of said § 370, the Chief of Police shall forthwith suspend or revoke the license of such licensee.

§ 203-14. Livery/Limo/Taxicab stands.

A. No person shall operate a livery/limo/taxicab stand within the City of Ogdensburg unless such location is approved by the City Council.

B. All persons or organizations desiring to operate a livery/limo/taxicab stand within the City of Ogdensburg shall submit an application for review by the City Council.

C. All applications for permission to operate a livery/limo/taxicab stand shall contain a written statement as to the proposed location of said livery/limo/taxicab stand and the number of vehicles anticipated to use such location as a livery/limo/taxicab stand.
OGDENSBURG CODE

D. No real estate belonging to the City of Ogdensburg shall be used for the purpose of operating a livery/limo/taxicab stand.

E. The City of Ogdensburg shall not participate in the management or operation of any livery/limo/taxicab stand in any location approved by the City Council.

F. This section shall not apply to any individual who uses his residential driveway as a place of operating a livery/limo/taxicab if such use is limited to that individual only.

G. Any person violating any of the provisions of this section, other than Subsection D, shall be guilty of a violation and, upon conviction, shall be punished as follows:

(1) First offense: a fine of not less than $20 and not more than $50.
(2) Second offense: a fine of not less than $50 and not more than $100.
(3) Third offense: a fine of not less than $100 and not more than $200.

H. Any person who violates Subsection D of this section shall be punishable as follows:

(1) First offense: a fine of not less than $75 and not more than $150.
(2) Second offense: a fine of not less than $150 and not more than $300.
(3) Third offense: a fine of not less than $250 and not more than $500.
(4) Subsequent offenses: suspension of the offender's permit to operate a livery/limo/taxicab within the City of Ogdensburg.

§ 203-15. Display of license and rates required. [Amended 6-10-2013 by Ord. No. 9-2013]

It shall be the duty of each livery/limo/taxicab driver to display his/her livery/limo/taxicab license and the rates charged in a prominent place in the cab in full view of all passengers.

§ 203-16. Display of Livery/Limo/Taxicabs vehicle identification required. [Added 6-10-2013 by Ord. No. 9-2013]

Every livery/limo/taxicab licensed to conduct business in the City of Ogdensburg shall be affixed with a sign identifying the company name and telephone number. Such signs shall be attached to the vehicle on both front doors and must be clean and readable at all times.

§ 203-17. Penalties for offenses. [Amended 6-10-2013 by Ord. No. 9-2013]

Any person who shall violate any provision of this chapter for which no punishment is specifically provided shall be guilty of a violation and, upon conviction for such violation, shall be punished by a fine of not more than $250, or revocation of livery/limo/taxicab license to conduct business in the City of Ogdensburg.
Chapter 206
TREES

§206-1. Purpose
To establish rules and regulations governing tree planting, maintenance and removal within the public right-of-way, public facilities and parks.

§206-2. Definitions
"Street trees" are herein defined as trees and all other woody vegetation on land within the City right-of-way on either side of all streets, avenues, or ways within the City.

"Park Trees" are herein defined as trees and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

"Person" is herein defined as any corporation, firm, partnership, association, trust, estate, one (1) or more individuals and any unit of government or agency or subdivision thereof, except for a city agency.

“Tree Commission” is herein defined as a seven volunteer board, appointed by the Mayor and City Council, in charge of the City’s comprehensive tree program.
§206-3. City Forester

A. The office of the City Forester is hereby established in the Department of Parks and Recreation and is assumed by the Director of the Parks and Recreation Department as per AR.49F of the City Code.

B. The City Forester, in consultation with the Department of Public Works, shall have the authority to implement and enforce the provisions of this chapter.

C. In furtherance of the purposes of this chapter, in consultation with the City Forester in consultation with the Ogdensburg Tree Commission, shall have the authority to recommend rules and regulations regarding arboricultural specifications and standards of practice and such additional rules and regulations determined as necessary. These regulations shall govern the planting, maintenance, removal, pruning and protection of trees on public streets, parks or other city property.

§206-4. Planting, maintenance and removal regulations.

A. It is the responsibility of the City Forester and appropriate staff to determine if trees on city right-of-way property and city-owned property are hazardous to life and property or harbor insects and disease to be removed from such property. If replacement is recommended by the City Forester, the city shall replace the tree within two years of removal.

B. Wherever it is necessary to remove a tree from a public right-of-way in connection with sidewalk creation or maintenance or the paving or widening of a street, the city or responsible agency or person shall replant such tree or replace it with an appropriate tree from a recommended tree list. If conditions prevent planting in the right-of-way, this requirement may be satisfied by planting on the adjoining property if the property owner agrees.

C. Requests from private citizens that new street trees be planted near their property shall be accommodated in accordance with planting priorities set by the City Forester in consultation with the Ogdensburg Tree Commission and the Department of Public Works.

D. Specifications governing tree species, size, spacing and method and location of planting shall be approved by the City Forester. Inspection of the trees by the City Forester or his/her designee shall be carried out, whenever possible, prior to planting in order to ensure tree health and quality.

E. Pruning of trees located within the City right-of-way shall be the responsibility of the City, overhanging the sidewalk right of way up to ten (10) feet in elevation, except for branches extending upward into overhead utilities which will be the responsibility of the utility company.

§206-5. Recommended Tree Species

The following list constitutes the official recommended tree species for trees planted within the municipal boundary:
TREES

Small Trees (less than 30’) – Best suited for location with overhead utilities.

List adapted from Urban Horticulture Institute, Cornell University

- *Amelanchier* spp. (*A. arborea, A. canadensis, A. laevis*, and *A. x grandiflora*)
  Serviceberry Species and Hybrids, Tree Forms
- *Carpinus caroliniana* Ironwood, Musclewood, or American Hornbeam
- *Cercis canadensis* Eastern Redbud
- *Cornus mas* Corneliancherry Dogwood
- *Cotinus obovatus* American Smoketree
- *Crataegus phaenopyrum* Washington Hawthorn
- *Crataegus punctata var. inermis* 'Ohio Pioneer' Ohio Pioneer Dotted Hawthorn
- *Crataegus viridis* 'Winter King' Winter King Hawthorn
- *Koelreuteria paniculata* Goldenraintree
- *Liquidambar stryaciflua* 'Clydesform' Emerald Sentinel® Sweetgum
- *Malus* spp. Flowering Crabapple
- *Maple (all varieties)*
- *Parrotia persica* Persian Parrotia
- *Prunus* 'Accolade' (P. sargentii x P. subhirtella) Accolade Flowering Cherry
- *Prunus* 'Snow Goose' Snow Goose Cherry
- *Prunus virginiana* 'Canada Red Select' Canada Red Chokecherry
- *Pyrus betulaefolia* 'Southworth' and *P. calleryana x P. betulaefolia* 'Edgedell' Dancer™ Ornamental Birchleaf Pear and Edgewood™ Callery Pear
- *Pyrus calleryana* 'Jaczam', 'Jilzam', 'Valzam', and 'Cleprizam' Jack™, Jill™, Valiant®, and Cleveland Pride® Callery Pears
- *Pyrus fauriei* 'Westwood' Korean Sun™ Pear
- *Pyrus ussuriensis* 'Mountain Frost' and 'MorDak' 'Mountain Frost' and Prairie Gem™ Ussurian Pears
- *Robinia pseudoacacia* 'Globe' (or 'Inermis') and 'Bessoniana' Globe and Bessoniana Black Locust
- *Sorbus intermedia* Swedish Mountainash
- *Sorbus x hybrida* and *Sorbus x thuringiaca* (these hybrids of S. aria x S. aucuparia are virtually the same plant and therefore readily confused in the trade) Oak-Leaf Mountainash
- *Syringa reticulata* Japanese Tree Lilac
- *Tilia cordata* 'Halka' Summer Sprite® Littleleaf Linden
- *Viburnum sieboldii* Siebold Viburnum
- *Zelkova serrata* 'Schmidtlow' Wireless® Japanese Zelkova
OGDENSBURG CODE

Medium to Large Trees (greater than 30’) – Not suitable for planting zones with overhead utilities.  List adapted from Urban Horticulture Institute, Cornell University

- **Aesculus x carnea** (A. hippocastanum x A. pavia) Red Horsechesnut
- **Alnus glutinosa** European Alder or Black Alder
- **Betula nigra** 'Cully' and 'BNMTF' Heritage® and Dura-Heat™ River Birch
- **Betula populifolia** 'Whitespire Sr.' (cultivar formerly listed as Betula platyphylla var. japonica, Asian White Birch) Whitespire Sr. Gray Birch
- **Carpinus betulus** European Hornbeam
- **Catalpa speciosa** Northern Catalpa
- **Celtis laevigata** Sugar Hackberry, Southern or Mississippi Hackberry
- **Celtis occidentalis** Common Hackberry
- **Cercidiphyllum japonicum** Katsura Tree
- **Cladrastis kentukea** Yellowwood
- **Corvulus column** Turkish Filbert
- **Ginkgo biloba** Ginkgo, sometimes called Maidenhair Tree
- **Gleditsia triacanthos var. inermis** Thornless Common Honeylocust
- **Gymnocladus dioicus** Kentucky Coffeetree
- **Liquidambar styraciflua** American Sweetgum
- **Liriodendron tulipifera** Tuliptree or Tulip Poplar
- **Maclura pomifera var. inermis** (male) Osage Orange
- **Maple (all varities)**
- **Metasequoia glyptostroboides** Dawn Redwood
- **Nyssa sylvatica** Black Tupelo, also known as Sour Gum or Black Gum
- **Ostrya virginiana** American Hophornbeam (also known as Ironwood, but should not be confused with Carpinus caroliniana, which is more commonly called Ironwood)
- **Phellodendron amurense** Amur Corktree
- **Platanus x acerifolia** London Planetree
- **Prunus sargentii** Sargent Cherry
- **Pyrus calleryana** Callery Pear
- **Quercus acutissima** Sawtooth Oak
- **Quercus bicolor** Swamp White Oak
- **Quercus coccinea** Scarlet Oak
- **Quercus imbricaria** Shingle Oak
- **Quercus macrocarpa** Bur Oak or Mossycup Oak
- **Quercus muehlenbergii** Chinkapin Oak, sometimes called Yellow Chestnut Oak
- **Quercus palustris** Pin Oak
- **Quercus phellos** Willow Oak
- **Quercus robur** English Oak
- **Quercus rubra** Northern Red Oak
- **Quercus shumardii** Shumard Oak
TREES

*Robinia pseudoacacia* Black Locust

- *Sorbus alnifolia* Korean Mountainash
- *Styphnolobium japonicum (Sophora japonica)* Japanese Pagodatree or Scholar-tree
- *Taxodium distichum* Common Baldcypress
- *Tilia americana* Basswood
- *Tilia cordata* Littleleaf Linden
- *Tilia x euchlora* (*T. cordata* x *T. dasystyla*) Crimean Linden
- *Tilia tomentosa* Silver Linden
- *Ulmus americana* American Elm Cultivars
- *Ulmus* *x* *species* Elm Hybrids
- *Ulmus parvifolia* Chinese Elm or Lacebark Elm
- *Zelkova serrata* Japanese Zelkova

For additional information on recommended tree species refer to the City’s Tree Inventory and Management Plan.

§206-6. **Recommended Listing of Trees to Plant**

No species other than those included on this list shall be planted as street trees without written authorization of the City Forester in consultation with the Ogdensburg Tree Commission.

§206-7. **Obstruction of streets**

A. It shall be the duty of City Staff to ensure that trees on right-of-way property are pruned in a manner that will not obstruct free passage of pedestrians on sidewalks. When trees are interfering with utility wires, it is the obligation of the appropriate utility company to correct the situation.

§206-8. **Emergency work**

This chapter shall not govern any emergency activity immediately necessary to protect life, safety or property or to maintain access to any property. Any such activity shall incorporate reasonable efforts to protect trees and shrubs on city property from unnecessary damage.
# Chapter 209

**VEHICLES AND TRAFFIC**

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ARTICLE I
General Provisions

§ 209-1. Definitions.

A. The words and phrases used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them by Article 1 of the Vehicle and Traffic Law of the State of New York.
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B. The following words and phrases, which are not defined by Article 1 of the Vehicle and Traffic Law of the State of New York, shall have the meanings respectively ascribed to them in this section for the purposes of this chapter:

CURBLINE -- The prolongation of the lateral line of a curb or, in the absence of a curb, the lateral boundary line of the roadway.


OFFICIAL TIME STANDARD -- Whenever certain hours are named herein or on traffic control devices, they shall mean the time standard which is in current use in this state.

§ 209-2. Authority to install traffic control devices.

The Police Chief shall install and maintain traffic control devices when and as required under the provisions of this chapter, to make effective the provisions of this chapter, and may install and maintain such additional traffic control devices as he may deem necessary to regulate, warn or guide traffic under the Vehicle and Traffic Law of the State of New York, subject to the provisions of §§ 1682 and 1684 of that law.

§ 209-3. Schedules; adoption of regulations.

A. For the purpose of maintaining an accurate record of all regulations adopted under the provisions of this chapter, there is hereby established a system of schedules, appearing as Article VII of this chapter, in which shall be entered all regulations after adoption. Such schedules shall be deemed a part of the section to which they refer. All regulations shall be adopted with reference to the appropriate schedule as indicated in the various sections of this chapter.

B. Regulations shall be adopted by the City Council in accordance with provisions of the General City Law and the Vehicle and Traffic Law, or by an officer or agency authorized by the City Council to adopt regulations pursuant to § 1603 of the Vehicle and Traffic Law.

§ 209-4. Special authority of Police Chief.

A. In accordance with the duties of the Police Chief to direct and regulate the movement of vehicular and pedestrian traffic for the facilitation of traffic and convenience of the public as well as the protection of human life (City Charter § C-38) and in accordance with the authority granted by §§ 1603 and 1640 of the Vehicle and Traffic Law of the State of New York, the Police Chief may, in writing, temporarily (for no more than 30 days) waive, suspend or add to the regulations of this chapter with the written approval of the City Manager.

B. Action under this authority shall be done on the form approved by the City Council.

C. The form (PD 6050A), as on file in the office of the City Clerk, shall be used by the Police Chief in carrying out actions under this chapter.
ARTICLE II
Traffic Violations Bureau

§ 209-5.  Establishment authorized.

The City Court of the City of Ogdensburg, New York, is hereby authorized to establish a Traffic Violations Bureau to assist the Court in the disposition of charges in relation to traffic violations, pursuant to Article 14-B of the General Municipal Law.

§ 209-6.  Supervision; hours of operation.

The City Court shall designate the person or persons who shall be in charge of the Traffic Violations Bureau and the days and hours that the Bureau shall be open for the transaction of its official business.


The Traffic Violations Bureau is hereby authorized to dispose of violations of traffic laws, ordinances, rules and regulations of the City of Ogdensburg, New York, except for speeding offenses, or Vehicle and Traffic Law misdemeanors or felonies, within 10 days after a person has been notified of a violation by the affixing of a notice of violation on a vehicle parked in violation of this chapter, traffic law, rule or regulation, or within three days after personal service of a uniform traffic summons. Days that the Bureau shall not be open for official business shall not be computed for the three-day period.


A. A person may appear in person or by a written power of attorney in such form as shall be prescribed by the City Court by paying a fine established by the City Court and, in writing, waiving a hearing in court, pleading guilty to the charge and authorizing the person in charge of the Bureau to make such a plea and pay such fine in court.

B. The Bureau shall accept such designated fines and issue receipts therefor.

C. The Bureau shall cause a complaint to be entered against such person who does not answer within the designated time and a warrant to be issued for his arrest and appearance before the Court.

D. Any person who shall have been, within the preceding 12 months, guilty of a number of parking violations in excess of such maximum number as established by the Court, or of three or more violations other than parking violations, shall not be permitted to appear and answer to a subsequent violation at the Traffic Violations Bureau, but must appear in Court at a time specified by the Bureau.

E. Nothing contained in this Article shall authorize the Traffic Violations Bureau to deprive a person of his right to counsel or to prevent him from exercising his right to appear in Court to answer to, explain or defend and charge of a violation of any traffic law, ordinance, rule or regulation.

The Bureau shall keep records and submit detailed monthly reports to the City Court of all notices or summons issued and disposed of by said Bureau and such other information as may be prescribed by the City Court by law and shall transmit with said reports all sums collected to the City Court.

ARTICLE III
Traffic Regulations

§ 209-10. Traffic control signals.

Traffic control signals shall be installed and operated at the intersection of those streets described in Schedule I (§ 209-38), attached to and made a part of this chapter.


The maximum speed at which vehicles may proceed on or along any streets or highways within the City is hereby established at 30 miles per hour, except that the speed limit for vehicles proceeding on or along those streets or parts of streets described in Schedule II (§ 209-39), attached to and made a part of this chapter, shall be as indicated in said schedule.


No person shall drive a vehicle at a speed in excess of that indicated in Schedule III (§ 209-40), attached to and made a part of this chapter, in the areas described in said schedule, during school days between the hours of 7:00 a.m. and 6:00 p.m.


The streets or parts of streets described in Schedule IV (§ 209-41), attached to and made a part of this chapter, are hereby designated as one-way streets in the direction indicated.


No person shall make a U-turn on any of the streets or parts of streets described in Schedule V (§ 209-42), attached to and made a part of this chapter.


No person shall make a turn of the kind designated (left, right, all) at any of the locations described in Schedule VI (§ 209-43), attached to and made a part of this chapter.

§ 209-16. Prohibited right turns on red signal.

No person shall make a right turn when facing a steady red signal (stop indication) at any of the locations described in Schedule VII (§ 209-44), attached to and made a part of this chapter.
§ 209-17. Stop intersections.

The intersections described in Schedule VIII (§ 209-45), attached to and made a part of this chapter, are hereby designated as stop intersections. Stop signs shall be installed as provided therein.


The intersections described in Schedule IX (§ 209-46), attached to and made a part of this chapter, are hereby designated as yield intersections. Yield signs shall be installed as provided therein.

§ 209-19. Truck route system.

A. A truck route system upon which all trucks, tractors and tractor-trailer combinations having a total gross weight in excess of 10,000 pounds are permitted to travel and operate shall be as set forth in Schedule X (§ 209-47), attached to and made a part of this chapter.

B. All trucks, tractors and tractor-trailer combinations having a total gross weight in excess of 10,000 pounds are hereby excluded from all streets except those streets listed in Schedule X, except that this exclusion shall not be construed to prevent the delivery or pickup of merchandise or other property along the street from which such vehicles and combinations are excluded.


All vehicles, except emergency and maintenance vehicles, are hereby prohibited from travel upon the pedestrian/bicyclist rights-of-way upon the Maple City Trail, beginning on the east side of Oswegatchie River, from the Lake Street Bridge to a point 2,332 feet south therefrom, to the Oswegatchie Pumping Station; and, on the west side of the Oswegatchie River from the Spring Street Bridge to a point 5,808 feet south therefrom, to the Oswegatchie railroad overpass. In addition to its normal meaning, vehicles shall include all terrain vehicles, motor bikes and snowmobiles.

ARTICLE IV
Parking, Standing and Stopping


The provisions of this article shall apply except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.


No person shall park a vehicle upon any fire lane as designated by the Fire Chief of the City of Ogdensburg. A list of such locations so designated shall be kept on file in the office of the City Clerk.
§ 209-22. Parking prohibited at all times.

No person shall park a vehicle at any time upon any of the streets or parts thereof described in Schedule XI (§ 209-48), attached to and made a part of this chapter.


No person shall park any bus, tractor-trailer combination, trailer section of a tractor-trailer combination, recreational vehicle, camping trailer, mobile home, or trailered boat within 50 feet of a crosswalk. A first violation shall generate a warning, and the offender shall be given a copy of this section.

§ 209-23. No stopping.

No person shall stop a vehicle upon any of the streets or parts of streets described in Schedule XII (§ 209-49), attached to and made a part of this chapter.


No person shall stand a vehicle upon any of the streets or parts of streets described in Schedule XIII (§ 209-50), attached to and made a part of this chapter.

§ 209-25. Parking prohibited certain hours. [Amended 1-14-2013 by Ord. No. 1-2013]

No person shall park a vehicle between the hours specified in Schedule XIV (§ 209-51) of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said schedule, attached to and made a part of this chapter.

No person, except under §209-51.1., shall park a vehicle between the hours specified in Schedule XIV (§ 209-51) of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said schedule, attached to and made a part of this chapter.

§ 209-26. No stopping certain hours.

No person shall stop a vehicle during the times specified in Schedule XV (§ 209-52) of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said schedule, attached to and made a part of this chapter.

§ 209-27. No standing certain hours.

No person shall stand a vehicle during the times specified in Schedule XVI (§ 209-53) of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said schedule, attached to and made a part of this chapter.

No person shall park a vehicle for longer than the time limit shown in Schedule XVII (§ 209-54) at any time between the hours listed in said schedule of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said schedule, attached to and made a part of this chapter.


No person shall park a vehicle upon any of the streets or parts thereof described in Schedule XVIII (§ 209-55), attached to and made a part of this chapter, except at the angle designated and only within the painted stall lines. On all streets or portions thereof where angle parking is now or shall hereafter be authorized, all vehicles parked thereon shall be parked with the front thereof nearest the curb.


The locations described in Schedule XIX (§ 209-56), attached to and made a part of this chapter, are hereby designated as loading zones.


The locations described in Schedule XX (§ 209-57), attached to and made a part of this chapter, are hereby designated as handicapped parking spaces, and the parking of vehicles, other than vehicles displaying registration plates for the disabled or a statewide handicapped parking permit, shall be prohibited.


The locations described in Schedule XXI (§ 209-58), attached to and made a part of this chapter, are hereby designated as handicapped discharge and pickup zones, and the standing of vehicles, other than vehicles displaying registration plates for the disabled or a statewide handicapped parking permit, shall be prohibited.

ARTICLE V
Removal and Storage of Vehicles

§ 209-32. Authority to impound vehicles.

A. When any vehicle is parked or abandoned on any highway or public parking lot within this City during a snowstorm, flood, fire or other public emergency which affects that portion of the public highway or parking lot upon which said vehicle is parked or abandoned, said vehicle may be removed by or under the direction of the Superintendent of Streets and Highways or Police Department.

B. When any vehicle is found unattended on any highway or public parking lot within the City where said vehicle constitutes an obstruction to traffic, said vehicle may be removed by or under the direction of the Superintendent of Streets and Highways or Police Department.
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C. When any vehicle is parked or abandoned on any highway within the City where stopping, standing or parking is prohibited, said vehicle may be removed by the authority of the Superintendent of Streets and Highways or Police Department.

D. When any vehicle is parked in the same location or abandoned for longer than seven consecutive days on any highway or City-owned parking lot within the City where parking is allowed, said vehicle may be removed by the authority of the Chief of Police.

§ 209-33. Storage and charges.

After removal of any vehicle as provided in this Article, the Superintendent of Streets and Highways may store or cause such vehicle to be stored in a suitable place at the expense of the owner. Such owner or person in charge of the vehicle may redeem the same upon payment to the person with whom stored of the amount of all expenses actually and necessarily incurred in effecting such removal and storage, such removal charges not to exceed $50, and such storage charges not to exceed $2 per day or fraction thereof.

§ 209-34. Notice of removal.

It shall be the duty of the Superintendent of Streets and Highways to report the removal and disposition of any vehicle removed to the Police Department, and it shall ascertain to the extent possible the owner of the vehicle or the person having the same in charge and to notify him of the removal and disposition of such vehicle and of the amount which will be required to redeem the same. Said Superintendent of Streets and Highways shall also, without delay, report to the City Clerk the removal and disposition of any vehicle removed as provided in this Article.

ARTICLE VI
Miscellaneous Provisions

§ 209-35. Mechanical repairs to vehicles in residential areas.

No repairs shall be done on any motor vehicle within or upon any residential area of the City of Ogdensburg, unless:

A. Such repairs are necessary to allow the removal of a disabled motor vehicle from a public street or parking lot. Such repair will be of an emergency nature, such as changing of a flat tire or temporarily securing a loose exhaust system.

B. The owner of the vehicle being repaired resides upon the property where repairs are being done, and the owner is not in the business of repairing or selling motor vehicles.
§ 209-36. Vessel regulation zone; penalty.

A. The vessel regulation zone is defined as the harbor shipping channel and contiguous shoreline of the St. Lawrence River between the extension of the center line of Elizabeth Street north to a point on the St. Lawrence River shoreline on the east, and a point of land on the east shore of Lighthouse Point established as the point of intersection between the extension of the east right-of-way line for Commerce Street with said shore of Lighthouse Point, on the west, and the Oswegatchie River south from its confluence with the St. Lawrence River to the Ogdensburg Dam. This zone is further delineated by the map on file and available for inspection in the office of the City Clerk. The speed limit is five miles per hour in the vessel regulation zone.

B. Violations of this section shall constitute an offense punishable as follows:

(1) For conviction of a first offense: by a fine of not less than $25 nor more than $100.
(2) For a conviction of a second offense within 24 months of the previous offense: by a fine of not less than $50 nor more than $200.
(3) For a conviction of a third or subsequent offense committed within a twenty-four-month period: by a fine of not less than $100 nor more than $500.

§ 209-37. Penalties for offenses.

Every person convicted of a traffic infraction for a violation of any provision of this chapter which is not a violation of any provision of the Vehicle and Traffic Law of the State of New York shall, for a first conviction thereof, be punished by a fine of not more than $100 or by imprisonment for not more than 15 days, or by both such fine and imprisonment; for a second such conviction within 18 months thereafter, such person shall be punished by a fine of not more than $200 or by imprisonment for not more than 45 days, or by both such fine and imprisonment; upon a third or subsequent conviction within 18 months after the first conviction, such person shall be punished by a fine of not more than $300 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

ARTICLE VII
Schedules


In accordance with the provisions of § 209-10, traffic control signals shall be installed at the following described intersections:

Intersection
- Canton Street, Franklin Street and East South Street
- Canton Street, Franklin Street and East South Street
- Ford Street and Barre Street [Added 2-25-2013 by Ord. No. 4-2013]
- Ford Street and Paterson Street
- Morris Street and East South Street
- New York Avenue and Spring Street
- Park Street and East David Street
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In accordance with the provisions of § 209-11, speed limits other than 30 miles per hour are hereby established as indicated upon the following described streets or parts thereof:

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Speed limit (mph)</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>All municipal parking lots</td>
<td>20</td>
<td>--</td>
</tr>
<tr>
<td>Caroline Street</td>
<td>25</td>
<td>From Washington Street to the St. Lawrence River</td>
</tr>
<tr>
<td>Cedar Street</td>
<td>25</td>
<td>Entire length</td>
</tr>
<tr>
<td>Gateway Shopping Center</td>
<td>20</td>
<td>Entire parking lot</td>
</tr>
<tr>
<td>Isabella Street</td>
<td>25</td>
<td>Entire length</td>
</tr>
<tr>
<td>Outer Ford Street</td>
<td>45</td>
<td>From Proctor Avenue to the Route 37 Arterial Highway</td>
</tr>
<tr>
<td>Park Plaza Shopping Center</td>
<td>20</td>
<td>Entire parking lot</td>
</tr>
<tr>
<td>Riverside Avenue [Amended 5-11-1998 by Ord. No. 4-1998]</td>
<td>25</td>
<td>From the Customs House to Paterson Street</td>
</tr>
<tr>
<td>Seaway Shopping Center</td>
<td>20</td>
<td>Entire parking lot</td>
</tr>
<tr>
<td>State Street</td>
<td>25</td>
<td>From Washington Street to Riverside Avenue</td>
</tr>
</tbody>
</table>

In accordance with the provisions of § 209-12, no person shall drive a vehicle in excess of the speeds indicated below, in the areas designated below, during school days between the hours of 7:00 a.m. and 6:00 p.m.:

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Speed limit (mph)</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academy Place</td>
<td>20</td>
<td>Between Canton Street and Ogdensburg Free Academy</td>
</tr>
<tr>
<td>Franklin Street</td>
<td>[Repealed 5-12-2014 by Ord. No. 5-2014]</td>
<td></td>
</tr>
<tr>
<td>Gates Street</td>
<td>[Repealed 9-8-2014 by Ord. No. 10-2014]</td>
<td></td>
</tr>
<tr>
<td>Jay Street</td>
<td>[Repealed 9-8-2014 by Ord. No. 10-2014]</td>
<td></td>
</tr>
<tr>
<td>Jefferson Avenue</td>
<td>20</td>
<td>Adjacent to Grant Madill School between a point 300 feet north of the northern curb line of Grove Street and a point 300 feet south of the southern curb line of Pine Street.</td>
</tr>
<tr>
<td>Judson Street</td>
<td>[Repealed 9-8-2014 by Ord. No. 10-2014]</td>
<td></td>
</tr>
<tr>
<td>Knox Street</td>
<td>[Repealed 9-8-2014 by Ord. No. 10-2014]</td>
<td></td>
</tr>
<tr>
<td>Mansion Avenue</td>
<td>[Repealed 9-8-2014 by Ord. No. 10-2014]</td>
<td></td>
</tr>
<tr>
<td>Park Street</td>
<td>20</td>
<td>Adjacent to the Kennedy School and BOCES Schools between Lafayette Street and a point 300 feet south of the south building line of BOCES</td>
</tr>
<tr>
<td>Pine Street</td>
<td>20</td>
<td>From a point 300 feet east of the east building line of Grant Madill School to Jefferson Avenue</td>
</tr>
<tr>
<td>South Rosseel Street</td>
<td>[Repealed 9-8-2014 by Ord. No. 10-2014]</td>
<td></td>
</tr>
<tr>
<td>State Street</td>
<td>20</td>
<td>Adjacent to Ogdensburg Free Academy between David Street and a point 300 feet south of the south building line of Ogdensburg Free Academy</td>
</tr>
</tbody>
</table>

In accordance with the provisions of § 209-13, the following described streets or parts thereof are hereby designated as one-way streets in the direction indicated:

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Direction</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caroline Street</td>
<td>North</td>
<td>From Jay Street to Riverside Avenue</td>
</tr>
<tr>
<td>Congress Street</td>
<td>North</td>
<td>From Lafayette Street to Montgomery Street</td>
</tr>
<tr>
<td>Crescent Street</td>
<td>Northeast</td>
<td>From Montgomery Street to Pickering Street</td>
</tr>
<tr>
<td>Deviller Street</td>
<td>South</td>
<td>From Ford Street (1200 block) to Greene Street</td>
</tr>
<tr>
<td>Franklin Street</td>
<td>South</td>
<td>From Riverside Avenue to Jay Street</td>
</tr>
<tr>
<td>Jersey Avenue [Added 2-28-1996 by Ord. No. 5-1996]</td>
<td>East</td>
<td>From Park Street to Plover Hill Avenue</td>
</tr>
<tr>
<td>Lake Street [Added 11-10-2014 by Ord. No. 14-2014]</td>
<td>South</td>
<td>From Spring Street to Grove Street</td>
</tr>
<tr>
<td>Lincoln Avenue</td>
<td>North</td>
<td>From Spring Street to King Street</td>
</tr>
<tr>
<td>Pero Lane</td>
<td>North</td>
<td>From Ford Street (1200 block) to Washington Street</td>
</tr>
<tr>
<td>Pickering Street</td>
<td>South</td>
<td>From Crescent Street to Lafayette Street</td>
</tr>
<tr>
<td>Plover Hill Avenue [Added 2-28-1996 by Ord. No. 5-1996]</td>
<td>North</td>
<td>From Jersey Avenue to Lafayette Street</td>
</tr>
<tr>
<td>Proctor Lane</td>
<td>North</td>
<td>From Greene Street (900 block) to Ford Street</td>
</tr>
</tbody>
</table>
Name of Street  Direction  Limits
South Water Street  South  From Lafayette Street to West South Street
Spinner Street  West  From State Street to Crescent Street


In accordance with the provisions of § 209-14, no person shall make a U-turn at any of the following locations:

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Reserved)</td>
<td></td>
</tr>
</tbody>
</table>

§ 209-43. Schedule VI: Prohibited Turns at Intersections.

In accordance with the provisions of § 209-15, no person shall make a turn of the kind designated below at any of the following intersections:

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Direction of Travel</th>
<th>Prohibited Turn</th>
<th>Hours</th>
<th>At Intersection of</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Reserved)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

§ 209-44. Schedule VII: Prohibited Right Turns on Red Signal.

In accordance with the provisions of § 209-16, no person shall make a right turn when facing a steady red signal (stop indication) at any of the following locations:

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Direction of Travel</th>
<th>Prohibited Right Turn on Red Signal Onto</th>
<th>Hours/Days</th>
</tr>
</thead>
</table>


In accordance with the provisions of § 209-17, the following described intersections are hereby designated as stop intersections, and stop signs shall be installed as follows:

<table>
<thead>
<tr>
<th>Stop Sign on</th>
<th>Direction of Travel</th>
<th>At Intersection of</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academy Place</td>
<td>South</td>
<td>Canton Street</td>
</tr>
<tr>
<td>Adams Avenue</td>
<td>Both</td>
<td>King Street</td>
</tr>
<tr>
<td>Adams Avenue</td>
<td>Both</td>
<td>Rensselaer Avenue</td>
</tr>
<tr>
<td>Direction of Stop Sign on</td>
<td>Travel</td>
<td>At Intersection of</td>
</tr>
<tr>
<td>---------------------------</td>
<td>--------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Adams Avenue</td>
<td>North</td>
<td>Main Street</td>
</tr>
<tr>
<td>Adams Avenue</td>
<td>North</td>
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[Added 1-26-1998 by Ord. No. 1-1998]

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[Added 10-23-2006 by Ord. No. 9-2006]

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[Added 10-23-2006 by Ord. No. 9-2006]
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<td>Both</td>
<td>Hamilton Street</td>
</tr>
<tr>
<td>Knox Street</td>
<td>Both</td>
<td>Linden Street</td>
</tr>
<tr>
<td>Knox Street</td>
<td>Both</td>
<td>Morris Street</td>
</tr>
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<td>Both</td>
<td>Park Street</td>
</tr>
<tr>
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<td>Both</td>
<td>Paterson Street</td>
</tr>
<tr>
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<td>Both</td>
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<tr>
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<td>Crescent Street</td>
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<tr>
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<td>Both</td>
<td>Morris Street</td>
</tr>
<tr>
<td>Lafayette Street</td>
<td>Both</td>
<td>Park Street</td>
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<tr>
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<td>Both</td>
<td>Paterson Street</td>
</tr>
<tr>
<td>Lafayette Street</td>
<td>Both</td>
<td>Rosseel Street</td>
</tr>
<tr>
<td>Lafayette Street</td>
<td>West</td>
<td>Picquet Drive</td>
</tr>
<tr>
<td>Lake Street</td>
<td>East</td>
<td>New York Avenue</td>
</tr>
<tr>
<td>Lake Street</td>
<td>South</td>
<td>Spring Street</td>
</tr>
<tr>
<td>Lake Street</td>
<td>North</td>
<td>West River Street</td>
</tr>
</tbody>
</table>

Lake Street [Added 2-25-2013 by Ord. No. 5-2013]

<p>| Lincoln Avenue | Both          | King Street |
| Lincoln Avenue | South         | Main Street |
| Lincoln Avenue | South         | Rensselaer Avenue |
| Linden Lane    | North         | Ford Street |
| Linden Street  | Both          | Greene Street|
| Linden Street  | Both          | Route 37    |
| Linden Street  | South         | Ford Street |
| Madison Avenue | Both          | Main Street |
| Madison Avenue | Both          | Ogden Street|
| Madison Avenue | Both          | Rensselaer Avenue|
| Main Street    | Both          | Albany Avenue|
| Main Street    | Both          | New York Avenue|
| Main Street    | West          | Lake Street |</p>
<table>
<thead>
<tr>
<th>Stop Sign on</th>
<th>Direction of Travel</th>
<th>At Intersection of</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mansion Avenue</td>
<td>Both</td>
<td>Gates Street</td>
</tr>
<tr>
<td>Mansion Avenue</td>
<td>Both</td>
<td>King Street</td>
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<td>Mansion Avenue</td>
<td>Both</td>
<td>Oak Street</td>
</tr>
<tr>
<td>Mansion Avenue</td>
<td>Both</td>
<td>Ogden Street</td>
</tr>
<tr>
<td>Mansion Avenue</td>
<td>[Repealed 10-12-1993 by Ord. No. 13-1993]</td>
<td></td>
</tr>
<tr>
<td>Mansion Avenue</td>
<td>Both</td>
<td>Spring Street</td>
</tr>
<tr>
<td>Mansion Avenue</td>
<td>Both</td>
<td>Spruce Street</td>
</tr>
<tr>
<td>Mansion Avenue</td>
<td>North</td>
<td>Cedar Street</td>
</tr>
<tr>
<td>Mansion Avenue</td>
<td>South</td>
<td>Main Street</td>
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<tr>
<td>Market Street</td>
<td>West</td>
<td>New York Avenue</td>
</tr>
<tr>
<td>Mechanic Street</td>
<td>Both</td>
<td>David Street</td>
</tr>
<tr>
<td>Mechanic Street</td>
<td>Both</td>
<td>Jersey Avenue</td>
</tr>
<tr>
<td>Mechanic Street</td>
<td>Both</td>
<td>Lafayette Street</td>
</tr>
<tr>
<td>Mechanic Street</td>
<td>Both</td>
<td>West South Street</td>
</tr>
<tr>
<td>Mill Street</td>
<td>East</td>
<td>Lake Street</td>
</tr>
<tr>
<td>Monroe Avenue</td>
<td>Both</td>
<td>Main Street</td>
</tr>
<tr>
<td>Monroe Avenue</td>
<td>Both</td>
<td>Ogden Street</td>
</tr>
<tr>
<td>Monroe Avenue</td>
<td>South</td>
<td>Pearl Street</td>
</tr>
<tr>
<td>Montgomery Street</td>
<td>Both</td>
<td>Franklin Street</td>
</tr>
<tr>
<td>Montgomery Street</td>
<td>Both</td>
<td>Linden Street</td>
</tr>
<tr>
<td>Montgomery Street</td>
<td>Both</td>
<td>Morris Street</td>
</tr>
<tr>
<td>Montgomery Street</td>
<td>Both</td>
<td>Pickering Street</td>
</tr>
<tr>
<td>Montgomery Street</td>
<td>Both</td>
<td>State Street</td>
</tr>
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<td>Montgomery Street</td>
<td>East</td>
<td>Champlain Street</td>
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<tr>
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<td>Congress Street</td>
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<td>East</td>
<td>Kendrick Street</td>
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<tr>
<td>Montgomery Street</td>
<td>[Added 5-24-2004 by Ord. No. 6-2004]</td>
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<td>Both</td>
<td>Ford Street</td>
</tr>
<tr>
<td>Morris Street</td>
<td>Both</td>
<td>Greene Street</td>
</tr>
<tr>
<td>Morris Street</td>
<td>Both</td>
<td>Washington Street</td>
</tr>
<tr>
<td>Morris Street</td>
<td>North</td>
<td>Canton Street</td>
</tr>
<tr>
<td>Stop Sign on</td>
<td>Travel</td>
<td>At Intersection of</td>
</tr>
<tr>
<td>----------------------</td>
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<td>-----------------------------</td>
</tr>
<tr>
<td>Morris Street</td>
<td>South</td>
<td>Riverside Avenue</td>
</tr>
<tr>
<td>North Meadow Drive</td>
<td>South</td>
<td>Hayward Street</td>
</tr>
<tr>
<td>North Rosseel Street</td>
<td>North</td>
<td>Ford Street</td>
</tr>
<tr>
<td>Oak Street</td>
<td>Both</td>
<td>New York Avenue</td>
</tr>
<tr>
<td>Oak Street</td>
<td>West</td>
<td>Lake Street</td>
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<tr>
<td>Ogden Street</td>
<td>Both</td>
<td>Albany Avenue</td>
</tr>
<tr>
<td>Ogden Street</td>
<td>Both</td>
<td>New York Avenue</td>
</tr>
<tr>
<td>Ogden Street</td>
<td>East</td>
<td>Main Street</td>
</tr>
<tr>
<td>Ogden Street</td>
<td>West</td>
<td>Lincoln Avenue</td>
</tr>
<tr>
<td>Paddock Street</td>
<td>North</td>
<td>Hayward Street</td>
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<tr>
<td>Paddock Street</td>
<td>South</td>
<td>Proctor Avenue</td>
</tr>
<tr>
<td>Park Street</td>
<td>Both</td>
<td>Jay Street</td>
</tr>
<tr>
<td>Park Street</td>
<td>South</td>
<td>Ford Street</td>
</tr>
<tr>
<td>Pearl Street</td>
<td>West</td>
<td>Madison Avenue</td>
</tr>
<tr>
<td>Pero Lane</td>
<td>South</td>
<td>Washington Street</td>
</tr>
<tr>
<td>Pickering Street</td>
<td>Both</td>
<td>Lafayette Street</td>
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<tr>
<td>Pickering Street</td>
<td>Both</td>
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</tr>
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<td>Pickering Street</td>
<td>North</td>
<td>Fine Street</td>
</tr>
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<td>Pine Street</td>
<td>Both</td>
<td>Lake Street</td>
</tr>
<tr>
<td>Pine Street</td>
<td>Both</td>
<td>Mansion Avenue</td>
</tr>
<tr>
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<td>Both</td>
<td>New York Avenue</td>
</tr>
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<td>Pine Street</td>
<td>West</td>
<td>Jefferson Avenue</td>
</tr>
<tr>
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<td>Both</td>
<td>Jay Street</td>
</tr>
<tr>
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</tr>
<tr>
<td>Pleasant Avenue</td>
<td>North</td>
<td>East David Street</td>
</tr>
<tr>
<td>Pleasant Avenue</td>
<td>South</td>
<td>Greene Street</td>
</tr>
<tr>
<td>Stop Sign on</td>
<td>Direction of Travel</td>
<td>At Intersection of</td>
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<tr>
<td>------------------------------</td>
<td>---------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>Plover Hill Avenue</td>
<td>Both</td>
<td>Lafayette Street</td>
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<td>Plover Hill Avenue</td>
<td>South</td>
<td>Jay Street</td>
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<tr>
<td>Pottery Lane</td>
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<td>Montgomery Street</td>
</tr>
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<td>Both</td>
<td>Bridge Approach Road</td>
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<td>Ford Street</td>
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<tr>
<td>Railroad Street</td>
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<td>Paterson Street</td>
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<tr>
<td>Remington Circle</td>
<td>South</td>
<td>Lafayette Street</td>
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<tr>
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<td>Both</td>
<td>Albany Avenue</td>
</tr>
<tr>
<td>Rensselaer Avenue</td>
<td>East</td>
<td>Main Street</td>
</tr>
<tr>
<td>Rensselaer Avenue [Added 10-12-1993 by Ord. No. 13-1993]</td>
<td>East</td>
<td>Mansion Avenue</td>
</tr>
<tr>
<td>Rensselaer Avenue</td>
<td>West</td>
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<tr>
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<td>Both</td>
<td>New York Avenue</td>
</tr>
<tr>
<td>River Street</td>
<td>Both</td>
<td>Lake Street</td>
</tr>
<tr>
<td>Riverside Avenue [Added 5-11-1998 by Ord. No. 3-1998]</td>
<td>Both</td>
<td>Caroline Street</td>
</tr>
<tr>
<td>Riverside Avenue [Added 5-11-1998 by Ord. No. 3-1998]</td>
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<td>Franklin Street</td>
</tr>
<tr>
<td>Riverside Avenue [Added 5-11-1998 by Ord. No. 3-1998]</td>
<td>Both</td>
<td>Isabella Street</td>
</tr>
<tr>
<td>Riverside Avenue [Added 5-11-1998 by Ord. No. 3-1998]</td>
<td>Both</td>
<td>State Street</td>
</tr>
<tr>
<td>Riverside Avenue</td>
<td>West</td>
<td>Paterson Street</td>
</tr>
<tr>
<td>Rosseel Street</td>
<td>Both</td>
<td>Greene Street</td>
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<td>Rosseel Street</td>
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<td>Jay Street</td>
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<td>Rosseel Street</td>
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<tr>
<td>Rosseel Street</td>
<td>South</td>
<td>Ford Street</td>
</tr>
<tr>
<td>Seymour Street</td>
<td>Both</td>
<td>Greene Street</td>
</tr>
<tr>
<td>Seymour Street</td>
<td>Both</td>
<td>Knox Street</td>
</tr>
<tr>
<td>Seymour Street</td>
<td>North</td>
<td>Jay Street</td>
</tr>
<tr>
<td>Stop Sign on</td>
<td>Direction of Travel</td>
<td>At Intersection of</td>
</tr>
<tr>
<td>------------------------</td>
<td>---------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Seymour Street</td>
<td>South</td>
<td>Ford Street</td>
</tr>
<tr>
<td>Spinner Street</td>
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<td>Crescent Street</td>
</tr>
<tr>
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<td>East</td>
<td>Harrison Avenue</td>
</tr>
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<td>Spring Street</td>
<td>East</td>
<td>St. Lawrence Avenue</td>
</tr>
<tr>
<td>Spring Street</td>
<td>West</td>
<td>Madison Avenue</td>
</tr>
<tr>
<td>Spruce Street</td>
<td>Both</td>
<td>Lake Street</td>
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<tr>
<td>Spruce Street</td>
<td>Both</td>
<td>New York Avenue</td>
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<tr>
<td>St. Denny Lane</td>
<td>North</td>
<td>Greene Street</td>
</tr>
<tr>
<td>St. Lawrence Avenue</td>
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<td>King Street</td>
</tr>
<tr>
<td>St. Lawrence Avenue</td>
<td>Both</td>
<td>Ogden Street</td>
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<td>St. Lawrence Avenue</td>
<td>Both</td>
<td>Rensselaer Avenue</td>
</tr>
<tr>
<td>St. Lawrence Avenue</td>
<td>North</td>
<td>Gates Street</td>
</tr>
<tr>
<td>St. Lawrence Avenue</td>
<td>South</td>
<td>Main Street</td>
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<tr>
<td>State Street</td>
<td>South</td>
<td>Riverside Avenue</td>
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<td>Ford Street</td>
</tr>
<tr>
<td>Tate Street</td>
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<td>Washington Street</td>
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<td>Wadhams Street</td>
<td>East</td>
<td>Curtis Street</td>
</tr>
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<td>Wadhams Street</td>
<td>South</td>
<td>Proctor Avenue</td>
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<td>Wall Street</td>
<td>North</td>
<td>Ford Street</td>
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<tr>
<td>Washington Street</td>
<td>Both</td>
<td>Paterson Street</td>
</tr>
<tr>
<td>West River Street</td>
<td>Both</td>
<td>Lake Street</td>
</tr>
<tr>
<td>West South Street</td>
<td>Both</td>
<td>Congress Street</td>
</tr>
<tr>
<td>West South Street</td>
<td>East</td>
<td>South Water Street</td>
</tr>
<tr>
<td>West South Street</td>
<td>West</td>
<td>State Street</td>
</tr>
<tr>
<td>William Street</td>
<td>Both</td>
<td>Proctor Avenue</td>
</tr>
<tr>
<td>William Street</td>
<td>North</td>
<td>Anthony Street</td>
</tr>
<tr>
<td>Woodford Avenue</td>
<td>South</td>
<td>Ogden Street</td>
</tr>
</tbody>
</table>

In accordance with the provisions of § 209-18, the following described intersections are hereby designated as yield intersections, and yield signs shall be installed as follows:

<table>
<thead>
<tr>
<th>Stop Sign on</th>
<th>Direction of Travel</th>
<th>At Intersection of</th>
</tr>
</thead>
<tbody>
<tr>
<td>Champlain Street</td>
<td></td>
<td>[Repealed 5-27-2014 by Ord. No. 7-2014]</td>
</tr>
<tr>
<td>Congress Street</td>
<td></td>
<td>[Repealed 10-23-2006 by Ord. No. 9-2006]</td>
</tr>
</tbody>
</table>

§ 209-47. Schedule X: Truck Route System.

In accordance with the provisions of § 209-19, a truck route system upon which trucks and tractor-trailer combinations in excess of 10,000 pounds may travel is hereby established on the following streets or parts thereof:

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cedar Street</td>
<td>Entire length</td>
</tr>
<tr>
<td>Denny Street</td>
<td>Between Railroad Street and a point 150 feet south therefrom</td>
</tr>
<tr>
<td>Downtown Arterial</td>
<td>Entire length</td>
</tr>
<tr>
<td>Fine Street</td>
<td>Between State Street and Route 37</td>
</tr>
<tr>
<td>Ford Street</td>
<td>Between State Street and the Ford Street Extension</td>
</tr>
<tr>
<td>Ford Street Extension</td>
<td>Entire length</td>
</tr>
<tr>
<td>Lafayette Street</td>
<td>Between Spring Street and State Street</td>
</tr>
<tr>
<td>Madison Avenue</td>
<td>From Main Street to Pearl Street</td>
</tr>
<tr>
<td>New York Avenue</td>
<td>Entire length</td>
</tr>
<tr>
<td>New York State Arterial Route 37</td>
<td>Entire length</td>
</tr>
<tr>
<td>Paterson Street</td>
<td>Entire length</td>
</tr>
<tr>
<td>Railroad Street</td>
<td>Entire length</td>
</tr>
<tr>
<td>Spring Street</td>
<td>Between New York Avenue and the Spring Street Bridge</td>
</tr>
<tr>
<td>State Street</td>
<td>Entire length</td>
</tr>
<tr>
<td>Washington Street</td>
<td>Between State Street and the Downtown Arterial</td>
</tr>
</tbody>
</table>


In accordance with the provisions of § 209-22, no person shall park a vehicle at any time upon any of the following described streets or parts thereof:
<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academy Place</td>
<td>West</td>
<td>Between the south curbline of Canton Street and the Ogdensburg Free Academy Parking Lot</td>
</tr>
<tr>
<td>Adams Avenue</td>
<td>Both</td>
<td>From the north curbline of Main Street to the Ogdensburg-DeKalb Railroad tracks</td>
</tr>
<tr>
<td>Canton Street</td>
<td>South</td>
<td>From a point 400 feet east of the east curbline of Franklin Street to a point 150 feet east therefrom</td>
</tr>
<tr>
<td>Caroline Street</td>
<td>West</td>
<td>From the north curbline of Washington Street to the south curbline of Riverside Avenue</td>
</tr>
<tr>
<td>Champlain Street</td>
<td>East</td>
<td>From the south curbline of Ford Street to the north curbline of Greene Street</td>
</tr>
<tr>
<td>Covington Street</td>
<td>North</td>
<td>From a point 122 feet west of the west curbline of St. Lawrence Avenue to a point 3 feet west therefrom</td>
</tr>
<tr>
<td>Crescent</td>
<td>East</td>
<td>From the south curbline of Spinner Street to the north curbline of Knox Street</td>
</tr>
<tr>
<td>Crescent</td>
<td>East</td>
<td>From the west curbline of Pickering Street to the north curbline of Montgomery Street</td>
</tr>
<tr>
<td>Crescent</td>
<td>East</td>
<td>From the north curbline of Knox Street to the north curbline of Jay Street</td>
</tr>
<tr>
<td>Crescent</td>
<td>East</td>
<td>From the northern terminus to the north curbline of Spinner Street</td>
</tr>
<tr>
<td>Crescent</td>
<td>East</td>
<td>From the south curbline of Jay Street to the east curbline of Pickering Street</td>
</tr>
<tr>
<td>Crescent [Repealed 9-10-2001 by Ord. No. 11-2001]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>David Street</td>
<td>South</td>
<td>From the west curbline of Congress Street to a point 30 feet west therefrom</td>
</tr>
<tr>
<td>Denny Street</td>
<td>East</td>
<td>From the south curbline of Washington Street to the north curbline of Ford Street</td>
</tr>
<tr>
<td>Deviller Street</td>
<td>East</td>
<td>From the south curbline of Ford Street to a point 150 feet south therefrom</td>
</tr>
<tr>
<td>Deviller Street</td>
<td>West</td>
<td>From the south curbline of Ford Street to the north curbline of Greene Street</td>
</tr>
<tr>
<td>Name of Street</td>
<td>Side</td>
<td>Location</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>East South Street</td>
<td>Both</td>
<td>From the east curbline of Franklin Street to a point 75 feet east therefrom</td>
</tr>
<tr>
<td>Ford Avenue</td>
<td>East</td>
<td>From the south curbline of King Street to the north curbline of Rensselaer Avenue</td>
</tr>
<tr>
<td>Ford Avenue</td>
<td>West</td>
<td>From a point 150 feet south of the south curbline of Main Street to a point 100 feet south therefrom</td>
</tr>
<tr>
<td>Ford Avenue [Added 10-22-2001 by Ord. No. 14-2001]</td>
<td>West</td>
<td>From the south curbline of King Street to the north curbline of Rensselaer Avenue</td>
</tr>
<tr>
<td>Ford Avenue [Amended 3-14-2000 by Ord. No. 3-2000]</td>
<td>West</td>
<td>From the south curbline of Rensselaer Avenue to the north curbline of Ogden Street</td>
</tr>
<tr>
<td>Ford Street [Amended 3-22-1999 by Ord. No. 3-1999]</td>
<td>North</td>
<td>From the east curbline of Caroline Street to a point 112 feet east therefrom</td>
</tr>
<tr>
<td>Ford Street</td>
<td>North</td>
<td>From the east curbline of Morris Street to a point 150 feet east therefrom</td>
</tr>
<tr>
<td>Ford Street [Added 1-26-1998 by Ord. No. 1-1998]</td>
<td>North</td>
<td>From a point 458 feet west of the west curbline of State Street to the east curbline of the mall parking lot circulation aisle</td>
</tr>
<tr>
<td>Ford Street [Repealed 6-24-2013 by Ord. No. 11-2013]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ford Street [Added 6-24-2013 by Ord. No. 11-2013]</td>
<td>South</td>
<td>From a point 30 feet east of the east curbline of Caroline Street</td>
</tr>
<tr>
<td>Ford Street [Added 10-14-2008 by Ord. No. 6-2008]</td>
<td>South</td>
<td>From the west curbline of Caroline Street to a point 45 feet west therefrom</td>
</tr>
<tr>
<td>Ford Street [Added 1-26-1998 by Ord. No. 1-1998]</td>
<td>South</td>
<td>From the west curbline of State Street to the east curbline of the mall parking lot circulation aisle</td>
</tr>
<tr>
<td>Franklin Avenue</td>
<td>East</td>
<td>From the north curbline of East South Street to a point 50 feet north therefrom</td>
</tr>
<tr>
<td>Name of Street</td>
<td>Side</td>
<td>Location</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>------</td>
<td>-------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Franklin Avenue</td>
<td>West</td>
<td>From the south curbline of Canton Street south to the end, a distance of 500 feet</td>
</tr>
<tr>
<td>Franklin Street</td>
<td>West</td>
<td>From a point 130 feet south of the south curbline of Ford Street to a point 155 feet south therefrom</td>
</tr>
<tr>
<td>Franklin Street</td>
<td>West</td>
<td>From the north curbline of Canton Street to a point 100 feet north therefrom</td>
</tr>
<tr>
<td>Gate Street</td>
<td>North</td>
<td>From the west curbline of Mansion Avenue to the east curbline of Albany Avenue</td>
</tr>
<tr>
<td>Gates Street</td>
<td>North</td>
<td>From the west curbline of St. Lawrence Avenue to a point 460 feet thereof, in a westerly direction.</td>
</tr>
<tr>
<td>Green Street</td>
<td>South</td>
<td>Between the east curbline of Caroline Street and the west curbline of Franklin Street</td>
</tr>
<tr>
<td>Hamilton Street</td>
<td>West</td>
<td>From a point 165 feet north of the north curbline of Ford Street to a point 35 feet north therefrom</td>
</tr>
<tr>
<td>Hasbrouck Street</td>
<td>West</td>
<td>From the south curbline of Jay Street to the north curbline of Lafayette Street</td>
</tr>
<tr>
<td>Isabella Street</td>
<td>East</td>
<td>From the south curbline of Riverside Avenue to the north curbline of Washington Street</td>
</tr>
<tr>
<td>Jay Street</td>
<td>South</td>
<td>From the east curbline of Caroline Street to the west curbline of Franklin Street</td>
</tr>
<tr>
<td>Jefferson Avenue</td>
<td>East</td>
<td>From the south curbline of Rensselaer Avenue to the north curbline of Ogden Street</td>
</tr>
<tr>
<td>Jersey Avenue</td>
<td>North</td>
<td>From a point 175 feet east of the east curbline of Park Street to a point 80 feet east thereof</td>
</tr>
<tr>
<td>King Street</td>
<td>North</td>
<td>From the west curbline of Ford Avenue to the east curbline of Mansion Avenue</td>
</tr>
<tr>
<td>King Street</td>
<td>South</td>
<td>From the west curbline of Ford Avenue to a point 130 feet west therefrom</td>
</tr>
<tr>
<td>King Street</td>
<td>South</td>
<td>From the west curbline of New York Avenue to a point 142 feet west thereof on King Street</td>
</tr>
<tr>
<td>King Street</td>
<td>South</td>
<td>From the east curb line of Ford Avenue to the west curb line of New York Avenue</td>
</tr>
<tr>
<td>Name of Street</td>
<td>Side</td>
<td>Location</td>
</tr>
<tr>
<td>-----------------</td>
<td>---------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Lafayette Street</td>
<td>North</td>
<td>From the west curbline of State Street to the east curbline of Pickering Street</td>
</tr>
<tr>
<td>Lafayette Street</td>
<td>North</td>
<td>From the west curb line of Pickering Street to the east curb line of Congress Street</td>
</tr>
<tr>
<td>Lafayette Street</td>
<td>North</td>
<td>From the east curbline of Patterson Street to a point 121 feet east therefrom</td>
</tr>
<tr>
<td>Lafayette Street</td>
<td>North</td>
<td>From the west curbline of Patterson Street to a point 100 feet west therefrom</td>
</tr>
<tr>
<td>Lafayette Street</td>
<td>South</td>
<td>From the east curbline of Patterson Street to a point 50 feet east therefrom</td>
</tr>
<tr>
<td>Lake Street</td>
<td>Both</td>
<td>From the south end of Lake Street Bridge to a point 20 feet south therefrom</td>
</tr>
<tr>
<td>Lake Street</td>
<td>Both</td>
<td>In front of the Lake Street Bridge</td>
</tr>
<tr>
<td>Lincoln Avenue</td>
<td>West</td>
<td>400 Block</td>
</tr>
</tbody>
</table>

Madison Avenue **[Repealed 2-26-18 by Ord. No. 2-2018]**

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Madison Avenue</td>
<td>West</td>
<td>From the south curbline of Main Street to the north curbline of Rensselaer Avenue</td>
</tr>
<tr>
<td>Main Street</td>
<td>North</td>
<td>From the east curbline of Madison Avenue to the west curbline of Allen Street</td>
</tr>
<tr>
<td>Main Street</td>
<td>North</td>
<td>From the west curbline of Madison Avenue to a point 30 feet west therefrom</td>
</tr>
<tr>
<td>Mansion Avenue</td>
<td>East</td>
<td>From the south curbline of King Street to the north curbline of Rensselaer Avenue</td>
</tr>
<tr>
<td>Mansion Avenue</td>
<td>East</td>
<td>From the south curbline of Main Street to the north curbline of King Street</td>
</tr>
</tbody>
</table>

Mansion Avenue **[Added 1-22-2007 by Ord. No. 2-2007]**

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mansion Avenue</td>
<td>West</td>
<td>From a point 112 feet north of the Rensselaer Avenue north curbline to a point 91 feet therefrom</td>
</tr>
<tr>
<td>Oak Street</td>
<td>North</td>
<td>From the west curbline of New York Avenue to the east curbline of Ford Avenue</td>
</tr>
<tr>
<td>Name of Street</td>
<td>Side</td>
<td>Location</td>
</tr>
<tr>
<td>--------------------</td>
<td>---------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Ogden Street</td>
<td>South</td>
<td>From the west curbline of Mansion Avenue to a point 30 feet west therefrom</td>
</tr>
<tr>
<td>Ogden Street</td>
<td>South</td>
<td>From the west curbline of Ford Avenue to a point 30 feet west therefrom</td>
</tr>
<tr>
<td>Ogden Street</td>
<td>North</td>
<td>From the east curb line of Mansion Avenue to a point 30 feet east therefrom</td>
</tr>
<tr>
<td>Paterson Street</td>
<td>East</td>
<td>From the south curbline of East David Street to the City line</td>
</tr>
<tr>
<td>Paterson Street</td>
<td>East</td>
<td>From the south curbline of Jay Street to the south curbline of Montgomery Street</td>
</tr>
<tr>
<td>Paterson Street</td>
<td>East</td>
<td>From the south curbline of Railroad Street to a point 350 feet south therefrom</td>
</tr>
<tr>
<td>Paterson Street</td>
<td>West</td>
<td>From the south curbline of East South Street to a point 50 feet north of the City line</td>
</tr>
<tr>
<td>Pearl Street</td>
<td>North</td>
<td>From the west curbline of Madison Avenue to a point 160 feet west therefrom</td>
</tr>
<tr>
<td>Pearl Street</td>
<td>South</td>
<td>From the east curbline of Monroe Avenue to the west curbline of Madison Avenue</td>
</tr>
<tr>
<td>Pero Lane</td>
<td>East</td>
<td>From the south curbline of Washington Street to the north curbline of Ford Street</td>
</tr>
<tr>
<td>Pickering Street [Added 6-10-2002 by Ord. No. 5-2002]</td>
<td>West</td>
<td>From a point 126 feet north of the north curbline of Fine Street to a point 78 feet north therefrom</td>
</tr>
<tr>
<td>Rensselaer Avenue [Added 2-12-1996 by Ord. No. 2-1996]</td>
<td>North</td>
<td>From the east curbline of Ford Avenue to the west curbline of New York Avenue</td>
</tr>
<tr>
<td>Rensselaer Avenue</td>
<td>South</td>
<td>From the east curbline of Jefferson Avenue to a point 30 feet east therefrom</td>
</tr>
<tr>
<td>Riverside Avenue</td>
<td>North</td>
<td>From the east curbline of Franklin Street to the west curbline of Paterson Street</td>
</tr>
<tr>
<td>St. Denny Lane</td>
<td>West</td>
<td>From the south curbline of Ford Street to the north curbline of Philip Street</td>
</tr>
<tr>
<td>Name of Street</td>
<td>Side</td>
<td>Location</td>
</tr>
<tr>
<td>----------------------</td>
<td>------</td>
<td>----------</td>
</tr>
<tr>
<td>St. Denny Lane</td>
<td>West</td>
<td>From the south curbline of Philip Street to the north curbline of Greene Street</td>
</tr>
<tr>
<td>South Water Street</td>
<td>West</td>
<td>From the south curbline of West South Street to a point 75 feet west therefrom</td>
</tr>
<tr>
<td>Spring Street</td>
<td>South</td>
<td>From the east curbline of New York Avenue to a point 75 feet east therefrom</td>
</tr>
<tr>
<td>Spring Street</td>
<td>South</td>
<td>From the west curbline of New York Avenue to a point 75 feet west therefrom</td>
</tr>
<tr>
<td>State Street</td>
<td>East</td>
<td>From a point 60 feet north of the north curbline of Greene Street to a point 60 feet north therefrom</td>
</tr>
<tr>
<td>State Street [Added 11-8-1999 by Ord. No. 8-1999]</td>
<td>East</td>
<td>From the south curbline of Washington Street to a point 232 feet south therefrom</td>
</tr>
<tr>
<td>Washington Street [Added 7-13-1999 by Ord. No. 5-1999]</td>
<td>North</td>
<td>From the west curbline of State Street to a point 60 feet west therefrom</td>
</tr>
<tr>
<td>Washington Street [Added 10-14-2008 by Ord. No. 6-2008]</td>
<td>South</td>
<td>From the east curbline of Caroline Street to a point 45 east therefrom</td>
</tr>
<tr>
<td>Washington Street</td>
<td>South</td>
<td>From the west curbline of Caroline Street to a point 45 feet west therefrom</td>
</tr>
<tr>
<td>West River Street [Added 5-27-2003 by Ord. No. 10-2003]</td>
<td>South</td>
<td>From the east curbline of Commerce Street to the west curbline of Gibbs Street</td>
</tr>
<tr>
<td>Washington Street</td>
<td>South</td>
<td>From the west curbline of Paterson Street to a point 120 feet west therefrom</td>
</tr>
</tbody>
</table>


In accordance with the provisions of § 209-23, no person shall stop a vehicle upon any of the following described streets or parts thereof:

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Reserved)</td>
<td></td>
<td>209: 33</td>
</tr>
</tbody>
</table>
OGDENSBURG CODE


In accordance with the provisions of § 209-24, no person shall stand a vehicle upon any of the following described streets or parts thereof:

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commerce Street</td>
<td>Both</td>
<td>Between the north curbline of the Downtown Arterial and a point 100 feet north therefrom</td>
</tr>
<tr>
<td>Commerce Street</td>
<td>Both</td>
<td>Between the south curbline of the Downtown Arterial and a point 100 feet south therefrom</td>
</tr>
<tr>
<td>Ford Street</td>
<td>North</td>
<td>Between the east curbline of State Street and a point 50 feet east therefrom</td>
</tr>
<tr>
<td>Ford Street</td>
<td>South</td>
<td>Between the east curbline of State Street and a point 75 feet east therefrom</td>
</tr>
<tr>
<td>Green Street [Repealed 2-10-1997 by Ord. No. 3-1997]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Green Street [Amended 2-10-1997 by Ord. No. 3-1997]</td>
<td>South</td>
<td>Between the east curbline of State Street and the west curbline of Caroline Street</td>
</tr>
<tr>
<td>Green Street</td>
<td>South</td>
<td>Between the east curbline of Deviller Street and the west curbline of Seymour Street</td>
</tr>
<tr>
<td>Green Street [Amended 2-10-1997 by Ord. No. 3-1997]</td>
<td>North</td>
<td>Between the east curbline of State Street and a point 85 feet east therefrom</td>
</tr>
<tr>
<td>Lisbon Street</td>
<td>South</td>
<td>Between the east curbline of Dearborn Street and a point 150 feet east therefrom</td>
</tr>
<tr>
<td>Park Plaza Shopping Center</td>
<td>South</td>
<td>24 feet along the southern edge of the pedestrian mall in front of the shopping center</td>
</tr>
<tr>
<td>Rensselaer Avenue</td>
<td>North</td>
<td>Between the east curbline of Mansion Avenue and the west curbline of Ford Avenue</td>
</tr>
<tr>
<td>Rensselaer Avenue [Repealed 2-12-1996 by Ord. No. 2-1996]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spinner Street</td>
<td>Both</td>
<td>Between the west curbline of State Street and the east curbline of Crescent</td>
</tr>
<tr>
<td>State Street</td>
<td>Both</td>
<td>From the north curbline of Washington Street to a point 80 feet north therefrom</td>
</tr>
<tr>
<td>State Street</td>
<td>Both</td>
<td>From the south curbline of Riverside Avenue to a point 130 feet south therefrom</td>
</tr>
<tr>
<td>Name of Street</td>
<td>Side</td>
<td>Location</td>
</tr>
<tr>
<td>----------------</td>
<td>------</td>
<td>----------</td>
</tr>
<tr>
<td>State Street [Repealed 1999 by Ord. No. 8-1999]</td>
<td>East</td>
<td>From a point 185 feet north of the north curbline of Ford Street to a point 60 feet north therefrom</td>
</tr>
<tr>
<td>State Street</td>
<td>East</td>
<td>From a point 85 feet north of the north curbline of Ford Street to a point 70 feet north therefrom</td>
</tr>
<tr>
<td>State Street</td>
<td>East</td>
<td>From the north curbline of Ford Street to a point 30 feet north therefrom</td>
</tr>
<tr>
<td>State Street</td>
<td>East</td>
<td>From the north curbline of Greene Street to a point 60 feet north therefrom</td>
</tr>
<tr>
<td>State Street</td>
<td>East</td>
<td>From the south curbline of Ford Street to a point 140 feet south therefrom</td>
</tr>
<tr>
<td>State Street</td>
<td>East</td>
<td>From the south curbline of Greene Street to a point 160 feet south therefrom</td>
</tr>
<tr>
<td>State Street [Added 11-8-1999 by Ord. No. 8-1999]</td>
<td>West</td>
<td>From the south curbline of Washington Street to a point 30 feet south therefrom</td>
</tr>
<tr>
<td>State Street</td>
<td>West</td>
<td>From a point 110 feet south of the south curbline of Washington Street to a point 80 feet south therefrom</td>
</tr>
<tr>
<td>State Street</td>
<td>West</td>
<td>From a point 160 feet north of the north curbline of Greene Street to a point 120 feet north</td>
</tr>
<tr>
<td>State Street [Repealed 4-10-2000 by Ord. No. 6-2000]</td>
<td>West</td>
<td>From a point 30 feet south of the extension of the south curbline of Ford Street to a point 100 feet north therefrom</td>
</tr>
<tr>
<td>State Street</td>
<td>West</td>
<td>From a the north curbline of the eastbound lane of the Downtown Arterial to a point 30 feet north therefrom</td>
</tr>
<tr>
<td>State Street</td>
<td>West</td>
<td>From the south curbline of the eastbound lane of the Downtown Arterial to a point 30 feet south therefrom</td>
</tr>
<tr>
<td>State Street [Added 9-10-2001 by Ord. No. 11-2001]</td>
<td>West</td>
<td>From the north curbline of Knox Street to a point 28 feet north therefrom</td>
</tr>
<tr>
<td>State Street [Added 9-10-2001 by Ord. No. 11-2001]</td>
<td>West</td>
<td>From the south curbline of Knox Street to a point 49 feet south therefrom</td>
</tr>
</tbody>
</table>
Name of Street | Side | Location
--- | --- | ---
Washington Street | North | From the east curbline of State Street to a point 128 feet east therefrom
Washington Street | North | From the west curbline of Caroline Street to a point 180 feet west therefrom
Washington Street | South | From the east curbline of State Street to a point 50 feet east therefrom

§ 209-51. Schedule XIV: Parking Prohibited Certain Hours.

In accordance with the provisions of § 209-25, no person shall park a vehicle between the times specified upon any of the following described streets or parts thereof:

Name of Street | Side | Hours/Days | Location
--- | --- | --- | ---
Academy Place | East | 7:00 a.m. to 5:00 p.m./All | From the south curbline of Canton Street to the Ogdensburg Free Academy parking lot
All City highways and municipal parking lots | -- | 1:00 a.m. to 7:00 a.m./December through March | --
Caroline Street [Added 9-25-2000 by Ord. No. 8-2000] | East | 7:00 a.m. to 4:30 p.m./Monday through Friday | From a point 105 feet south from the south curbline of Washington Street to a point 45 feet south therefrom
Caroline Street | West | 9:00 p.m. to 9:00 a.m. | Indentation parking lots north of Riverside Avenue
Elizabeth Street | West | 8:30 a.m. to 4:00 p.m./All | From a point 45 feet north of the north curbline of Ford Street to a point 100 feet north therefrom

Ford Street [Added 1-27-1997 by Ord. No. 97-1; repealed 9-25-2000 by Ord. No. 8-2000] | South | All/Sundays | From the west curbline of Franklin Street to a point 75 feet west therefrom
Jefferson Avenue | West | All/May 1 through September 30 | From the south curbline of Spruce Street to the north curbline of Cedar Street
Knox Street [Added 4-8-1996 by Ord. No. 10-1996] | South | 7:30 a.m. to 3:00 p.m./Monday through Friday | From a point 30 feet from the west curbline of Rosseel Street to a point 65 feet west of the western curbline of Rosseel Street
<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Hours/Days</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mall Parking Lot</td>
<td>--</td>
<td>7:30 a.m. to 4:00 p.m./Monday through Friday</td>
<td>From the southeast corner of the structure at 315 State Street and the southeast corner of the Journal office</td>
</tr>
<tr>
<td>New York Avenue</td>
<td>East</td>
<td>7:00 a.m. to 5:00 p.m./Monday</td>
<td>From the south curbline of King Street to a point 125 feet south therefrom</td>
</tr>
<tr>
<td>New York Avenue</td>
<td>East</td>
<td>7:00 a.m. to 5:00 p.m./Monday</td>
<td>From the north curbline of Rensselaer Avenue to a point 58 feet north therefrom</td>
</tr>
<tr>
<td>St. Lawrence Avenue</td>
<td>West</td>
<td>All/Even-numbered days May 1 through December 1</td>
<td>From the south curbline of Spring Street to the north curbline of Gates Street</td>
</tr>
<tr>
<td>[Added 4-12-2010 by Ord. No. 4-2010]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>St. Lawrence Avenue</td>
<td>East</td>
<td>All/Odd-numbered days May 1 through December 1</td>
<td>From the south curbline of Spring Street to the north curbline of Gates Street</td>
</tr>
<tr>
<td>[Added 4-12-2010 by Ord. No. 4-2010]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South Water Street</td>
<td>East</td>
<td>All/Odd-numbered days, December through March</td>
<td>Entire length</td>
</tr>
<tr>
<td>[Added 1-28-2008 by Ord. No. 1-2008]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South Water Street</td>
<td>West</td>
<td>All/Even-numbered days, December through March</td>
<td>Entire length</td>
</tr>
<tr>
<td>[Added 1-28-2008 by Ord. No. 1-2008]</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

79 Editor’s Note: This ordinance provided that for the purposes of enforcement of alternate-side parking on South Water Street, the period from 12:00 midnight to 8:00 a.m. shall be considered the same date as the previous day.

80 Editor’s Note: This ordinance provided that for the purposes of enforcement of alternate-side parking on South Water Street, the period from 12:00 midnight to 8:00 a.m. shall be considered the same date as the previous day.

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Hours/Days</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>All City Highway</td>
<td>--</td>
<td>7:00 p.m. to 7:00 a.m.</td>
<td>--</td>
</tr>
<tr>
<td>parking locations situated</td>
<td></td>
<td>a.m./December through March</td>
<td></td>
</tr>
<tr>
<td>directly in front of residences</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>within clearly identifiable</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>residence property lines, with</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>no off-street parking availability</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>to the resident/owner of that</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>particular residence.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

§ 209-52. Schedule XV: No Stopping Certain Hours.

In accordance with the provisions of § 209-26, no person shall stop a vehicle between the times specified upon any of the following described streets or parts thereof:

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Hours/Days</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jefferson Avenue</td>
<td></td>
<td>[Repealed by Ord. No. 2-2016]</td>
<td></td>
</tr>
<tr>
<td>Park Street [Amended 11-12-1996 by Ord. No. 22-1996]</td>
<td>West</td>
<td>7:30 a.m. to 4:00 p.m./Monday through Friday</td>
<td>From the south curbline of Lafayette Street to the north curbline of East David Street</td>
</tr>
<tr>
<td>Pine Street</td>
<td></td>
<td>[Repealed by Ord. No. 2-2016]</td>
<td></td>
</tr>
</tbody>
</table>


In accordance with the provisions of § 209-27, no person shall stand a vehicle between the times specified upon any of the following described streets or parts thereof:

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Hours/Days</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caroline Street</td>
<td>West</td>
<td>11:00 p.m. to 7:00 a.m.</td>
<td>Indentation parking lot north of Riverside Avenue</td>
</tr>
<tr>
<td>Ford Avenue</td>
<td>East</td>
<td>9:00 a.m. to 5:00 p.m.</td>
<td>From the south curbline of Main Street to the north curbline of King Street</td>
</tr>
</tbody>
</table>

Ford Avenue [Repealed 3-14-2000 by Ord. No. 3-2000]

Franklin Street [Repealed 5-12-2014 by Ord. No. 5-2014]

Franklin Street [Repealed 5-12-2014 by Ord. No. 5-2014]

In accordance with the provisions of § 209-28, no person shall park a vehicle for longer than the time limit specified upon any of the following described streets or parts thereof:

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Time Limit; Hours/Days</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caroline Street</td>
<td>East</td>
<td>2 hrs.; 8:00 a.m. to 4:00 p.m./Monday through Friday</td>
<td>From a point 31 feet north of the north curbline of Ford Street to a point 69 feet north therefrom</td>
</tr>
<tr>
<td>Crescent</td>
<td>West</td>
<td>30 mins.</td>
<td>From the south curbline of Knox Street to a point 170 feet south therefrom</td>
</tr>
<tr>
<td>Ford Street</td>
<td>Both</td>
<td>2 hrs.; All/All</td>
<td>From the east curbline of State Street to the west curbline of Caroline Street, except for those portions in which standing is prohibited</td>
</tr>
</tbody>
</table>

*Ford Street [Repealed 3-22-1999 by Ord. No. 3-1999]*
<table>
<thead>
<tr>
<th>Street Name</th>
<th>Direction</th>
<th>Time/Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ford Street North</td>
<td></td>
<td>15 mins.; All/All</td>
<td>From the east curbline of Denny Street to a point 50 feet east therefrom</td>
</tr>
<tr>
<td>Ford Street [Added 3-8-1999 by Ord. No. 2-1999; amended 7-13-2009 by Ord. No. 7-2009] North</td>
<td></td>
<td>1 hour; 8:00 a.m. to 5:00 p.m./Monday through Friday</td>
<td>From the west curbline of State Street, west 247 feet</td>
</tr>
<tr>
<td>Ford Street South</td>
<td></td>
<td>15 mins.; All/All</td>
<td>From the west curbline of Keefe Lane to a point 35 feet west therefrom</td>
</tr>
<tr>
<td>King Street [Added 6-28-1999 by L.L. No. 4-1999][Deleted 7-8-13 by Ord. No. 12-2013]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>King Street [Deleted 8-12-13 by Ord. No. 13-2013]</td>
<td></td>
<td>15 mins.; All/All</td>
<td>From a point 130 feet west from the west curbline of Ford Avenue to a point 145 feet west therefrom</td>
</tr>
<tr>
<td>Knox Street South</td>
<td></td>
<td>30 mins.; All/All</td>
<td>From the east curbline of Crescent to the west curbline of State Street</td>
</tr>
<tr>
<td>Lake Street East</td>
<td></td>
<td>2 hrs.; All/All</td>
<td>From the north curbline of East River Street to the area in which parking is prohibited</td>
</tr>
<tr>
<td>Lake Street East</td>
<td></td>
<td>2 hrs.; All/All</td>
<td>From the north curbline of Main Street to the south curbline of East River Street</td>
</tr>
<tr>
<td>Mall Parking Lot South [Added 4-26-2004 by Ord. No. 4-2004]</td>
<td></td>
<td>30 mins.; 8:00 a.m. to 5:00 p.m./Monday through Friday</td>
<td>From the west edge of the Isabella Street walkway to a point 16 feet west therefrom</td>
</tr>
<tr>
<td>New York Avenue [Added 3-25-2002 by Ord. No. 3-2002; Repealed 8-28-17 by Ord. No. 15-2017]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name of Street</td>
<td>Side</td>
<td>Time Limit; Hours/Days</td>
<td>Location</td>
</tr>
<tr>
<td>---------------------</td>
<td>--------</td>
<td>------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>State Street</td>
<td>East</td>
<td>2 hrs.; All/All</td>
<td>From the south curbl ine of Ford Street to a point 208 feet south therefrom, and from the north curbl ine of Greene Street to a point 176 north therefrom, except those portions where standing is prohibited</td>
</tr>
<tr>
<td>[Amended 6-9-2003 by Ord. No. 13-2003]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Street</td>
<td>East</td>
<td>2 hrs.; All/All</td>
<td>From a point 232 feet from the south curbl ine of Washington Street to the north curbl ine of Ford Street, except those portions where standing is prohibited</td>
</tr>
<tr>
<td>[Amended 11-8-1999 by Ord. No. 8-1999]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Street</td>
<td>West</td>
<td>2 hrs.; All/All</td>
<td>From the south curbl ine of Washington Street to the north curbl ine of the eastbound lane of the Downtown Arterial, except for those portions in which standing is prohibited</td>
</tr>
<tr>
<td>State Street</td>
<td>West</td>
<td>2 hrs.; All/All</td>
<td>From the south curbl ine of the eastbound lane of the Downtown Arterial to the north curbl ine of Spinner Street, except those portions where standing is prohibited</td>
</tr>
<tr>
<td>State Street</td>
<td>West</td>
<td>30 mins.; All/All</td>
<td>From the south curbl ine of Spinner Street to a point 130 feet south therefrom</td>
</tr>
<tr>
<td>[Added 9-10-2001 by Ord. No. 11-2001]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Street</td>
<td>West</td>
<td>30 mins.; All/All</td>
<td>From a point 49 feet south of the south curbl ine of Knox Street to a point 57 feet therefrom</td>
</tr>
<tr>
<td>[Added 9-10-2001 by Ord. No. 11-2001]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Washington Street</td>
<td>North</td>
<td>15 mins.; All/All</td>
<td>In the parking cutout in front of the library</td>
</tr>
</tbody>
</table>


In accordance with the provisions of § 209-29, no person shall park a vehicle upon any of the streets or parts thereof described below, except at the angle designated:

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Angle (degrees)</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>209: 41</td>
<td></td>
</tr>
</tbody>
</table>
§ 209-56. Schedule XIX: Loading Zones.

In accordance with the provisions of § 209-30, the following described locations are hereby designated as loading zones:

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caroline Street</td>
<td>West</td>
<td>From a point 180 feet north of the north curbline of Ford Street to a point 40 feet north therefrom</td>
</tr>
<tr>
<td>Ford Street</td>
<td>North</td>
<td>From the northwest corner of Ford and State Streets, west on Ford street 838 feet to a point 30 feet therefrom</td>
</tr>
<tr>
<td>King Street</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


In accordance with the provisions of § 209-31, the following described locations are hereby designated as handicapped parking spaces:

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caroline Street</td>
<td>East</td>
<td>1 space in the 700 block from a point 181 feet north of the northern curbline of Lafayette Street, to a point 27 feet in a northerly direction therefrom, Monday through Friday from 8:30 a.m. to 4:30 p.m.</td>
</tr>
<tr>
<td>Caroline Street</td>
<td>West</td>
<td>2 spaces north of the Kid’s Kingdom main Entrance</td>
</tr>
<tr>
<td>Caroline Street</td>
<td>West</td>
<td>2 spaces directly in front of the eastern main entrance to the Ogdensburg Veterans of Foreign Wars Post 2936</td>
</tr>
<tr>
<td>City Docks</td>
<td>West</td>
<td>6 spaces at the City Docks on the marina side</td>
</tr>
<tr>
<td>Commerce Street</td>
<td>East</td>
<td>2 spaces on the west side of the Lockwood</td>
</tr>
<tr>
<td>Name of Street</td>
<td>Side</td>
<td>Location</td>
</tr>
<tr>
<td>---------------------</td>
<td>--------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>David Street [Added 1-22-2007 by Ord. No. 1-2007] South</td>
<td>2 spaces in the 0 block of David Street from a point 40 feet from the west curbline of Congress Street in a westerly direction to a point 40 feet therefrom</td>
<td></td>
</tr>
<tr>
<td>Ford Street [Repealed 7-13-2009 by Ord. No. 7-2009]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ford Street [Added 11-8-1999 by Ord. No. 7-1999] North</td>
<td>2 spaces in the 200 block from a point 34 feet west of the western curbline of State Street to a point 46 feet in a westerly direction therefrom</td>
<td></td>
</tr>
<tr>
<td>Ford Street [Added 7-13-2009 by Ord. No. 7-2009] South</td>
<td>2 spaces in the 200 block from a point 247 feet west of the western curbline of State Street to a point 68 feet in a westerly direction therefrom</td>
<td></td>
</tr>
<tr>
<td>Franklin Street [Added 10-28-2013 by Ord. No. 17-2013] West</td>
<td>From a point 155 feet south of the south curbline of Ford Street to a point 20 feet south therefrom</td>
<td></td>
</tr>
<tr>
<td>[Amended 11-25-2013 By Ord. No. 18-2013]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>King Street [Added 8-14-1995 by Ord. No. 9-1995; repealed 5-14-2001 by Ord. No. 5-2001]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Knox Street [Added 9-10-2001 by Ord.No.11-2001] North</td>
<td>2 angled spaces in the 200 block on the south side of the Post Office</td>
<td></td>
</tr>
<tr>
<td>[Added 9-14-2015 by Ord. No. 17-2015] Mall Parking Lot --</td>
<td>2 spaces on the west side of the mall near the entrance to Step By Step</td>
<td></td>
</tr>
</tbody>
</table>
OGDENSBURG CODE

Mall Parking Lot  --  2 spaces on east side of Blevins Building

Mall Parking Lot  --  4 spaces on west side of Northern Physical

North Water Street  West  1 space at the Greenbelt Boat Launch
[Added 10-13-2015 by Ord. No. 20-2015]

State Street  East  1 space in the 700 block, in front of the residence at 726 State Street

State Street  East  2 spaces in the 300 block, between a point 100 feet north of the north curbline of Greene Street and a point 40 feet north therefrom

State Street  West  2 spaces in the 200 block, just north of Sperling’s Building

West River Street  North  2 spaces on the east side of the Lockwood Arena
[Added 10-13-2015 by Ord. No. 20-2015]


In accordance with the provisions of § 209-31.1, the following described locations are hereby designated as handicapped discharge and pickup zones:

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ford Street</td>
<td>North</td>
<td>1 space in the 200 block from a point 80 feet west of the western curbline of State Street to a point 32 feet in a westerly direction therefrom</td>
</tr>
</tbody>
</table>

ARTICLE VIII
Recreation Vehicles or Tractor Trailers
[Added 10-25-2004 by Ord. No. 20-2004]

§ 209-59. Parking regulations.

A. No person shall park a recreational vehicle on any public street or public property between the hours of 10:00 p.m. and 6:00 a.m. without said vehicle displaying a validly issued permit pursuant to § 209-59E of this Code. "Recreation vehicle" means any trailer, camper trailer, boat and trailer, camper, mobile home, motor home, bus or similar vehicle.

B. No person shall park a tractor-trailer combination or either of its components on any public street between the hours of 10:00 p.m. and 6:00 a.m.
C. Any recreational vehicle in violation of this section may be removed and impounded in areas posted as designated by City Council resolution.

D. The provisions of this section shall not apply to any of the following:

   (1) Vehicles making pick-ups or deliveries of goods, wares, or merchandise from or to any building or structure.
   (2) Any vehicle involved in an emergency or any vehicle being repaired under emergency conditions.
   (3) Any vehicle belonging to federal, state, or local authorities.
   (4) Any vehicle displaying a valid permit issued pursuant to § 209-59E.
   (5) Vehicles authorized by the City Manager, in writing, upon a finding of special circumstances.
   (6) Vehicles parked in conjunction with a business operation authorized by the City Manager, in writing, upon a finding of special circumstances.

E. Permit process for overnight parking of recreational vehicles.

   (1) The Chief of Police shall issue a permit for overnight parking of a recreational vehicle to any vehicle registrant. The vehicle must remain in excess of 50 feet from any crosswalk. The permit shall state the address of the registrant and shall state: "OVERNIGHT RECREATIONAL VEHICLE PARKING PERMIT."

   (2) The duration of the permit shall not exceed 72 consecutive hours.

   (3) No more than four permits shall be issued to any registrant within a one-year period.

   (4) No fee shall be charged for obtaining such a permit.

   (5) The vehicle shall not be used for overnight camping, lodging, sleeping, residing in or accommodation purposes.
ARTICLE I
Rules and Regulations

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§215-2. Use of water for building purposes ..................215:3
§215-2.1. Connection to available public water service required ...215:3
§215-3. Water used for domestic purposes ..................215:3
§215-4. Fraud; waste of water ..........................215:4
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ARTICLE I  
Rules and Regulations  

§ 215-1. Applications for new or renewed service.

A. Application for new or renewed water service shall be signed by the owner of the premises to be served or by his authorized agent and shall state fully and fairly all and several of the various uses to which the water is to be applied; and whenever thereafter any other use of the water may be required a further application must be made as aforesaid. Such applications shall be made on forms furnished by the Director of Public Works and shall state in addition to the uses for which water is desired the following:

(1) The name of the owner.

(2) The name of the architect or engineer (if any).

(3) The name of the builder.

(4) A legal description of the parcel to which water service is requested.

(5) The street address of the building to be serviced.

B. The amount of charges for water, at scheduled rates for work thus stated, shall be paid to the City Comptroller before a permit for such use shall be issued to the applicant.

A. Contractors, builders and all persons requiring water for building purposes shall, in each instance, obtain a written permit before using water for such purposes, and shall make payment at the time the permit is issued for the amount of water to be consumed in accordance with the established schedule of rates; provided, however, that in case of repairs to buildings where the amount to be expended shall not exceed $500. No charge for water except a pro rata amount of the annual rate for such premises shall be made.

B. The consumer or builder is required to provide a service or fixture where there is none to enable him to procure said water for building purposes. The application for said service must be made by the owner of the property, after which the permit for such use may be issued to the builder on his application and he must file an application to have said service turned off at the curb as soon as he has finished his work.

C. In case a consumer or builder desires to use water from a service supplying water to adjacent premises, he must procure the consent of the Water Department and the owner of the adjacent service and make payment in advance.

D. No contractor or builder will be allowed to use water from any fire hydrant for building purposes.

E. No consumer of water will be allowed to furnish water for building purposes or filling swimming pools, tanks, cisterns, etc., on his own or any other premises, without first paying the rate for said purposes.

F. The consumer or builder must, in all cases, procure a permit as before provided, previous to procuring water for building purposes, swimming pools, tanks, cistern, etc., from any City waterworks.

§ 215-2.1. Connection to available public water service required. [Added 2-11-2008 by Ord. No. 2-2008]

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the City of Ogdensburg and abutting on any street, alley or right-of-way in which there is now located or may in the future be located public water service of the City is hereby required, at the expense of the property owner, to install suitable piping and related equipment and to connect such piping and related equipment directly with the proper public water service in accordance with the provisions of this chapter, provided said public water service is located within 100 feet of the property line of the property to be served. Said property owner shall be required to install said piping and related equipment within 90 days after the date of notice from the Director of the Department of Public Works.


No permit for water to dwelling houses will be granted unless taken for domestic use. All rates for other purposes in such dwelling are based on such conditions.
§ 215-4. Fraud; waste of water.

A. In case of fraudulent misrepresentation on the part of the applicant or uses of water not embraced in the application or bill or of willful or unreasonable waste of water, the Director of Public Works shall have the right to forfeit the payment and cut off the supply immediately upon the discovery of such fraudulent use or waste until waste is stopped and all arrears paid.

B. Any person using water at any premises without the knowledge of the Water Department shall be subject to penalty under terms of these regulations.

§ 215-5. Installation and connection; costs. [Amended 6-10-1985 by Ord. No. 6-1985]

A. The City will charge to the property owner the actual cost of installing the services, including charges for labor, material and equipment use, overhead and billing charges.

B. The City will assume responsibility for installing curb stops. From the curb stop to and, if necessary, including the stop and waste valve will be the homeowner's responsibility.

C. Property owners will be responsible for the connection of the new service to their domestic water system within the house, repairs to walls, floors, replacement of electrical grounds and similar items.

§ 215-6. Piping; materials.

The Water Department uses Type K soft copper pipe tubing from 3/4 inch up to two inches in diameter and pipes in excess of two inches in diameter and uses cast-iron water pipes AWWA approved. It is requested that all service lines between the street right-of-way and to a point inside the building wall at the stop and waste valves be constructed of materials of the same type as used by the Water Department or as otherwise may be directed by the Director of Public Works.

§ 215-7. Service pipes; tapping.

A. The introduction of all service pipes will be made by the Water Department. The City of Ogdensburg will, in its discretion, tap the main pipe, furnish the corporation cock, necessary pipes, connection, curb stopcock and box to the street right-of-way.

B. All necessary work beyond the street right-of-way, such as excavation, purchase and laying pipe and backfilling trenches and restoring grassed area to its original condition, will be accomplished by the applicant. The pipe just inside the cellar wall of the building must be connected with a stop- and waste cock.


After the water service line between the street right-of-way and stop and waste valve inside the owners building has been installed, the completed work will be tested under City pressure and examined for adequate and satisfactory installation. Backfilling of trench will not be permitted unless approval is granted and authorized by the Water Department.
§ 215-9. Depth of service lines; separation from waterlines.

All service pipes shall be laid at least five feet below the surface of the ground, and they shall not be laid in the same trench with any sewer pipe or drain. Water and sewer separation shall be at least five feet apart unless as otherwise approved by the Director of Public Works.


All water troughs for pastures and all closets and urinals must be provided with self-closing valves before being supplied with water, and in no case shall any faucet except a self-closing bibb or faucet be placed over a closet, urinal or slop-hopper.


Hydrants and pipes rated as for fire purposes only shall be entirely independent of and free from connections with pipes used for any other purpose, and shall be used for no other purpose than fire purposes.

§ 215-12. Premises to have separate curb stop shutoffs.

No service pipe will be permitted to conduct water into any two or more district premises or tenements unless separate and distinct curb stopcock shutoffs are provided at the curb, so that any one of the premises may be shut off without interfering with the other.


A. No plumber or other persons shall make any extension or addition to or in connection with or in respect to any of the water pipes or fixtures without first communicating the same fully and without delay to the Director of Public Works, who shall thereupon issue a written permit for water service.

B. With every permit issued will be attached thereto a report, which shall be signed by the owner of the premises or his authorized agent receiving it and returned to the Director of Public Works within 48 hours after the work is completed, setting forth fully the pipes and fixtures attached or disconnected by him or under his supervision.

C. The Water Department may cause said work to be re-measured, and in case it shall appear that the person receiving said permit has made fraudulent representations or returns as to the amount of work done under such permit, no further permit will be issued to said applicant or to any other person for him or in his behalf, under the circumstances, until all back rates are paid.


Rates for the use of water are due and payable on the first days of May and November, half yearly, in advance, and with a new consumer prorate in advance until such day is reached from the day of tapping, which are payable yearly in advance. Rates must be paid at the City Comptroller's office during the months of May and November, without penalty, and all bills unpaid at the expiration of the above-named months shall be increased by 10% of their
respective amounts and left at the City Comptroller's office during the months of June and December for collection. On July 1 and January 1 or as soon thereafter as possible, written notice will be served upon all delinquents by leaving said notice at the last known address of the owner of the premises, that unless payment is made within five days, the supply of water will be cut off. If payment has not been made at the expiration of the time named in the notice, the Director of Public Works shall cause the supply to be cut off from the premises. A service fee may be imposed prior to again turning on the supply.

§ 215-15. Full schedule rates to be charged.

On all premises into which water is or shall be introduced, full schedule rates will be charged for all uses, and no rebate will be made or allowed for partial use of water from wells or other sources.


The regular rates for the use of fountains or jets will be based upon such use for a period equivalent to 10 hours per day for six months in each year, and whenever the water therefrom becomes a nuisance to adjoining property, the supply will be cut off until the evil is satisfactorily corrected.

§ 215-17. Vacant premises; unused fixtures.

An abatement of water rates on account of vacant premises or fixtures not in use shall only be allowed when the water has been shut off from such premises or fixtures. Consumers, whose premises have been vacated, must give notice at the waterworks office that the water may be shut off and they will not be held responsible for the water rates until such notice is given (all fixtures for which the Water Department has stated rates must be paid for or disconnected from the service pipe). In all occupied premises every fixture, whether used or not, will be charged for the stated rates and the rates collected so long as the same shall remain connected with the water pipes. An abatement shall be made for the number of whole calendar months that the vacancy shall continue but not otherwise. If the rates have been paid on account, of which an abatement is due, the amount shall be refunded or credited upon the bill for the following term. All abatements shall be approved by the Director of Public Works.


In laying a service pipe for any premises, doing work or furnishing material for said service and also in furnishing water, the Water Department shall deal only with the owner of said premises and although another may pay the tax, the owner of the premises shall be responsible for the same. Water tax will be regarded as a lien upon the premises supplied and a change of tenants or owners will not relieve the premises from the payment of the back bill; water having been shut off for nonpayment shall not be turned on until all arrearages have been paid.


A. All owners of premises supplied with water shall keep the service pipes and fixtures for and upon their premises, which shall include all pipes and fixtures from the curb stopcock shutoff, in good repair and protected from frost, at their own expense and they shall be liable for any damage which may result from their failure to do so.
B. When leaks occur in the service pipes between the curb stopcock and the premises being served, they must be immediately repaired by the owner of the premises, and if not repaired within 24 hours after notice, the Director of Public Works may cause the same to be shut off until repairs are made.


No continuous flow of water to guard against frost or for any conditions shall be permitted. The owner or occupant of any premises where an unnecessary waste of water occurs shall be notified thereof, in writing, and if such waste shall not be prevented within 24 hours from the time when said notice was given, the water may be cut off from said premises and shall not again be turned on until measures for preventing such waste have been taken.


Property owners and others shall not permit unauthorized persons to draw water from the pipes connected with the City waterworks system, over which they have control and shall be liable for the tax of such unassessed consumer, and may be deprived of water until the abuse is corrected and the charge paid.

§ 215-22. Street washers and sprinklers.

The use of street washers or sprinklers is only permitted to the applicant, his agents and employees in front and upon the building, yard, walk and street to the middle of the street for which the permit is granted, unless by special permit, and if the water therefrom is used contrary to these restrictions or is permitted to become a nuisance, the supply of water may be stopped and all advance payments forfeited.

§ 215-23. Opening or obstructing fire hydrants.

No person shall open any fire hydrant except by the consent of the City Manager, Chief of the Fire Department or director of Public Works or for the extinguishment of dangerous fires, and no person shall deposit any building material or other articles so as to obstruct free access to any fire hydrant or in any manner willfully break or injure such hydrant, nor shall any person in any manner willfully injure the water pipes or curb stop boxes or defile the water.


No person shall injure any reservoir, pumping station, main or hydrant, watering trough or drinking fountain, nor shall any person break or enter the same and draw off or waste or cause to be removed any water therefrom. In all cases where fixtures or property of the Water Department are broken or damaged, the party or parties so offending shall be liable for all damage done.


A. Standpipes or sprinkler tanks are only intended and permitted for fire protection, and all such pipes or tanks must be provided with a suitable valve at the bottom of the same, where the water is let in, the same to be sealed by an officer or employee of the Water Department. In case such seal shall be broken for the extinguishment of any fire, the party shall immediately
WATER

give notice to the Water Department. No seal shall be broken for any other purpose or use, nor any tap introduced into or connection made with said standpipe or tank.

B. No standpipe or sprinkler tank will be allowed on premises where the water is not taken for other than fire purposes and in any case, the Director of Public Works reserves the right to refuse any and all applications for the purpose.


No person, persons or corporation shall construct, maintain or extend any water supply to furnish water to themselves, or others, without the written authority of the Director of Public Works.

§ 215-27. Turning water equipment on or off.

No person shall turn on or off the water on any main or service pipes, reservoir or hydrant, without permission or order from the Director of Public Works or officials of the Water Department.


The curb stopcocks at the curbline are for the exclusive use of the Water Department and all persons are forbidden to interfere with them.

§ 215-29. Severing of pipes from main.

Whenever the water is shut off from any consumer for any reason and the Director of Public Works shall deem such turning off is not sufficient prohibition against the further use of water from such pipes, he may cause the pipes to be severed from the main.

§ 215-30. Inspections.

All premises where water is taken may, at any reasonable time, be inspected by a properly authorized officer of the Department, and full authority is given the Director of Public Works to order such inspection whenever he deems it for the good of the service.

§ 215-31. Sudden water stops; nonliability of City.

In the event of it becoming necessary to suddenly stop the pumps at the pumping station or to shut off the street mains for the purpose of making repairs, when there is no time to give notice of such shutting off and if the water ceases to flow from this or any other cause, all persons having boilers upon their premises, not supplied from tanks, are cautioned against danger from collapse and owners of hydraulic lifts or of fixtures liable to injury from the sudden withdrawal of water are hereby notified that the City will not be liable and shall not be held responsible for such damage, in all cases where boilers are supplied; suitable check, vacuum, and air valves must be applied to minimize danger from collapsing or water ram.

The City Council reserves the right to attach water meters, together with the necessary connections to any service pipe, whenever it may be deemed advisable to do so. Any meter injured by negligence of the water consumer or by frost shall be repaired at the consumer's expense. The rate to be charged to users with a faulty meter will increase the rate to 50% above the flat rate. If a faulty meter is not repaired after 90 days, this penalty will increase to 100%.

§ 215-33. Interference with water meters.

No person shall cause to be removed or in any way interfere with a water meter, which has been set by direction of the Director of Public Works, or with the valves and fitting connected therewith, without a written permit from the Water Department.

§ 215-34. Water shutoffs.

In making repairs or in constructing new work, the Water Department shall have the right to shut off the water, and keep it shut off as long as may be necessary for making such repairs or extensions, and no deductions will be made or damages allowed for the time the water is so shut off.

§ 215-35. Limitations.

The Director of Public Works reserves the right to limit the amount of water furnished any consumer, should circumstances warrant such action, although no limit may have been stated in the application or permit for such use; or said Director of Public Works may entirely cut off the use for any manufacturing purposes or any other use at any time by giving reasonable notice to consumer of such intended action.

§ 215-36. Penalties for offenses. [Amended 11-14-2016 by Ord. No. 20-2016]

Any person violating any of the provisions of these rules and regulations shall be assessed a penalty based upon the following schedule:

A. First offense, fine not to exceed $250.00.
B. Second offense, fine not to exceed $500.00.
C. Third or subsequent offenses, fine not to exceed $1,000.00.

It is the City’s option to require offending parties to relocate their meter to an insulated meter pit on the exterior of their building at their expense after the third or subsequent violation. The property owner will bear the full expense of installation and maintenance of this pit. Furthermore, the pit design and installation shall be approved by the Director of Public Works or his designated representative.
ARTICLE II
Charges
[Adopted 7-11-1988 as L.L. No. 6-1988 (Ch. 45 of the 1975 Ogdensburg Municipal Code)]

§ 215-37. Purpose.

A. The purpose of this Article is to establish uniform charges for the consumption and use of water provided by the City of Ogdensburg, to provide for the enforcement of the payment of the same and other regulations pertaining to the use of the City water system.

B. The City of Ogdensburg expressly reserves the right, power and authority to install water meters and to make a charge for water service on the basis of the readings shown by such meters for all classes of consumers and from time to time change any and all charges for the use and consumption of water and the use of the City water system.


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

COMMERCIAL/RESIDENTIAL MIXED STRUCTURE -- A structure containing one or more commercial or office units in combination with one or more family units. Each individual commercial or office unit which is provided with a separate water service (whether for washing, cooking or sanitary facilities) is a separate unit for flat rate billing, or metered billing as may be required by the City Engineer.

FAMILY UNIT -- A residential or dwelling unit, whether occupied or vacant, that is self-contained, including complete housekeeping facilities for only one household and having no cooking or sanitary facilities in common with any other family unit.

ROOMING HOUSES -- Either private homes with additional rooms to rent or commercial rooming houses or single-room occupancy structures; here the tenant is renting a room for sleeping with access to common sanitary facilities; the tenant may or may not have cooking privileges in a common kitchen.


A. The following schedule of rates for metered water service is hereby fixed and established effective the first billing date after January 1, 2018, and upon filing with the Secretary of State:

215: 10
### Meter Size (inches) | Water Allowed (gallons) | Minimum Quarterly Rate
---|---|---
5/8 | 20,300 | $ 92.00
3/4 | 27,000 | $122.50
1 | 40,600 | $183.75
1 1/4 | 53,900 | $244.25
1 1/2 | 67,600 | $306.25
2 | 135,300 | $613.00
3 | 204,100 | $924.75
4 | 272,200 | $1,233.25

$4.53 per 1,000 gallons of water used

B. Meters shall be read and billed monthly or quarterly at the discretion of the City.

C. Meters shall be installed and repaired by the City of Ogdensburg. The cost of such installation and repair for all meters is to be charged to the customer.


The following schedule of rates for flat-rate service is hereby fixed and established effective the first billing date after January 1, 2018, and upon filing with the Secretary of State:

A. Single-family residence, per year: $367.50.

B. Multifamily residence for each family unit or each tenant, per year: $367.50.

C. Rooming houses (private homes with additional rooms to rent or commercial rooming houses):

   (1) Minimum annual rent: $367.50.
   (2) Additional rooms to hire (annual rent): $92.00

D. Commercial or office units in a commercial/residential mixed structure (where metering is determined impractical by the City Engineer), per commercial or office unit per year: $367.50.

### § 215-41. Miscellaneous charges. [Last amended 04-25-2016 by L.L. No. 2-2016]

The following schedule of rates is hereby fixed and established for the period effective the first billing after April 25, 2018, and upon filing with the Secretary of State:
§ 215-42. Water rates for premises outside corporate limits.

The water rent rate for any lot, parcel of land, building or other premises located outside the corporate limits of the City of Ogdensburg and serviced by the water system of the City of Ogdensburg shall be the same rate as that charged the equivalent type of structure within the corporate limits of the City.


A. Billing periods for metered customers.

   (1) Bills for metered water consumption shall be prepared by the City of Ogdensburg on the basis of periodic meter readings provided by the City of Ogdensburg. Readings may be at thirty- or ninety-day intervals.

   (2) A ten-percent penalty shall be added after 30 days from date of billing.

B. Enforcement procedures for metered customers. Bills for metered water consumption shall be payable within 30 days of the date of billing as appearing on such bill without penalty. After the expiration of such 30 days a notice of delinquency shall be mailed on unpaid accounts. In the event of nonpayment within 60 days from the date of billing, the Department of Public Works is authorized and directed to discontinue said water service until such payment is made.

C. Billing period for flat-rate customers. Where water is supplied on a flat-rate basis, the water service charge shall be due and payable on the fifth day of May and November of each year and may be paid for 30 days from that date without penalty. After 30 days, a ten-percent penalty shall be added.
D. Lien of flat-rate charges; collection. In the case of delinquent flat-rate charges, the proper water charge or aggregate of various charges for all facilities as provided herein shall be extended on the general tax roll at the same time as property taxes and other charges are extended on such roll. The total water charges shall be added to the general City taxes and all other charges appearing on said roll, which shall be payable as a part of the total charges. Said water charges shall become a lien against the respective properties, upon delivery of said tax roll to the City Comptroller for collection.

E. Delinquent water meter charges; collection. All delinquent water meter charges, as set forth in Subsection B above, remaining unpaid at the close of a calendar year shall be added to the general tax roll for the subsequent year. All such delinquent water meter charges shall be collectible in the same manner and at the same time as other delinquent charges appearing on the tax roll, and such delinquent water meter charges, upon being extended on the tax roll and said roll being delivered to the City Comptroller for collection, shall become a lien upon such property.

F. Fine for unreported flat-rate residential or commercial units.

(1) It is the responsibility of the property owner to verify that all units owned by him, whether in single-family or multiple-dwelling residences or in commercial/residential mixed structures, are recorded by the Comptroller's office and are being billed to the property owner or his assignee. Failure to report individual billing units for the purpose of flat rate billing to the Comptroller's office shall result in a fine of $500 per unit, upon verification of such unit(s) by the City.

(2) Notice of such fine due shall be placed on the property owner for collection within 30 days of notice. An additional ten-percent penalty shall be added after 30 days from date of billing. Unpaid fines remaining unpaid at the close of a calendar year shall be added to the general tax roll for the subsequent year. Such unpaid fines shall be collectible in the same manner and at the same time as other delinquent charges appearing on the tax roll, and such fines, upon being extended on the tax roll and said roll being delivered to the City Comptroller for collection, shall become a lien upon such property.

G. Vacant residential units.

(1) Flat rate billing for residential water service makes no distinction with regard to the volume of water used over the course of a twelve-month period. Therefore, existing units vacant less than twelve months in any calendar year will be subject to the full annual water (and sewer) service charge.

(2) However, where a service is disconnected for an entire structure, the flat-rate fire protection charge will apply. The fee for a service disconnect or seal is established at $46 for a disconnect or seal and $46 for a reconnection of service.
WATER

§ 215-44. Refunds.

A. Flat-rate water charges. Claims for refunds of flat-rate water charges by water consumers on whatever basis shall first be approved by the Director of Public Works.

B. Maximum and minimum periods. Claims for refunds shall not be allowed for a period longer than one year from date of filing of such claims. In no event shall claims for refunds for less than one-fourth (1/4) of a year be allowable.

C. Deductions; payment of charges. When claims for refunds for water charges are allowable, the minimum annual rate for fire protection, as herein provided, shall first be deducted from total charges paid, and the refund for whatever fraction of a year is claimed shall be computed against the remainder. In no event shall claims for refunds be allowed until the total charges have been paid to the City Comptroller, provided that the owner or owners of such premises have entered into a contract with the City of Ogdensburg as provided in § 215-45 of this Article.

§ 215-45. Connection of users outside corporate limits; contract.

A. The owner or owners of property outside the corporate limits of the City of Ogdensburg, New York, may be allowed to connect to existing water and/or sewer mains and purchase water from the City of Ogdensburg, New York.

B. Outside users shall be charged as follows:

(1) Each outside user shall pay the same base water and sewer rate paid by City users; and

(2) A charge which shall be computed by multiplying the full value assessment by the applicable City equalization rate to determine the effective assessed valuation. The effective assessed valuation shall then be multiplied by the existing City tax rate or as the same may be hereinafter established, to be calculated as follows:

\[
\text{Outside user assessed value} \times \text{(City equalization rate)} \times \text{(Outside user equalization rate)} \times \text{City tax rate} = \text{assessed value (Outside user equalization rate)}
\]

Nonresident annual water charge in lieu of taxes.

C. The owner or owners of premises located outside the corporate limits of the City and connected to City of Ogdensburg water supply mains who desire to remain connected thereto or to be connected thereto and supplied with water by the City of Ogdensburg, New York, shall enter into a contract with the City of Ogdensburg, New York, setting forth the terms and conditions under and by which water will be furnished and supplied as follows:

CONTRACT

Whereas, the City of Ogdensburg, New York, a municipal corporation duly organized and existing under and by virtue of the laws of the State of New York, has extended its water supply mains beyond the corporate limits of said City; and
OGDENSBURG CODE

Whereas, the premises of the undersigned is connected to said water supply main and the undersigned desires it to remain connected thereto and be supplied with water by the City of Ogdensburg, now, therefore, this indenture;

Witnesseth that for the consideration of being furnished water by the City of Ogdensburg and to induce said City of Ogdensburg to furnish and continue to furnish and supply water to the premises of the undersigned, the undersigned covenants and agrees as follows: to pay for all water supplied or furnished by said City of Ogdensburg at the same rate or rates now in effect or that may be hereafter established from time to time for consumers within the corporate limits of the City of Ogdensburg subject to the terms and conditions, regulations, penalties, rates and charges established by the City Water Ordinance or that may hereafter be established by any amendment, modification or revision of said Water Ordinance.

The undersigned expressly covenants and agrees, in addition to all other charges herein provided for and as an additional consideration to induce the City of Ogdensburg to supply water to the premises of the undersigned, to pay to the City of Ogdensburg annually a sum equal to 100% of the assessed valuation of said premises supplied with water by the City, as appears each year upon the assessment roll of the Town of Lisbon, the Town of Oswegatchie or such other township within which the consumer resides or where the consumer's property is located, equalized for assessed value and multiplied by the annual tax decimal of said City of Ogdensburg. Said payment shall be due and payable in the same manner and at the same time as the regular City of Ogdensburg tax and shall be subject to the same fees and penalties.

The undersigned covenants and agrees to consent and hereby does consent to the installation of a water meter on said premises and to permit representative of the City of Ogdensburg to enter upon said premises at all reasonable hours of the day for the purpose of reading said meter.

The undersigned covenants and agrees to keep the water laterals and water connections in good working order.

The undersigned expressly covenants and agrees that he will not connect or extend or permit any other person or persons to connect or extend the water lateral running from the water supply line to said premises to any other premises.

The undersigned covenants and agrees that the City of Ogdensburg reserves the right to discontinue supplying water to the premises of the undersigned without becoming subject to any liabilities or damages to the undersigned on default in the payment of any water bill when due or on the default in the performance of or the breach of any of the terms and conditions of this agreement or in the discretion of the City Council of the City of Ogdensburg when said City Council deems it to be in the best interest of the inhabitants of the City of Ogdensburg to cease supplying water.
The undersigned covenants and agrees that he will indemnify and hold the City of Ogdensburg harmless against any and all claims for damages arising out of or by reason of furnishing water to the premises of the undersigned.

The undersigned covenants and agrees to pay the same penalty as paid by resident water users in the City of Ogdensburg.

The undersigned expressly warrants that he is the owner in fee simple of the premises known as and designed as ____________ for which water is to be furnished under this agreement.

It is mutually covenanted and agreed by and between the parties hereto that this agreement is not transferable or assignable.

The undersigned expressly covenants and agrees that he will notify the City of Ogdensburg of any sale or exchange of the premises to which water is supplied under this agreement.

The undersigned expressly covenants and agrees that the waiver by the City of Ogdensburg of any default in performance of or breach of any of the terms and conditions of this agreement shall not constitute or be deemed a waiver of any subsequent default in performance or breach of condition.

The undersigned covenants and agrees that all the laws, ordinances, rules and regulations governing the sale and distribution of water within the City of Ogdensburg are hereby referred to and incorporated within this agreement with the same force and effect as if fully set forth herein.

City of Ogdensburg, New York
By City Manager

________________________________________

(This agreement shall also be duly acknowledged in the manner prescribed by the laws of the State of New York.)
# Chapter 221
## ZONING

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Table 1: Dimensional Regulations

[HISTORY: Adopted by the City Council of the City of Ogdensburg 9-10-1990 (Ch. 30 of the 1975 Ogdensburg Municipal Code). Amendments noted where applicable.]

CHARTER REFERENCES

Department of Planning and Development -- See Art. VIII.

221: 3
§ 221-1. Title.

This chapter shall be known and may be cited as the "City of Ogdensburg Zoning Ordinance."

§ 221-2. Legislative authority.

Enactment of this chapter is pursuant to § 20 of the General City Law for the State of New York.

§ 221-3. Applicability; scope; conflicts with other provisions.

A. This chapter shall apply to the construction, erection or location of any new building or use; the expansion or addition that would alter the exterior dimensions of an area occupied by an existing building or use; and the introduction, expansion or change of any use as provided for in the City of Ogdensburg.

B. This chapter authorizes and empowers those duly appointed or delegated by the City Council of the City of Ogdensburg to approve or disapprove building permits, certificates of occupancy, sign permits, site development plans and variance applications.

C. Whenever the requirements of this chapter are at variance with the requirements of any lawfully adopted rules, regulations or ordinances, such as the New York State Uniform Fire Prevention and Building Code, the most restrictive or those imposing the higher standards shall govern.

§ 221-4. Purpose; objectives.

This chapter is designed to serve the general purposes of promoting public health, safety and welfare in accordance with the community plan for the development and growth of Ogdensburg. In particular, this chapter is intended to further the following community goals and objectives:

A. Goal 1: Take full advantage of the improving economic conditions in the City by encouraging compatible growth while developing the unique character of the community and preserving its most valued aspects.

B. Goal 2: Maintain and improve the quality of residential neighborhoods of the City.

C. Goal 3: Develop the infrastructure of the City to permit continued orderly and efficient growth and to distribute the cost of capital improvements more effectively.

D. Goal 4: Preserve and enhance the aesthetics of the City.

E. Goal 5: Enhance and encourage public access to the waterfront of the community.
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F. Goal 6: Enhance and encourage public recreational opportunities.

G. Goal 7: Enhance and encourage community services and facilities providing community services.

§ 221-5. Fees.

Application and permit fees shall be paid according to the fee schedule that may be established by resolution of the City Council and amended from time to time.

§ 221-6. Definitions.

The following definition of words and terms shall be used in the interpretation, administration and enforcement of this chapter:

ACCESSORY STRUCTURE -- A structure subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building. Examples include, but are not limited to, garages, sheds, boathouses, fences, swimming pools and satellite dish antennas.

ACCESSORY USE -- A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

AGRICULTURE -- The raising of agricultural crops, dairy and/or livestock products, except where such is an accessory and noncommercial garden to a principal residential use on the same lot. The term includes the necessary farm structures within the prescribed limits and the storage of equipment used on the premises.

ALTERATION -- A change or rearrangement in the structural parts or in the entrance and exit facilities or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

ANTIQUE SALES -- Business devoted to the sale of a work of art, agricultural implement, piece of furniture or decorative object made at least 25 years ago.

APPEAL -- A request for a review of the interpretation of any provision of this chapter or an appeal of a decision of the Zoning Administration Officer or the Code Enforcement Officer.

AREA OF SPECIAL FLOOD HAZARD -- The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

ART STUDIO -- Enclosed place for the production and sales of crafts and arts produced on site.

AUTO WASH -- A business structure or facility designed or intended primarily for the

81 Editor's Note: The definition of "animal hospital," which immediately followed this definition, was deleted 12-7-1992 by L.L. No. 3-1992.
washing of automobiles, including conveyor, drive-through and self-service types.

AWNINGS -- A structure of canvas, metal, etc., extended before a window or door or over a patio, deck, etc., as protection from the sun or rain or for aesthetic value of the building.  
[Added 5-10-1993 by Ord. No. 6-1993]
BAR -- See "tavern."

BASE FLOOD -- The flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT -- That space of a building that is partly below grade which has more than half of its height, measured from floor to ceiling, above the average established curb level or finished grade of the ground adjoining the building.

BED-AND-BREAKFAST -- An owner-occupied place of lodging that has four guest rooms or fewer, and may serve meals only to guests.

BOARDINGHOUSE -- A dwelling, or part thereof, in which lodging is provided for a fee by the owner or operator to not more than eight boarders.

BUILDING -- Any roofed structure intended for the shelter, housing or enclosure of persons, animals or property. When a building is divided into entirely separate parts extending from the ground up, each part so divided is deemed a separate building. See also "gross floor area," "accessory structure" and "principal building."

BUILDING FRONTAGE -- That side of any building facing a public street.

BUILDING, HEIGHT OF -- The vertical distance measured from the established grade at the street center line or, if no grade has been officially established on the street, measured from the average level of the proposed finished grade across the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING PERMIT -- A permit issued by the Code Enforcement Officer pursuant to this chapter or Chapter 97 of this Code that authorizes the recipient to make use of property in accordance with the requirements of this chapter. Building permits issued pursuant to this chapter shall comply with and be subject to all of the requirements of Chapter 97 of this Code.  

BUILDING, PRINCIPAL -- A building in which is conducted the main or principal use of the lot on which said building is situated.

BUSINESS AREA -- The total ground area covered by a principal building, accessory structures and parking, and including outdoor display and storage areas integral to the business.

CAMPGROUND -- A parcel of land on which three or more campsites are located and

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82 Editor's Note: See Ch. 97, Fire Prevention and Building Codes Administration.
maintained as temporary living quarters.

CANOPY -- A covering over gas pumps as required by law. [Added 5-10-1993 by Ord. No. 6-1993]

CAR WASH -- The commercial use of a building or portion of a building for washing of automobiles or other motor vehicles.

CERTIFICATE OF OCCUPANCY and/or CERTIFICATE OF COMPLIANCE -- A certificate jointly issued by the Director of Planning and Development and the Code Enforcement Officer pursuant to Chapter 97 of this Code stating that a structure or the use of land is in compliance with any approved site plan, conditions on approval and is in compliance with this chapter. [Amended 10-22-2007 by Ord. No. 10-2007]

CHURCH -- Any place devoted to organized worship on a regular basis.

CODE ENFORCEMENT OFFICER -- A person appointed pursuant to Chapter 97 of this Code, his designee or the designee of the Fire Chief who enforces the zoning, subdivision, sanitary and other regulations of the Uniform Code, this chapter and the Municipal Code of the City of Ogdensburg. [Added 10-22-2007 by Ord. No. 10-2007]

COMMERCIAL COMMUNICATIONS FACILITY -- Establishments furnishing point-to-point communication services whether by wire or radio, either aurally or visually, including radio and television broadcasting and the exchange of messages, including necessary aerials and towers.

COMMERCIAL EXCAVATION -- The mining of minerals, including sand and gravel, primarily for gain, not including extraction operated for the noncommercial use of the landowner. The term also includes quarrying; milling, such as crushing, screening, washing and flotation; and other preparation customarily conducted at the mining site or as part of a mining operation.

COMMERCIAL RECREATION -- A recreational facility designed and equipped for the conduct of sports and other leisure-time activities which is operated as a for-profit business and open to the public for a fee.

COMMERCIAL SERVICES -- Establishments primarily providing services, as opposed to products, to the general public, including but not limited to personal services, business services, repair services (except motor vehicle repair), educational services, social services and legal, accounting, engineering and other professional services, and including laundromats.

COMMUNITY RESIDENCE -- A supportive living facility with four to 14 residents or a supervised living facility subject to licensure by the Office of Mental Health or the Office of Mental Retardation and Developmental Disabilities, which provides a residence for up to 14 mentally disabled persons, including residential treatment facilities for children and youth.

83 Editor's Note: See Ch. 97, Fire Prevention and Building Codes Administration.
84 Editor's Note: See Ch. 97, Fire Prevention and Building Codes Administration.
CRAFT STUDIO -- Enclosed place for the production and sales of crafts and arts produced on site.

DAY-CARE CENTER -- Any care arrangement for persons under the age of 18 or over the age of 60 that provides day care on a regular basis for more than four hours per day for more than five persons, for payment or reimbursement.

DEVELOPMENT -- Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations.

DRIVEWAY -- Vehicle travel lane between a public road and a parking area, not including field entrances. A divided driveway is so designed that traffic entering it is separated from traffic leaving it by a raised median or other physical barrier and is considered a single driveway unit.

DWELLING, CONDOMINIUM -- A building or group of buildings in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

DWELLING, MULTIPLE-FAMILY -- See "multiple-family dwelling."

DWELLING, ONE-FAMILY -- See "single-family dwelling."

DWELLING, TOWNHOUSE -- A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire-resistant walls.

DWELLING, TWO-FAMILY -- See "two-family dwelling."

DWELLING UNIT -- A building, or portion thereof, providing complete housekeeping facilities for one family, including living, cooking, sanitary and sleeping facilities.

EASEMENT -- A grant of one or more property rights by the property owner to and for the use of the public, a corporation or another person or legal entity.

FACTORY-BUILT HOUSING -- A structure designed for long-term residential use. For the purposes of these regulations, factory-built housing consists of three types: modular, mobile homes, and manufactured homes. [Amended 10-24-2005 by Ord. No. 7-2005]

FAMILY -- One or more persons occupying the premises, living as a single housekeeping unit, as distinguished from a group occupying a boardinghouse, lodging house, club, fraternity, hotel or commune.

FENCE -- An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
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FIELD ENTRANCE -- A driveway serving a farm yard, cultivated or uncultivated field, timberland or undeveloped land, and not used for commercial, residential or industrial purposes.

FLOATING ZONING DISTRICT -- An unmapped zoning district, such as a planned development district, which is fixed on the Zoning Map only after an application for the establishment for such a district is approved by the City Council. See Article IX, Planned Development District (PDD).

FLOOD -- A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland waters and/or unusual accumulation or run-off of surface waters.

FUNERAL HOME -- A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected before burial or cremation.

GARAGE, PRIVATE -- A roofed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein or space for more than one car is leased to a nonresident of the premises.

GARAGE, PUBLIC -- A building, or part thereof, used primarily for the storage, hiring, selling, greasing, washing, servicing or repair of motor-driven vehicles, operated for gain.

GARAGE SALE -- Events known by various names, including "lawn sale," "porch sale," "barn sale" or "rummage sale." "Garage sales" are sales of tangible personal property held on the premises of the owner, conducted for no more than four days in any calendar year, and realizing not more than $1,000 in annual gross receipts.

GASOLINE STATION -- Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline or oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof. The term "gasoline station" shall be deemed to include filling station and service station.

GROSS FLOOR AREA -- The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, including basement areas devoted to residential use and the area of bays, dormers, roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

HAZARDOUS -- Any building or structure which is structurally unsafe, unsanitary, constitutes a fire hazard, harbors vermin or is otherwise dangerous to human life or uses which, in relation to existing conditions, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

HAZARDOUS WASTES -- Those materials defined and listed by the New York State Department of Environmental Conservation in the most recently published version of 6 NYCRR Part 371, Identification and Listing of Hazardous Wastes. [Amended 12-7-1992 by L.L. No. 3-1992]
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HEALTH CARE FACILITY -- Unless otherwise specified, the term "health care facility" shall be deemed to include a hospital, clinic, rest home, nursing home, sanitarium or any other place for the diagnosis, treatment and/or other care of human ailments, addictions, developmental disability or old age.

HEALTH FOOD STORE -- Establishment engaged in the retail sale of food or personal care products to the general public for personal or household consumption, excluding all alcohol and tobacco related products. Additionally permitted is retail food service for off-premises consumption to the extent that the New York State Department of Health does not require licensing for said food service. [Added 2-10-1997 by L.L. No. 97-2]

HOME OCCUPATION/PROFESSION -- A business operated out of a home; specifically, it is defined as an accessory occupation or business activity which results in a product or service for financial gain that is conducted in whole or part on the residential premises. See § 221-37, Accessory uses and structures.

HOSPITAL -- An institution providing health services, birthing services and medical or surgical care to persons suffering from illness, disease or injury.

HOSPITAL, ANIMAL -- A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term stays necessary for veterinary care.

HOTEL OR MOTEL -- A facility offering transient lodging accommodations to the general public for a fee.

INN -- An owner-occupied place of lodging that has 12 guest rooms or fewer, and may include a public tavern and restaurant which also serve nonguests.

JUNKYARD -- Any area, lot, land, parcel, building or structure, or part thereof, on which waste material, scrap metal, discarded goods, materials, machinery, or three or more unregistered, inoperable motor vehicles or other types of junk are collected, stored, salvaged or sold. [Amended 9-25-2000 by Ord. No. 10-2000]

KENNEL -- Any lot, premises or structure on or in which six or more canines, more than six months of age, are housed for commercialization.

LAUNDROMAT -- An establishment providing washing, drying or dry-cleaning machines on the premises for rental use to the general public.

LIGHT MANUFACTURING OR ASSEMBLY -- An establishment engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products and the blending of materials inside an enclosed structure.

LIVESTOCK -- Agricultural animals raised for direct human consumption or use or for the consumptive use of their body parts or products, including eggs, milk, hair, hide and meat, specifically including hogs, horses, ponies, cattle, deer, sheep, goats, fowl and fur-bearing animals.
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LOADING SPACE -- An off-street space or berth, no smaller than a parking space, used for loading or unloading of vehicles.

LOT -- A parcel of land considered as a unit, occupied or capable of being occupied by a principal building or use and accessory buildings or uses, or by a group of buildings united by a common use or interest.

LOT AREA -- The total area included within lot lines of a lot excluding any highway rights-of-way.

LOT, CORNER -- A lot located at the intersection of and fronting on two or more intersecting streets, and having an interior angle at the corner of the intersection of less than 135°.

LOT COVERAGE -- The percentage of the lot area that is occupied by the ground area of a building and its accessory buildings or structures, if any, but excluding driveways and open parking spaces and parking lots.

LOT DEPTH -- The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

LOT LINES -- The property lines bounding the lot.

A. LOT LINE, FRONT -- The lot line separating the lot from the street right-of-way. Corner lots have two front lot lines.

B. LOT LINE, REAR -- The lot line opposite and most distant from the front lot line.

C. LOT LINE, SIDE -- Any lot line other than a front or rear lot line.

LOT WIDTH -- The distance between side lot lines measured parallel to the front setback line at a distance from the front lot line equal to the front setback specified for the district.

MANUFACTURED HOME -- A residential dwelling built in accordance with the Federal Manufactured Home Construction and Safety Standards which became effective June 15, 1976, and that meets the following compatibility standards, when assembled: [Added 10-24-2005 by Ord. No. 7-2005]

A. Model year. The model year of the manufactured home shall be no more than 72 months preceding the placement and assembly of the unit on any lot.

B. Minimum width. All manufactured units shall have a minimum width on the narrowest point not less than 24 feet nor less than 40 feet in length when assembled. Where the architectural style proposed includes something less than 24 feet, a variance must be obtained from the Zoning Board of Appeals.

C. Minimum roof pitch. Except for authorized accessory structures, the pitch of the main roof shall be not less than three feet of rise for each 12 feet of horizontal run with eave
projections of at least 12 inches and no greater than 30 inches. Such roof material shall be nonreflective in nature.

D. Exterior material. The exterior material of the manufactured home shall be similar to that customarily used in site-built residential structures. Siding materials shall be nonreflective in nature.

E. Exterior foundation. The manufactured home shall be secured to a permanent foundation of masonry construction and shall have a minimum of four windows, each no smaller than 32 inches in width and 15 inches in height.

F. Placement. Every manufactured dwelling shall be placed so that the apparent entrance or front of the home faces or parallels the principal street frontage.

G. All building setbacks, parking, coverage, height, and sign requirements of the district shall apply.

MANUFACTURED HOUSING COMMUNITY -- Any piece of real property under single ownership or control for which the primary purpose is the placement of two or more manufactured homes for permanent residential dwellings and for the production of income. A manufactured housing community does not include real property used for the display and sale of manufactured units, nor does it include real property used for seasonal recreational purposes only, as opposed to year-round occupancy. [Added 10-24-2005 by Ord. No. 7-2005]

MANUFACTURING -- Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, production of goods and the blending or packaging of materials.

MASS TRANSIT STATION -- A place where the transfer between modes of transportation takes place or any premises for the transient housing or parking of buses, trains or ride-sharing vehicles and the loading and unloading of passengers.

MEMBERSHIP CLUB -- Premises and buildings devoted to a membership organization catering to members and their guests for educational, political, recreational, athletic or charitable purposes. For the purposes of this chapter "membership club" shall include lodges, fraternal organizations and other like nonprofit organizations; however, if such uses serve alcoholic beverages to the general public on a regular basis such use shall be treated as a tavern.

MOBILE HOME -- A residential dwelling that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, built prior to enactment of the Federal Manufactured Home Construction and Safety Standards which became effective June, 15, 1976, and approved by the Planning Board as meeting the following compatibility standards, when assembled: [Amended 11-12-2002 by Ord. No. 16-2002 85; 10-24-2005 by Ord. No. 7-2005]

85 Editor's Note: This ordinance also repealed the former definitions of "Mobile home, Class A," "Mobile home, Class B" and "Mobile home, Class C" which immediately followed this definition.
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A. The minimum width of the mobile home at its narrowest point shall be not less than 28 feet nor less than 40 feet in length.

B. The mobile home shall have a sloping roof with not less than 3/12 pitch with eave projections of at least four inches. The roof shall be constructed with composite shingles or other materials customarily used in site-built residential structures. Such roof shall be nonreflective in nature.

C. The exterior material of the mobile home shall be similar to that customarily used in site-built residential structures. Siding materials shall be nonreflective in nature.

D. The exterior covering material of the mobile home shall extend to the ground, except where a solid concrete or masonry perimeter foundation is used, in which case the exterior covering material need not extend below the top of the foundation.

E. The mobile home shall be secured to a permanent foundation constructed of masonry or meeting the definition of foundation-grade pressure-treated materials.

F. The exterior foundation shall have a minimum of four windows, each no smaller than 32 inches in width and 15 inches in height.

G. The mobile home shall bear the seal of the HUD label, manufacture serial number, model unit and be no older than three years from the date of application for a building permit.86

MODULAR HOME -- A structure intended for residential use and manufactured off-site in accordance with the New York State Building Code.87

MOTOR VEHICLE REPAIR -- A building, portion of a building or use of land used for making repairs to motor vehicles, including body work and painting, for commercial gain.

MULTIPLE-FAMILY DWELLING -- A building or portion thereof designed for year-round occupancy, containing separate dwelling units for three or more families living independently of each other, other than hotels, motels, camps and rooming houses.

NONCONFORMING LOT -- A lot which was lawful prior to the adoption or amendment of this chapter but which does not now conform to the area and/or dimensions required in the district in which it is situated by reason of such adoption or amendment. [Amended 12-7-1992 by L.L. No. 3-1992]

NONCONFORMING USE -- Use of a building or of land which was lawful prior to the adoption or amendment of this chapter, but which does not conform to the regulations for the

86 Editor's Note: The definition of "mobile home park," which immediately followed this subsection, was repealed 10-24-2005 by Ord. No. 7-2005.

87 Editor's Note: The definition of "modular housing," which immediately followed this subsection, was repealed 10-24-2005 by Ord. No. 7-2005.
district in which it is situated by reason of such adoption or amendment. [Amended 12-7-1992 by L.L. No. 3-1992]

NURSING HOME -- A proprietary facility, licensed or regulated by the State of New York, for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care, but who require skilled nursing and related medical services.

OFFICE -- A room or group of rooms used for a business or profession or for the management functions of an industry or service.

OPEN STORAGE -- The keeping, in an unenclosed area, of any goods, junk, material, merchandise, unregistered motor vehicles, recreational vehicles of any kind, or lawn mowers. [Added 10-22-2007 by Ord. No. 10-2007]

OUTSIDE STORAGE -- The keeping, in any unroofed area, of any goods, junk, materials, merchandise or vehicles for more than 72 hours.

PARKING AREA -- An off-street, ground-level area, usually surfaced and improved for the temporary storage of motor vehicles in operating condition.

PARKING SPACE -- A space designated for the parking of one motor vehicle, measuring a minimum of 10 feet in width and 20 feet in length, not including any required maneuvering aisle, vehicle circulation, public road or right-of-way.

PERMITTED USE -- Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PERSONAL SERVICE -- A commercial establishment primarily engaged in providing services involving the care of a person and his or her apparel such as laundries, barbershops, photo studios, etc.

PLANNED DEVELOPMENT DISTRICT -- A minimum sized tract of land in single ownership, or controlled by an individual, partnership, cooperative or corporation, designed for and capable of being used for one or more residential, commercial, industrial or recreational uses in a unified site design for the entire district.

PLAT -- A map representing a tract of land showing boundaries and location of individual properties and streets.

PLAT, FINAL -- A final map drawn by a licensed engineer showing a proposed subdivision, including all detailed information required by New York State law and this chapter, which is submitted to the Planning Board and if approved, filed with the County Clerk.

PLAT, PRELIMINARY -- A preliminary map indicating the proposed layout of a subdivision or site plan which is submitted to the Planning Board for consideration and preliminary approval.

PRINCIPAL USE -- The primary or predominant use of any lot.

PRIVATE OUTDOOR SWIMMING POOL -- A structure intended for bathing or swimming
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purposes made of concrete, masonry, metal or other impervious material, having a depth of more than three feet and owned and maintained by an individual for exclusive use by his family and friends.

PUBLIC NOTICE -- The advertisement of a public hearing or meeting in a paper of general circulation in the area, indicating the time, place and nature of the public hearing or meeting.

PUBLIC USE -- A building, structure or use owned and operated by a utility, governmental agency or nonprofit organization to provide a public service. Examples include, but are not limited to, a library, a post office, a museum, a community center, a fire house and public utilities.

PUBLIC UTILITY FACILITIES -- Telephone, electric and cable television lines, poles, equipment and structures, water or gas pipes, mains, valves or structures; sewer pipes, valves or structures; pumping stations; telephone exchanges and relaying stations; and other facilities, equipment and structures necessary for conducting a service by a government or a public utility.

PUBLIC UTILITY STRUCTURE -- Telephone, electric and cable television lines, poles, equipment and structures; water, sewer or gas pipes, mains, valves and structures; pumping and exchange stations, and other facilities necessary for conducting such services.

RECREATIONAL FACILITY -- A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

RECREATIONAL VEHICLE/DEVICE -- A mobile recreational unit, including travel trailer, motor home, pickup camper, converted bus, tent-trailer, camper trailer, tent or similar device used as a temporary portable house, boats, boat trailers, snowmobile trailers and snowmobiles or other recreational vehicles and devices.

RECREATION, COMMERCIAL -- A recreational facility operated as a for-profit business and open to the public for a fee.

RECREATION, PUBLIC -- A recreational facility open to the general public at no charge or a subsidized charge.

RECYCLABLE MATERIALS -- Materials, including but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture or reconstitution for the purpose of using the altered form. "Recyclable material" does not include refuse or hazardous material.

RECYCLING COLLECTION FACILITY -- A center for the acceptance by donation, redemption or purchase of recyclable materials. Collection facilities may include boxes or containers transported by trucks, vans or trailers, and used for the collection of recyclable materials.

RECYCLING FACILITY -- A facility that is not a junkyard, where recoverable resources such as acceptable newspapers, magazines, books, and other paper products, glass, plastic and metal cans are collected, stored, flattened, crushed or bundled, essentially by hand within a completely enclosed building. A "recycling facility" does not include storage containers or processing activity located on the premises of a residential, commercial or manufacturing use and used solely for the recycling of material generated by that residential property, business
or manufacturer. "Recycling facilities" may include a recycling collection facility and a recycling processing facility. [Amended 9-25-2000 by Ord. No. 10-2000]

RECYCLING PROCESSING FACILITY -- A building or enclosed space used for the collection and processing of recyclable materials. "Processing" means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing.

RESTAURANT -- A commercial establishment where food and drink are prepared, served and consumed primarily within the principal building.

RETAIL STORE -- Establishments engaged in selling goods or merchandise to the general public for personal or household consumption.

REZONING -- A type of amendment to this chapter that changes the zoning classification of particular lots or parcels of land.

RIGHT-OF-WAY -- A strip of land occupied or intended to be occupied by a street, trail, railroad, electric transmission line, gas pipeline, water main, sanitary or storm sewer or for any other special use.

ROADSIDE STAND -- A seasonally used structure where fresh produce such as fruits and vegetables and other farm produce may be purchased.

SALVAGE YARD -- See "junkyard."

SCHOOL -- Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge.

SCREENING -- A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

SETBACK -- The distance between the lot line and the line of any building or any projection thereof, excluding uncovered steps, decks and porches.

SETBACK, FRONT -- The minimum required depth of an open space extending the full width of a lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

SETBACK LINE -- That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

SETBACK, REAR -- The minimum required depth of an open space extending across the full width of a lot between the principal building and the rear lot line, and measured perpendicular to any building at the closest point to the rear lot line.

SETBACK, SIDE -- The minimum required depth of an open space extending from the front yard to the rear yard between the principal building and the side lot line measured
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perpendicular from the side lot line to the closest point of the principal building.

SHOPPING CENTER -- A group of architecturally unified commercial establishments built on a site which is planned, developed, owned and managed as a unified project, which provides on-site parking for customers.

SIGN -- Any device affixed to, painted or represented directly or indirectly upon a building, structure or land and which directs attention to an object, product, place, activity, person, institution, organization or business. (This definition shall not apply to any flag or insignia of a government or government agency, school or religious group, nor any official traffic control device.)

SIGN AREA -- The total area of the smallest rectangle or triangle which encloses the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself. [Amended 9-29-1992]

SINGLE-FAMILY DWELLING -- A detached building designed for occupancy by one family only, other than a mobile home, recreational vehicle, camp or any temporary structure.

SITE PLAN -- An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting major characteristics of proposed development. See Article XV, Site Plan Review.

SKETCH PLAN -- A rough sketch map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion by the Planning Board.

STREET -- A public or private way which affords the principal means of access to abutting property.

STREET WIDTH -- The width of the road right-of-way measured at right angles to the center line of the street.

STRUCTURAL ALTERATION -- Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

STRUCTURE -- A combination of materials assembled, constructed or erected at a fixed location, including for examples, a building, stationary and portable carports and swimming pools, the use of which requires location on the ground or attachment to something having location on the ground. See "accessory structure" and "building."

SUBDIVISION -- The division of any parcel of land into three or more lots, plots, sites or other division of land for the purpose of transfer of ownership or for building development, and including resubdivision of all or in part of any plat, filed or unfiled, which is entirely or partially undeveloped. Any division of land creating a new street shall be considered a "subdivision."
SUBDIVISION, MAJOR -- A subdivision of five or more lots and/or any subdivision which requires the extension of municipal facilities or construction of a new street.

SUBDIVISION, MINOR -- Any subdivision containing not more than four lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property.

SUBSTANTIAL IMPROVEMENT -- Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement is started or, if the building has been damaged, before the damage occurred.

TAVERN -- An establishment licensed by the state. A state licensed establishment used primarily for the serving of alcoholic beverages by the drink to the general public and where food or packaged liquors may be served or sold as accessory to the primary use.

TEMPORARY USE -- A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

THEATER -- A building or part of a building devoted to showing video or motion pictures or for dramatic, musical or live performances.

TRAILER, TRAVEL OR VACATION -- A structure standing on wheels, towed or hauled by another vehicle, and used for short-term human occupancy, carrying of material, goods or objects, or as a temporary office. [Amended 10-24-2005 by Ord. No. 7-2005]

TWO-FAMILY DWELLING -- A detached building designed for occupancy by two families living independently of each other, other than a mobile home, recreational vehicle, camp or rooming house.

UNIFORM CODE -- The New York State Building Code, the New York State Residential Code, the New York State Fire Code, the New York State Property Maintenance Code, and the New York State Mechanical and Plumbing Code, all as currently in effect and as may hereafter be amended from time to time. [Added 10-22-2007 by Ord. No. 10-2007]

USE -- The activity or function that actually takes place or is intended to take place on a lot.

VARIANCE -- A departure from the provisions of this chapter relating to yard, lot area, height, frontage requirements and/or use of a parcel of property. A "variance" may be granted by the Zoning Board of Appeals if it is demonstrated that a literal application of the regulations would result in unnecessary hardship or practical difficulties.

WAREHOUSING -- Commercial facilities for the storage of goods and/or materials, with or without maintenance facilities.

WHOLESALE SALES -- On-premises sale of goods not produced on the premises primarily to customers engaged in the business of reselling the goods.

YARD, FRONT -- An open space extending the full width of a lot between the principal building and the front lot line and measured perpendicular to the building at the closest point
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to the front lot line. This chapter establishes minimum yard requirements for each zoning district.

YARD, REAR -- An open space extending across the full width of a lot between the principal building and the rear lot line, and measured perpendicular to the building at the closest point to the rear lot line. This chapter establishes minimum yard requirements for each zoning district.

YARD, SIDE -- An open space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building. This chapter establishes minimum yard requirements for each zoning district.

ZONING ADMINISTRATION OFFICER -- The Director of Planning and Development or his designee who administers the planning, environmental, site plan review, zoning, subdivision, sanitary and other regulations of this chapter. [Amended 10-22-2007 by Ord. No. 10-2007]

ZONING MAP -- The map or maps, which are part of this chapter, and delineate the boundaries of zoning districts.

ARTICLE II
Zoning Districts; Zoning Map

§ 221-7. Zoning districts established.

To promote the public health, safety, general welfare and community goals, the City is hereby divided into the following zoning districts:

- Single-Family Residential (SFR)
- Moderate-Density Residential (MDR)
- Residential/Business Mixed Use (R/B)
- Business (B)
- Industrial and Institutional (I/I)
- Mobile Homes (MH)
- Planned Development District (PDD)
- Waterfront Overlay District (W)

§ 221-8. Zoning Map.89

There shall be a map known and designated as the "Official City of Ogdensburg Zoning Map" which shall show the boundaries of all zoning districts within the City. This map shall be dated and available for inspection at the office of Planning and Development.

88 Editor's Note: The Zoning Map is included in the pocket part at the end of this Code.
89 Editor's Note: The Zoning Map is included in the pocket part at the end of this Code.
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§ 221-9. Interpretation of district boundaries.

A. Where uncertainty exists with respect to the boundaries of any zoning district, as shown on the Official City of Ogdensburg Zoning Map, the following rules shall apply:

(1) Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.

(2) Where district boundaries are indicated as approximately following the center lines of roads or highways, or highway right-of-way lines, such center lines or right-of-way lines shall be construed to be such boundaries.

(3) Where the boundary of a district follows a river, stream, lake or other body of water, said boundary shall be deemed to run down the center line of such body of water between mean high water levels.

(4) Where the boundary of a district appears to follow a utility easement, such boundary shall be deemed to be located in the middle of such easement.

B. In cases where the preceding rules do not clarify the true district boundary line, the Zoning Administration Officer shall render a determination, which may be appealed to the Zoning Board of Appeals. The Zoning Administration Officer or the Planning Board may request the Zoning Board of Appeals to interpret the spirit and intent of this chapter to render a determination on any specific case. [Amended 10-22-2007 by Ord. No. 10-2007]

C. Lots divided by zoning districts. [Amended 10-24-2011 by Ord. No. 4-2011]

(1) Whenever a single lot two acres or less in size is located within two or more different zoning districts, the district regulation applicable to the district within which the larger portion of the lot lies shall apply to the entire lot, provided that the combined lot does not span a public right-of-way. If the combined lot spans a public right-of-way, the district regulation applicable to the district within the larger portion of the lot lies shall only apply if the total lot size is one acre or less.

(2) Whenever a single lot greater than two acres in size is located within two or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located, if the combined lot does not span a public right-of-way. If the combined lot does span a public right-of-way, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located if the total lot size is one acre or less. Dimensions of each portion of the lot shall be determined by the use of scale shown on the official City of Ogdensburg Zoning Map.

ARTICLE III
Single-Family Residential District (SFR)

§ 221-10. Purpose.

The purpose of this district is to provide for high-quality single-family residential neighborhoods which are protected from conflicting uses. This district is intended exclusively for detached
§ 221-11. Permitted uses.

Permitted uses shall be as follows:

A. One-family dwelling.
B. Outdoor municipal recreation.
C. Accessory structures.
D. Home occupations, as defined in this chapter.


Uses permitted by special permit shall be as follows:

A. Christmas tree sales.

§ 221-12. Prohibited uses.

Prohibited uses shall be as follows:

A. Mobile home.
B. Multiple-family dwelling.
C. Retail or service use.
D. Office.
E. Industry.
F. School.
G. Private utility.
H. Manufactured home. [Added 10-24-2005 by Ord. No. 7-2005]

ARTICLE IV
Moderate-Density Residential District (MDR)

§ 221-13. Purpose.

The purpose of this district is to provide for residential neighborhoods composed of single-family homes, two-family homes, and multiple-family dwellings in combination with selected public, institutional, service and retail uses compatible within predominantly residential areas.

90 Editor's Note: Former Subsections H and I, regarding all permanent signs and all signs regarding home occupations, were deleted 9-29-1992.
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Furthermore, this district is designed to address the large old homes which may be better used for multiple-family than single-family uses in the future.

§ 221-14. Permitted uses.

Permitted uses shall be as follows:

A. One-family dwelling.
B. Two-family dwelling.
C. Moderate-density multiple-family residential development.
D. Accessory structures.
E. Accessory use.
F. Home occupation.
G. Place of worship.
H. Parish house.
I. Community residence.
J. Bed-and-breakfast/inn.
K. Day-care center/nursery school.
L. School.
M. Museum.
N. Library.
O. Health-care facility.
P. Outdoor recreation.
Q. Funeral home.
R. Nonprofit service or fraternal organization.
S. Florist/greenhouse.
T. Art studio.
U. Professional offices.
V. Health food store. [Added 10-28-1996 by Ord. No. 20-1996]
W. Manufactured home. [Added 10-24-2005 by Ord. No. 7-2005]

§ 221-15. Prohibited uses.

Prohibited uses shall be as follows:

A. Rooming houses.
B. Motels.
C. Mobile home.
D. High-density residential use.
E. Auto services.
F. Convenience store.
G. Most retail or service uses.
H. Industrial uses.

ARTICLE V

Residential/Business Mixed Use District (R/B)

§ 221-16. Purpose.

The purpose of this district is to delineate those areas of the City appropriate for mixed residential and compatible business uses that will generate street level activity and provide for water-dependent uses. This district is especially designed to accommodate mixed use development projects which feature business or services at the street level and residential uses on upper stories. Two-family and multiple-family residential development is permitted while new single-family dwellings are prohibited.

§ 221-17. Permitted uses.

Permitted uses shall be as follows:

A. Mixed uses.

   Mixed use development of permitted uses with street-level retail or service use.

B. Residential uses.

   (1) Multiple-family residential development.
   (2) Community residence.
   (3) Home occupation.
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C. Public and institutional uses.
   (1) Public facility.
   (2) Museum.
   (3) Library.
   (4) Convention center.
   (5) Nonprofit service or fraternal organization religious institution.
   (6) Noncommercial indoor or outdoor recreation.

D. Service uses.
   (1) Office.
   (2) Personal services (hair, tanning, laundry, travel, etc.) and office business.
   (3) Services/sales.
   (4) Professional services (legal, medical, accounting, etc.) and day care.
   (5) Funeral home.
   (6) Bank.

E. Commercial/retail uses.
   (1) Bed-and-breakfast and inn.
   (2) Hotel/motel/resort.
   (3) Restaurant/cafe.
   (4) Bakery.
   (5) Butcher shop.
   (6) Gift or craft shop.
   (7) Art gallery/studio.
   (8) Sporting goods sales.
   (9) Photography.
   (10) Publishing and printing.
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(11) Convenience store.
(12) Furniture sales.
(13) Liquor store.
(14) Book, magazine and newspaper sales.
(15) Sporting goods.
(16) Theater.
(17) Amusement facilities.
(18) Video- or audio-related sales.
(19) Florist/greenhouse.
(20) Memorials.
(21) Indoor commercial recreation.
(22) Gasoline filling station.
(23) Car wash. [Added 12-6-2004 by Ord. No. 21-2004]

F. Other uses.

(1) Water dependent uses. The following uses and facilities are considered as water dependent:

(a) Uses which depend on the utilization of resources found in coastal waters (for example, fishing).

(b) Recreational activities which depend on access to coastal waters (for example, swimming, fishing, boating and wildlife viewing).

(c) Uses involved in the sea/land transfer of goods (for example, docks, loading areas, pipelines and short- and long-term storage facilities).

(d) Structures needed for navigational purposes (for example, dams and lighthouses).

(e) Flood and erosion protection structures (for example, breakwaters and bulkheads).

(f) Facilities needed to store and service boats and ships (for example, marinas, boat repair and boat construction yards).
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(g) Uses requiring large quantities of water for processing and cooling purposes (for example, hydroelectric power plants).

(h) Scientific/educational activities which, by their nature, require access to coastal waters (for example, natural resource nature centers).

(i) Support facilities which are necessary for the successful functioning of permitted water-dependent uses (for example, parking lots, snack bars, first aid stations and short-term storage facilities). Though these uses must be near the given water-dependent uses, they should, as much as possible, be sited inland from the water-dependent use rather than on the shore.

(2) Accessory use.

(3) Accessory structure.

(4) Home occupation.

(5) Parking facility.

(6) Other uses determined by the Planning Board to further the purpose of this district.

§ 221-17.1. Special permit uses. [Added 6-25-18 by Ord. No. 13-2018]

Uses permitted by special permit shall be as follows:

A. Bottle Redemption Facilities.

§ 221-18. Prohibited uses.

Prohibited uses shall be as follows:
A. Single-family dwelling.
B. Motor vehicle repair.
C. Billboard.
D. Mobile home.
E. Storage, distribution and warehouse facility.
F. Kennel.
G. Commercial antenna.
H. Industrial use.
I. Tavern or club.
J. Auto sales and service other than gasoline filling station.
§ 221-19. Purpose.

The purpose of this district is to provide for areas primarily used or appropriate for retail, service, auto-related, institutional, wholesale and storage and public uses.

§ 221-20. Permitted uses.

Permitted uses shall be as follows:

A. Mix of permitted uses.
B. Retail sales.
C. Business or personal service.
D. Motor vehicle service.
E. Gas station.
F. Repair service.
G. Nuisance-free light industry or assembly.
H. Research laboratory.
I. Office.
J. Plumbing, building or electrical contracting or supplies.
K. Distribution facility.
L. Indoor or outdoor recreation.
M. Gambling facility.
N. Restaurant.
O. Tavern/club.
P. Radio/television studio and station.
Q. Water dependent uses [see § 221-17F(1)].
R. Hotel/motel/boardinghouse.
S. Bed-and-breakfast/inn/resort.
T. Community residence.
U. Health services or facility.
V. Nonprofit service or fraternal organization.
W. Utility.
X. Publishing and printing.
Y. Public facility.
Z. Religious institution and parish house.
AA. Funeral home.
BB. Day-care center/nursery school.
CC. Educational facility.
DD. Health facility.
EE. Parking facilities on an individual lot.
FF. Accessory structures.
GG. Accessory use.

§ 221-21. Prohibited uses.

Prohibited uses shall be as follows:

A. Heavy industrial use.
B. Riding stable.
C. Commercial excavation.
D. Motor vehicle racing facility.
E. Residential uses.
F. Kennel/keeping of nondomestic animals.
G. Junkyard/salvage use.
H. Auto dismantling.
§221-22. District and Map.
Ogdensburg’s Adaptive Reuse District (ARD) is specifically mapped to include parcels that exhibit pre-existing nonconforming land use patterns customarily associated with public, quasi-public and institutional development across the City. The parcels that make up this district have property class codes 600’s (community service land uses) or 800’s (public service land uses) and are less than 2 acres in size. Over time, parcels may be added into or removed from this zoning district as necessary through the standard zoning map amendment process.

§221-23. Purpose.
The purpose of this district is to (i) recognize the public, quasi-public, and institutional nature of particular parcels of land and provide standards and guidelines for their continued use and future adaptive reuse; (ii) to ensure that the developments within the district will be compatible with surrounding zoning districts and uses; and (iii) promote development, community compatibility and economic development by allowing the adaptive reuse of existing buildings and/or land uses, which may have become obsolete, after public review. Adaptive Reuse permits a wider range of land uses to be available to existing buildings and uses for the purpose of extending their useful life.

The following regulations shall apply to all land within the Adaptive Reuse District

A. Applicability of regulations for Adaptive Reuse Districts (ARD).

1) No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this article and until the proposed Adaptive Reuse Permit has been filed with and approved on behalf of the City Council; and Zoning Board of Appeals (“ZBA”) as hereinafter provided.

2) Such request shall be in the form of an application for an Adaptive Reuse Permit, following all requirements for plan submission and documentation of Article XV Site Plan Review including 239-m review when applicable.

3) All land use within the Adaptive Reuse District shall be limited to the use or uses existing on the effective date of this article or approved by the application for an Adaptive Reuse Permit.

B. Site and development plan consideration. Upon the application for such permit, the ZBA shall determine, after requesting and receiving within 30 days a report from the Planning Board, whether to approve, disapprove, or approve subject to any conditions, amendments or commitments, the proposed Adaptive Reuse Permit (ARP).

1) Plan documentation and supporting information. All drawings submitted must be at a scale of not more than 50 feet to the inch. The site and development plan
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shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:

i. The names of all owners of record of all adjacent property, and the tax map number of the property, all as shown in the City's official tax records.
ii. Proposed Adaptive Reuse District uses.
iii. Any existing uses, buildings, and structures.
v. Vehicular entrances and exits and turnoff lanes.
vi. Setbacks.

vii. Landscaping, screens, walls, fences.
viii. Signs, including location, size and design thereof.
ix. Storm drainage facilities.
x. Other utilities if aboveground facilities are needed.

2) Site and development requirements. Parcels in the Adaptive Reuse District are subject to the following site and development requirements. In review of the proposed ARP, the ZBA shall assess whether the site and development plan, proposed uses, buildings and structures shall:

i. Be so designed as to create improved land use and development over the existing land use and development and in conformity with the Comprehensive Plan (LWRP) of the City of Ogdensburg, New York, including the applicable Brownfield Opportunity Area plan;
ii. Promote economic development, create and maintain compatible land uses within the Adaptive Reuse District and with the surrounding area, promote land use and development having a functional and aesthetic value which is compatible with neighborhood and/or community character;
iii. Provide sufficient and adequate access, parking and loading areas as prescribed by Off-street parking, §221-51;
iv. Provide traffic control and street plan integration with existing and planned public streets and interior access roads;
v. Provide adequately for drainage and public utilities; and

vi. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan (LWRP).
vii. Provide sidewalks along public streets, and other full control of access frontages including, but not limited to, recreational trails as determined by the ZBA. Sidewalks shall consist of the walkway and any curb ramps or blended transitions. If required to be installed, the ZBA shall be guided by the provisions of Chapter 189, Streets and Sidewalks and all relevant ADA accessibility requirements.

§221-25. Public Hearing. The ZBA shall schedule and hold both a public hearing on all adaptive reuse applications. The public hearing shall be held within 30 days of the receipt of a complete application submission or completion of the SEQR review and shall be advertised in
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the City's official newspaper at least ten (10) days before the public hearing. All property owners within a 400’ radius of the parcel under review shall receive a direct mailing informing them of the request and meeting dates.

§221-26. Adaptive Reuse Permit requirements. No building or structure shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated in Ogdensburg’s Adaptive Reuse District, without an Adaptive Reuse Permit, and such permit shall not be issued until the proposed request has been approved in accordance with this section.

§221-27. Zoning Board of Appeals review.

A. The ZBA shall render its recommendation to City Council within 7 days prior to the date of the public hearing required by §221-28 A. The ZBA’s final action, rendered in writing, shall consist of either:

1) Approval of the adaptive reuse permit based upon a determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in this section;
2) Disapproval of the adaptive reuse permit based upon a determination that the proposed project does not meet the standards for review set forth in this section, and stating such deficiencies; or
3) Approval of the adaptive reuse permit subject to any conditions, modifications and restrictions as required by the ZBA which will ensure the project meets the standards for review.

B. Notice of the ZBA’s recommendation shall be given in writing to the applicant and City Council.

§221-28. City Council Action

A. Prior to authorizing any Adaptive Reuse Permit, the City Council shall hold a public hearing within 62 days of receipt of a completed application in accordance with this chapter (see Article XVII) and consider the report and recommendation of the ZBA and all other relevant comments, reviews and statements.

B. The City Council shall act to approve, disapprove or approve with modifications, the application for an Adaptive Reuse Permit and preliminary development plan by a majority vote of the full membership, and shall report its decision to the City’s ZBA and Planning Board. Should the City Council wish to act contrary to any recommendation for disapproval or approval with modifications made by the City Zoning Board of Appeals or the County Planning Board under authority of §239-m of the General Municipal Law, it may do so only with a majority plus one vote of its full membership.

C. The City Council shall render a decision within 62 days following the completion of a public hearing for an adaptive reuse permit.

1) Upon approval of the adaptive reuse application and payment by the applicant of any and all fees due to the City, the Director of Planning and Development shall
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endorse the City Council approval by signing the ARP and forward copies to the applicant and Code Enforcement Officer.

2) Upon disapproval of the adaptive reuse permit application, the Director of Planning and Development shall so inform the Code Enforcement Officer, and the Code Enforcement Officer shall deny a building permit to the applicant. The Director shall also notify the applicant in writing of the decision and reasons for disapproval. The Director shall copy all correspondence to the chairperson of both the Zoning Board of Appeals and Planning Board.

D. The time within which a decision must be rendered may be extended by mutual consent of the City Council and the Applicant.

E. Upon the approval of an Adaptive Reuse Permit a final development plan, consistent with any required modifications, shall be submitted to the Planning Board for site plan review prior to issuance of a building permit. Procedures under Article XV, Site Plan Review, shall be followed for the review of proposed development within the ARD.

F. Final as-built site plan. A building permit may be issued by the Code Enforcement Officer only after final as-built site plans have been found complete and approved by the Planning Board.

§221-29. Severability. If any provisions or clauses of this article or its application to any person, persons or corporation or circumstances is held to be unconstitutional or otherwise invalid, such decision shall not effect the remaining provisions or clauses of the article or applications thereto which can be implemented without such invalid provision or clause, and, to this end, the provisions and clauses of the article are declared to be severable.

§221-30. Appeals. Any person aggrieved by any decision of the City Council may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within 30 days after filing of a decision in the office of the City Clerk.

ARTICLE VIII
Industrial and Institutional District (I/I)

§ 221-31. Purpose. The purpose of this district is to provide adequate and appropriate areas of the City for light and heavy industry, warehousing, institutional, public facilities and nuisance-prone uses.

§ 221-32. Permitted uses. Permitted uses shall be as follows:

A. Light industry.
B. Heavy industry.
C. Assembly.
§ 221-33. Special permit uses. Uses permitted by special permit shall be as follows:

A. Storage of crude oil or highly flammable liquids.
B. Any use involving the storage or handling of toxic or hazardous materials.
C. Tavern/Club [Added 3-25-13 by Ord. No. 7-2013]

§ 221-34. Prohibited uses. Prohibited uses shall be as follows:

A. Hazardous uses.
B. Unlicensed handling or storage of hazardous or toxic materials.
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ARTICLE IX
Mobile Homes District (MH)

§ 221-35. Purpose.

The purpose of this district is to provide for high-quality single-family residential neighborhoods which are protected from conflicting uses. This district is intended exclusively for detached single-family dwellings, mobile homes and outdoor municipal recreation.

§ 221-36. Permitted uses.

Permitted uses shall be as follows:

A. One-family dwellings.
B. Mobile homes.
C. Outdoor municipal recreation.
D. Accessory structures.
E. Home occupations, as defined in this chapter.

§ 221-37. Prohibited uses.

Prohibited uses shall be as follows:

A. Multiple-family dwelling.
B. Retail or service use.
C. Office.
D. Industry.
E. School.
F. Private utility.
G. All permanent signs.
H. All signs regarding home occupations.

ARTICLE X
Planned Development District (PDD)

§ 221-38. Purpose.

The purpose of the Planned Development District shall be as follows:

A. To provide a means of developing or redeveloping significant land areas considered
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appropriate for residential, recreational, commercial or industrial use; or a combination of these uses in a unified site design that allows economies of scale, creative planning and design concepts to be used. The PDD allows for the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis. This flexibility is intended to permit innovative planning and design concepts and not merely a means to increase the density or bulk of a project without corresponding public benefits.

B. To uphold the spirit and intent of this chapter to promote orderly growth and sound development of the City and ensure that the health, safety and general welfare of prospective residents in the PDD and adjacent residents will be protected.


A PDD shall meet the following minimum standard for district area:

A. Undeveloped land: two acres.

B. Redeveloped land: 40,000 square feet.

§ 221-40. Submission and review procedure.

Development within a PDD requires City Council approval to amend the Zoning Map to establish the PDD, based on the preliminary development plan; and Planning Board site plan approval of proposed development within the established PDD. Where the City Council establishes a PDD District the previous use and dimensional specifications are replaced by the PDD standards, modifications required by the City Council in approving the establishment of the PDD and modifications required by the Planning Board in approving development within the PDD. The approved final site plan controls future land use and development in the district.

A. Presubmission conference. A presubmission conference between the applicant and the Planning Board staff shall be held to discuss the proposal, outline the review procedure and required submissions and inform the applicant of minimum standards and potential City concerns of the conceptual project. This step is beneficial because the applicant will learn his or her responsibilities before expending significant resources on the project.

B. Application for establishment of a PDD. Application for establishment of a PDD shall be made to the City Council to approve the preliminary site plan and amend the City Zoning Map. Application may be made by any party with legitimate interest in the parcel(s) of land in question. Ownership or holding a bona fide accepted purchase contract with the owner's consent shall be considered a legitimate interest.

C. Referral(s). The City Council shall refer the application to the City Planning Board within 10 days after receipt of the preliminary plans, and make any required referrals and notifications necessary to comply with New York State law, including the State Environmental Quality Review Act and §§ 239-m and 239-n of the General Municipal Law.

91 Editor's Note: See Art. 8 of the Environmental Conservation Law.
D. Required submissions. The City Planning Board shall compare the applicant's submission with the list of required submissions available from the Department of Planning and Development and determine whether a complete application has been submitted. Incomplete applications may be returned to the applicant for completion. Alternatively, the Planning Board may waive submission requirements for a preliminary plan if, in its judgment, the listed requirement is not necessary to fully assess the proposed development.

E. Optional public hearing. The Planning Board shall have the authority to hold a public hearing on the proposal, and may hold such a meeting in conjunction with the City Council. The Planning Board shall fix a public hearing date within 30 days of receipt of a complete application for any such hearing. Notice of the hearing shall be served by the City, at least five days before the date of such hearing, to the public and to each owner of real estate lying within a distance of 300 feet from the exterior boundaries of the proposed Planned Development District. The costs of notification, including but not limited to publishing, posting and mailing costs, shall be paid by the applicant prior to the issuance of any building permit.

F. Planning Board review.

(1) The Planning Board shall review any application for establishment of a PDD and shall recommend approval, disapproval or approval with modifications. Such decision shall be reached within 45 days of referral by the City Council or completion of the SEQR review process.

(2) In evaluating the proposal and in reaching its recommendation to the City Council, the Planning Board shall consider the minimum standards for establishing a PDD and the following considerations:

(a) Conformance with the stated purposes of the PDD.
(b) Consistency with the Comprehensive Development Plan.
(c) Protection of established or permitted uses in the vicinity.
(d) Provision for usable open space and recreational areas as appropriate to the proposed uses(s) and the surrounding neighborhood.
(e) Design and location so as to be safely and adequately served by roads, water supply, sewage disposal, stormwater drainage, snow removal, fire protection and school buses.
(f) Provision for advantages of flexible planned development over conventional lot-by-lot development such as the following:

[1] Increased recreational areas and usable open space.
[3] Increased affordable housing opportunities.
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[4] A compatible mix of housing types and/or uses.

[5] Decreased street and utility costs resulting from efficient design of the entire site and clustered development.

[6] Provision of public waterfront access or other public amenity.

G. Notification of Planning Board recommendation. The Planning Board shall forward its recommendation to the City Council along with its findings and reasons for the recommendation within five days of its action.

H. City Council review.

(1) Prior to amending the Zoning Map to establish a PDD, the City Council shall hold a public hearing in accordance with the procedure to amend this chapter (see Article XVII) and consider the report and recommendation of the City Planning Board and all other relevant comments, reviews and statements.

(2) The City Council shall act to approve, disapprove or approve with modifications, the application for establishing a PDD and preliminary development plan, and shall report its decision to the City Planning Board. Should the City Council wish to act contrary to any recommendation for disapproval or approval with modifications made by the City Planning Board or the County Planning Board under authority of § 239-m of the General Municipal Law, it may do so only with a majority plus one vote of its full membership.

I. Application for development approval within an established PDD. Upon the establishment of a PDD a final development plan, consistent with any required modifications, shall be submitted to the Planning Board for site plan review prior to issuance of a building permit. Procedures under Article XV, Site Plan Review, shall be followed for the review of proposed development within the PDD, although referral to the County Planning Board in accordance with § 239-m of the General Municipal Law is not required.

J. Final as-built site plan. A building permit may be issued by the Code Enforcement Officer only after final as-built site plans have been found complete and approved by the Planning Board.

§ 221-41. Expiration of permit.

All permits shall become null and void, and the Zoning Map amendment revoked and restored to the zoning designation to which the district had been prior to the PDD application, if:

A. Ground has not been broken within two years of the date of final site plan approval; or

B. The development has not been completed in accordance with the approved site plan within four years of the date of final site plan approval.
§ 221-42. Purpose.

A. The purpose of the Waterfront Overlay District is to delineate an area coterminous with the Ogdensburg Local Waterfront Revitalization Program (LWRP) Coastal Area whereby new development and redevelopment will be reviewed for compatibility with the policies and purposes of the LWRP.

B. As an overlay district, the Waterfront Overlay District does not replace the existing land use districts and their provisions, but rather, represents an additional level of review, superimposed on the provisions of the existing or underlying districts, that specifically relates to the policies and purposes of the LWRP.

§ 221-43. Permitted uses.

All permitted uses as specified for the underlying land use districts, subject to all of the requirements of the underlying land use districts, including the requirements and procedures of Article XV, Site Plan Review, if applicable.

§ 221-44. Prohibited uses. [Added 9-25-2000 by Ord. No. 10-2000]

Prohibited uses shall be as follows:

A. Junkyard/salvage use.

ARTICLE XII

Determination of Use

§ 221-45. Determination of use. The Zoning Board of Appeals shall determine, after requesting and receiving within 30 days a report from the Planning Board, whether a use not specifically listed as a permitted use in any zoning district of the City is appropriate in the district where such use is proposed. In making such determination the Zoning Board of Appeals shall consider the stated purpose of the zoning district and whether the proposed use is substantially similar in size, density, operations, impacts and other characteristics of uses permitted in the district. If the proposed unlisted use is found to be similar to uses specifically listed and appropriate in the district, the Zoning Board of Appeals shall pass a resolution to treat the proposed use as a permitted use in the district.

ARTICLE XIII

Dimensional Regulations

§ 221-46. Dimensional regulations.
A. Dimensional requirements shall be as set forth in Table 1, Dimensional Regulations.92

B. Additional dimensional requirements.

(1) All yards abutting streets shall be considered front yards.

(2) Garages or carports shall be located to provide a paved or gravel on-lot driveway of not less than 20 feet in depth (the depth of one parking space) to allow parking in the driveway without blocking traffic or the sidewalk. Garages or carports accessed from a lane shall provide a paved or gravel on-lot driveway of not less than 10 feet in depth. [Amended 10-14-2003 by Ord. No. 17-2003]

(3) All parking areas for more than four vehicles, display areas and storage uses shall respect front and side yard requirements.

(4) Usable open space. For all permanent residential uses involving three or more housing units there shall be provided a usable open space area equal to the lessor of 500 square feet per housing unit or 10% of the gross lot area. The usable open space shall have no dimension less than 20 feet. The required open space shall be exclusive of driveways, drainage swales or other drainage facilities, parking lots or storage areas. The following additional regulations shall apply in determining the required usable open space:

(a) Swimming pools, gardens, patios and paved recreation areas may be developed in the required usable open space.

(b) An accessory building may not occupy any part of the required open space.

(c) The slope of any usable open space shall not exceed 10%. The open space may be provided on a deck or balcony.

ARTICLE XIV
Regulations Applicable to All Districts

§ 221-47. Accessory uses and structures.

On any lot accessory structures or uses, in connection with the principal building or use (accessory structures without a principle use see § 221-45.E), may be constructed and located subject to the following process: [Amended 9-9-2013 by Ord. No. 15-2013]

A. All accessory structures or uses shall require a building permit to be issued prior to their initiation unless such ancillary structures or uses are specifically exempted in this section.

B. Exempt accessory structures. The following listed accessory structures and uses do not require a building permit to be issued prior to their initiation, provided that they comply with the Uniform Code and the general and specific standards for accessory uses and structures: [Amended 10-22-2007 by Ord. No. 10-2007]

92 Editor's Note: Table 1, Dimensional Regulations, is included at the end of this chapter.
(1) Freestanding structures of no more than 150 square feet in size.
(2) Structures no higher than six feet in height.
(3) Storage of firewood for personal use.
(4) Storage of personal recreational vehicles or equipment.
(5) Wading or ornamental pool less than 24 inches in depth.

C. Permitted accessory structures and uses without site plan approval. The following list of permitted accessory structures and uses require a building permit to be issued prior to their initiation, but do not require site plan review. A building permit shall not be issued unless the general and specific standards for accessory uses and structures in this section are satisfied.

(1) Garage or carport or driveway installation.
(2) Swimming pool.
(3) Structures between 150 and 500 square feet in size.
(4) Home occupation.
(5) Deck, porch and balcony.
(6) Dock, pier and boathouse.
(7) Freestanding antenna or satellite dish.
(8) Flagpoles less than 24 feet in height.
(9) Fences.
(10) Unlisted structures subordinate to the principal building on the lot and used for purposes customarily incidental to the principal use of the lot.

D. Accessory structures and uses permitted after site plan approval. The following list of permitted accessory structures and uses require site plan approval prior to their initiation and a certificate of occupancy upon their completion. [Amended 10-22-1990 by Ord. No. 8-1990]

(1) Structures greater than 500 square feet in size, except in residential structures with one or two dwelling units.
(2) Addition of drive-through service windows.
(3) Automatic teller machines.
E. General and specific standards. Accessory structures and uses shall be governed by the following standards unless otherwise specified:

(1) All structures and uses accessory to a residence shall be consistent in character and use with the principal residential use and the adjacent neighborhood.

(2) Accessory structures and uses in conjunction with a Planned Development District or a principal use requiring site plan review shall be determined appropriate as to number, type and location by the Planning Board in accord with its review of any proposed use under these respective procedures.

(3) Unless otherwise specified, all accessory structures or uses shall not be less than six feet from property lines in rear and side yards and shall fully comply with minimum front yard requirements applicable to the principal structure in the zoning district. Minimum yard requirements shall not apply to planters, flagpoles, mailboxes, bird feeders and bird houses, fountains, firewood storage, security lighting and security gates. Docks, piers and boathouses are exempt from rear yard requirements, but not side yard requirements. [Amended 9-8-1992 by Ord. No. 13-1992; 4-7-2003 by Ord. No. 6-2003]

(4) No accessory building shall be located closer than five feet to any principal or accessory building, unless it is attached to such building.

(5) Specific standards for certain accessory structures or uses.

   (a) Swimming pools.

      [1] An enclosure of at least four feet in height shall be provided around swimming pools to prevent accidental or unauthorized entry.

      [2] Every gate or other opening in the enclosure shall be self-closing and self-latching.

      [3] Where the proposed pool is of such height or design that a protective enclosure is impractical or not required to prevent accidental entry, the Code Enforcement Officer may issue a permit for the erection of a pool without such enclosure upon making a written finding that the pool has equal protection from entry as would be afforded by the erection of an enclosure. [Amended 10-22-2007 by Ord. No. 10-2007]

      [4] Any lighting used in conjunction with such pool shall be directed away from adjoining properties and shall not substantially interfere with the use or enjoyment of another lot.

      [5] Aboveground swimming pools and associated decking more than two feet from ground level shall be located no fewer than seven feet from any lot line in a SFR District and no fewer than four feet in any other district. Ground level decking shall be exempt from setback requirements. [Amended 9-8-1992 by Ord. No. 13-1992]
(b) Fences.

[1] A "fence" is defined, for the purposes of this chapter, as an artificially constructed barrier of any material or combination of materials erected to enclose or screen an area of land.

[2] All open, solid or opaque fences, no taller than 6 1/2 feet in height on the side and rear yards or four feet in height on the front yard and, if a corner lot, on the side yard, are permitted with a building permit, provided that such fencing:

[a] Does not block visibility of on-coming traffic at intersections or driveways; and

[b] Projects a finished side outward towards adjoining lots.

(c) Signs. Signs shall be regulated according to § 221-42, Signs.

(d) Certain domestic animal shelters. No structure to provide shelter for sheep, horses, goats, chickens or other fowl shall be permitted unless such structure, and any associated manure pile, is located at least 75 feet from all property boundaries.

(e) Second residence on the lot. A dwelling unit, as an accessory residence to a principal structure or use, may be located on the same lot, provided that a separate lot could be formed for each residence which would comply with all lot area, width, setback and sanitary requirements for the zoning district in which the property is located.

(f) Accessory boarding. The renting out of one or two rooms within an existing single-family residence (which one or two rooms do not constitute a separate dwelling unit) to not more than two persons who are not members of the family that resides in the single-family residence shall be permitted if the boarding can be adequately accommodated with no more than the creation of one additional off-street parking space.

(g) Accessory apartments.

[1] For the purpose of this chapter, an "accessory apartment" shall be defined as a housing unit that is self-contained with separate cooking facilities, but is principally incorporated within an existing structure that was originally designed for a single-family residence and will not be substantially altered.

[2] Purpose. Allowing one accessory apartment per principal structure permits homeowners to stay in their homes and neighborhoods in the face of fixed or reduced incomes, lowered space needs, health care needs and rising expenses for utilities, taxes and maintenance without significantly impacting the surrounding neighborhood.
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[3] One accessory structure per principal residence is permitted, provided that it satisfies the following standards:

[a] No more than one apartment shall be created within a residence.

[b] The apartment shall be a complete, separate housekeeping unit that can be isolated from the original unit.

[c] An owner of the residence in which the accessory structure is created shall occupy one of the dwelling units on the premises.

[d] The accessory apartment shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a one-family residence. In general, any new entrances shall be located on the side or in the rear of the building, and any addition shall not increase the total residential square footage on the lot more than 10% of the original house.

[e] Adequate off-street parking shall be provided in accordance with § 221-41, Off-street parking and loading.

(h) Home occupations.

[1] Definition. A "home occupation" is a business operated out of a home; specifically, it is defined as an accessory occupation or business activity which results in a product or service for financial gain that is conducted in whole or part on the residential premises.

[2] Purpose. The intent of regulations governing home occupations is to protect the character of the surrounding neighborhood, particularly adjacent residential uses, from intrusions and nuisances created by operating businesses in a residential area, while recognizing the needs of certain residents and community benefits of allowing certain types of work in the home. Customary and inconspicuous businesses, such as accounting, alterations, hair care, word processing, consulting, drafting, telephone surveys or sales, graphic design, photography, office uses, instruction, baking and arts and crafts production are examples of home occupations that can usually satisfy the minimum standards for home occupations.

[3] Prohibited home occupations. The following businesses are prohibited as home occupations: automotive vehicle repair, body shop, machine shop, welding shop, salvage yard, auto or vehicle sales and commercial outdoor storage or parking.

[4] Standards for permitted home occupations. Home occupations are permitted if they meet all of the following standards:

[a] There shall be no employees other than residents of the premises where the home occupation is proposed to be located.
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[b] The home occupation shall not significantly change the exterior appearance of the residence, other than the addition of one sign as permitted in § 221-42, Signs.

c] Retail sales of products not produced on the premises shall be prohibited except for the sale of products incidental to services offered by the home occupation.

d] No business activities involving clients or customers on the premises or vehicular traffic shall be conducted between the hours of 10:00 p.m. and 7:30 a.m.

e] The home occupation shall produce no noise, vibrations, glare, objectionable fumes or electrical interference detectable to normal sensory perception on adjacent lots.

f] Exterior storage of supplies, items or equipment associated with the home occupation shall be prohibited.

g] No new off-street parking spaces shall be needed or created to serve the home occupation.

h] Instruction to students and services to clients or customers shall be limited to not more than 10 persons at any one time.

(i) Bed-and-breakfast. [Added 9-29-1992]

[1] Definition. An owner-occupied place of lodging that has four guest rooms or fewer and may serve meals only to guests, except that in single-family residential districts the Planning Board may permit bed-and-breakfast by special permit subject to the following additional purposes and standards in addition to all other applicable sign, parking and site plan considerations.

[2] Purpose. The intent of further regulating bed-and-breakfast operations in single-family residential districts is to protect the character of the surrounding neighborhood, particularly adjacent residential uses, from intrusions and nuisances created by operating businesses in a residential area, while recognizing the needs of certain residents and community benefits of allowing restricted bed-and-breakfast operations in single-family residential districts.

[a] There shall be no employees other than residents of the premises where the bed-and-breakfast is proposed to be located.

[b] The bed-and-breakfast shall not change the exterior appearance of the residence, other than the addition of one sign as permitted in single-family residential districts.

c] There shall be no other accessory boarding or accessory apartment permitted at the premises where the bed-and-breakfast is proposed to be
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located.

[d] The bed-and-breakfast shall produce no noise, vibrations, glare, objectionable fumes or electrical interference detectable to normal sensory perception on adjacent lots.

[e] In SFR districts the minimum lot size for a bed-and-breakfast shall be one acre.

[f] There shall be no more than two rooms made available for the purposes of operating a bed-and-breakfast in single-family residential districts.

[g] Exterior storage of supplies, items or equipment associated with the bed-and-breakfast shall be prohibited.

[h] Any permission granted shall be personal to the grantee. Upon sale of the property, the special permit shall be null and void and the new owners shall be made to reapply.

[j] Handicap ramps. Handicap ramps shall be exempt from all minimum yard setbacks in all districts. All construction shall fully comply with state and federal standards. [Added 3-27-1995 by Ord. No. 4-1995]

(k) Christmas tree sales. The Planning Board may permit the display and sale of natural Christmas trees in a Single-Family Residential District by special permit subject to the following criteria, in addition to all other applicable regulations. [Added 10-14-1997 by Ord. No. 9-1997]


[a] The display and sale of natural trees shall be permitted between November 15 and December 31 and between the hours of 8:00 a.m. and 10:00 p.m.

[b] The tree sale shall not change the exterior appearance of the residence, other than the addition of one sign as permitted in a single-family residential district.

[c] There shall be no other accessory uses or home occupations permitted at the premises where the tree sale is proposed to be located.

[d] Adequate parking shall be provided.


Except as otherwise provided for in Statute or City Regulations, open storage of two or more inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises. Storage of a single unregistered motor vehicle shall be permitted in all residential
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districts provided that its body is completely covered by a fitted cover or tarp in good repair that is securable to the vehicle and free of foreign objects placed upon the cover.

§ 221-49. Public garages and gasoline filling stations. [Amended 12-7-1992 by L.L. No. 3-1992]

A. Minimum lot area. The minimum lot area shall be 15,000 square feet, and the minimum frontage shall be 100 feet.

B. Driveway requirements. Entrance and exit driveways shall have an unrestricted width of not less than 20 feet, shall not be located nearer than 10 feet to any lot line or 20 feet from any intersection and shall be so laid out as to avoid the necessity of any vehicle backing into any public right-of-way.

C. Distance from street line. No gasoline filling station building and no outdoor gasoline or oil pump or automotive service appliance shall be erected within 20 feet of any street line.

D. Enclosure of vehicle parts. Vehicle lifts or pits, dismantled automobiles, all parts or supplies, goods, materials, refuse, garbage or debris shall be located within a building enclosed on all sides.

E. Repairs and servicing. Commercial motor vehicle repair or service shall not be permitted in connection with or as part of a public garage.

F. Out-of-door work restricted. Major repair work may be carried on outdoors only where it is impractical to do such work within a building, but in no case shall any vehicle being repaired be stored outdoors for a period exceeding 30 days. Gasoline or oil sales, changing of tires and other similar automobile servicing shall not be considered to be major repair work.

G. Underground storage of gas or flammable oils. Gasoline or flammable oils in bulk shall be stored fully underground, not nearer than 10 feet to any street line or 35 feet to any lot line.

§ 221-50. Outdoor vending machines; outdoor sales.

A. No open-front stores, outdoor vending machines or other outdoor storage, displays or sales, except as indicated in Subsection C below, other than the following:

(1) The sale of automobile fuel, lubricants and accessories at automobile service station.

(2) The storage and sale of lumber and other building materials in duly conducted lumberyards.

(3) Automobile off-street parking and off-street loading.

(4) Signs erected in conformity with the individual district regulations.

(5) Nurseries.

(6) Vending machines, provided that no more than three per business establishment, and
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further provided that such machines shall be no closer than five feet to any property line. [Amended 12-7-1992 by L.L. No. 3-1992]

B. No outdoor display may extend more than 10 feet from the outside wall of a building or into any pedestrian or vehicle traffic area. All outdoor displays shall be arranged to allow for a minimum three-foot clearance.

C. In appropriate cases and in accordance with the requirements in Article V, the Planning Board may issue a special permit permitting any use not otherwise permitted under the terms of this section in a nonresidence district.

§ 221-51. Off-street parking and loading.

A. Purpose. It is the objective of this section to provide standards for providing adequate off-street parking and loading of motor vehicles in an orderly and efficient manner that retains the function of the road network and protects the health, safety and general welfare of the public.

B. Procedure. Any structure or use requiring a permit under this chapter shall comply with the parking, loading and design standards specified in this section. Site plans will be reviewed by the Planning Board for compliance with these requirements. Reasonable and appropriate off-street parking requirements for structures and uses which do not fall within the categories listed herein shall be determined by the Planning Board during site plan review and upon consideration of factors entering into the parking needs of each such use.

C. Design.

(1) Parking space. The minimum size of each parking space shall measure 10 feet in width and 20 feet in length, not including any required maneuvering aisle, circulation lane, right-of-way, easement or public road. All required parking spaces shall be individually identified by means of pavement markings or other identification.

(2) Access. Unobstructed access to and from a street shall be provided for all parking spaces. Entrances, exits and driveways for off-street parking areas shall be at least 10 feet wide but no more than 30 feet wide, except lots with frontage of at least 100 feet per street which can be no more than 36 feet wide. Frontage of all commercial properties shall be controlled by positive means such as curbing or ditches to provide access only at designated driveways. The purpose of access control is to direct entering and exiting vehicles into a well-defined flow pattern and separate traffic movements on private property from street and highway traffic. No more than two driveways (excluding field entrances) with a combined total width of 66 feet per street shall be allowed unless the Planning Board deems additional driveways are necessary to adequately and safely manage the parking, loading, access and circulation needs of the land use. [Amended 10-28-1996 by Ord. No. 15-1996]

(3) Circulation. All parking areas shall be designed so as to eliminate the need for vehicles to back out onto state roads or block entrances to parking areas. Off-street parking areas with more than six spaces shall direct vehicles into a well-defined flow pattern. A minimum ten-foot-wide circulation lane shall be provided for parking areas with more than six spaces. For parking area layouts requiring two-way traffic, a
Location.

(a) Parking area. Parking areas shall not be located in required front yards except that no more than two vehicles may be parked in a front yard driveway. Parking areas may be located to within three feet of adjoining properties in the rear or side yards, provided that screening requirements are satisfied.

(b) Driveways. Existing driveways may be surfaced or reconstructed to within one foot of an adjoining property line. Newly constructed driveways may be built to within three feet of an adjoining property unless there is a written agreement between adjoining property owners to share a driveway, in which case no setback is required.

(c) Entrances and exits. No entrance or exit for any off-street parking area with more than six spaces shall be located within 40 feet of any street intersection.

Surface condition and drainage. All parking areas shall be kept well maintained and free of debris. For all commercial uses or when more than six parking spaces are required for a use, the parking area shall consist of a designated and improved area composed of a minimum of six inches of compacted stabilized surface consisting of crushed rock or crushed stone, surfaced and covered with blacktop or concrete, or a combination thereof. A driveway or parking area shall not drain onto an adjacent property unless the property owner's permission is received in writing. In no case shall the construction of parking areas or driveways cause water to flow across sidewalks or street pavement or to pond off site.

Sight lines. Driveways, vegetation and fencing shall be located so that any vehicle leaving the driveways shall have clear and unobstructed view for a reasonable and safe sight distance to any oncoming traffic, considering the marked speed limit in the area and the quantity of traffic.

Maintenance. All required parking spaces and circulation aisles shall be available for parking and loading and not be used for the storage of unlicensed vehicles, materials or waste disposal facilities.

Screening. Parking areas with more than six spaces shall be visually screened from:

(a) Adjacent residential uses;

(b) SFR, MDR and R/B Zoning District boundaries; and

(c) State or locally designated tourism routes or historic properties.

Lighting. Any lighting used to illuminate off-street parking areas should be located, shielded and directed upon the parking area in such a manner that it does not reflect or cause glare onto adjacent properties or interfere with street traffic. In no instance shall bare, unshaded bulbs be used for such illumination.
D. Mixed uses. In the event that several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately. Employees working at more than one use on the parcel shall not be double-counted when computing the required number of parking spaces.

E. Shared parking. The off-street parking requirements of two or more uses, structures or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be demonstrated by the applicant that their operations and parking needs do not overlap in time.

F. Parking overload. Notwithstanding the above requirements, an observed overload of parking which causes spillover onto neighboring properties or road rights-of-way shall constitute a violation of this chapter.

G. Off-street parking standards. Unless specifically waived by the Planning Board under the site plan review, the Zoning Board of Appeals through an area variance or the City Council under the Planned Development District review, the following minimum standards shall apply for each type of use set forth below. The Planning Board may require a greater number of parking or loading spaces if it is warranted by the nature and scale of a proposed use.

(1) Residential uses:
   (a) One-family dwelling, two-family dwelling, multiple-family dwelling: two parking spaces per dwelling unit.
   (b) Accessory apartment: one parking space per dwelling unit.
   (c) Home occupation: one parking space for every two hundred square feet of gross floor area.
   (d) Community residence: one parking space per employee on the largest work shift, plus one parking space.

(2) Public and institutional uses:
   (a) Religious institution, including on-site parish house; nonprofit service or fraternal organization; convention center: one parking space for every six seats in the principal meeting room.
   (b) Library, museum, firehouse: one parking space for every 500 square feet of gross floor area.
   (c) Nursing home, residential health care: one parking space for each visiting physician, plus one parking space per employee on the largest work shift, plus one parking space for every six patient beds.
   (d) Hospital, health-care facility, medical office: one parking space per employee on the largest shift, plus three parking spaces for every physician, plus five parking spaces for an emergency room.
(e) Day-care facility: one parking space per employee on the largest work shift, plus one nine-foot-by-twenty-foot loading space for every six child/client.

(f) Elementary school: two parking spaces per classroom.

(g) Secondary or post secondary school: one parking space per seat in the auditorium. Four parking spaces per classroom if no auditorium in school.

(3) Retail, commercial and service uses:

(a) Grocery, convenience store: one parking space per 250 feet of gross floor area.

(b) Restaurant, tavern, club: one parking space for every four seats to capacity. Restaurants without seating shall provide one parking space per employee on the largest work shift, plus two nine-foot-by-twenty-foot loading spaces.

(c) Bed-and-breakfast: one parking space per guest room, plus one space per nonresident employee.

(d) Hotel, motel, inn, boardinghouse, resort: three parking spaces for every two guest rooms, plus one parking space per employee on the largest work shift.

(e) Motor vehicle repair, services: one parking space per 400 square feet of gross floor area, plus adequate storage area for vehicles awaiting repair.

(f) Gas station: one parking space per employee on the largest work shift, plus one parking space for each service bay.

(g) Bus terminal, mass transit station: one parking space per employee on the largest work shift, plus two nine-foot-by-twenty-foot loading spaces.

(h) Auto wash: one parking space per employee on the largest work shift, plus four stacking spaces per bay.

(i) Bowling alley: five parking spaces per lane.

(j) Indoor recreational facility: one parking space per 600 square feet of recreational area.

(k) Fitness/aerobic center: the lesser of one parking space per participant in the largest session or one parking space per 100 square feet devoted to fitness or aerobic exercise.

(l) Radio/television studio or station: one parking space per employee on the largest work shift, plus two guest parking spaces.

(m) Motor vehicle farm implement, mobile home sites or rental: one parking space per employee on the largest work shift, plus one parking space per 1,000 square feet of gross business area.
(n) Building supplies, plumbing, heating or electric supplies: one parking space for each vehicle used in the business, plus one parking space per 800 square feet of gross business area.

(o) Other retail, commercial, service and office uses: one parking space per 400 square feet of gross floor area.

(4) Light and heavy industrial uses:

(a) Junkyard, salvage yard, recycling operation: one parking space per employee on the largest shift, plus one parking space per 10,000 square feet of gross business area.

(b) Storage, distribution or wholesale use: one parking space per employee on the largest shift or one parking space per 1,000 square feet of gross business area, whichever is greater, plus loading spaces of sufficient quantity and size to accommodate the type and frequency of vehicles generated by the use.

(c) Recycling of beverage containers, packaging material and paper; two loading spaces.

(d) Other industrial uses: one parking space per employee on the largest shift.

(e) Uses not specifically listed. Other uses not specifically listed shall provide adequate parking to meet parking needs on the premises as required by the Planning Board. The Planning Board shall use the above list as a guide for determining requirements for unlisted uses.

H. Handicapped parking. The minimum size of each handicapped parking space shall measure 12 feet in width and 20 feet in length, not including any required maneuvering aisle, circulation lane, right-of-way, easement or public road. At least 5% or more of available parking spaces, as required by the Planning Board during site plan review, shall be designated for handicapped parking. All required parking spaces shall be individually identified by means of pavement markings or other identification.

I. Off-street loading. Off-street loading is permitted as an accessory to any use, subject to site plan review. All uses in the Business and I/I Zoning Districts shall provide for adequate off-street loading as specified below:

(1) Size of spaces. Unless specified by the standards established in this section or by the Planning Board during site plan review, required loading space shall be at least 12 feet wide, 33 feet long and 14 feet high.

(2) Location and access. Unobstructed access, at least 10 feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot.

(3) Joint facilities. Loading facilities, open or enclosed, may be provided in spaces designed to jointly serve two or more adjacent establishments.
§ 221-52. Signs. [Amended 2-27-1991]

A. Purpose. The purpose of the sign regulations is to promote and protect the public health, welfare and safety by regulating advertising visible from public roads and other outdoor graphics for commercial gain. These regulations are intended to protect property values, maintain an attractive business climate and protect the physical appearance of the community. The regulations are further intended to reduce distractions and obstructions that may contribute to traffic accidents or safety hazards.

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

BILLBOARD -- An off-premises sign owned by a person, corporation or other entity that engages in the business of selling advertising space on that sign.

COPY-CHANGE SIGN -- A sign on which the visual message may be periodically changed.

FREESTANDING SIGN -- A sign that is attached to, erected on or supported by some structure (such as a pole, mast, frame or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign.

GATEWAY SIGNS -- The generally accepted logos of not-for-profit, charitable, public and religious organizations mounted together on a unified and uniform field background, with the size of each constituent sign not to exceed nine square feet. Total sign area at each entrance to the City may not exceed 128 square feet, with its highest point not exceeding 12 feet from ground level, and with its lowest point not closer than four feet to ground level.

OFF-PREMISES SIGN -- A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided at a location other than the premises on which the sign is located.

ROOF SIGN -- A sign that is partially or wholly attached to, erected on or supported by the roof of a building or structure.

SHOPPING CENTER -- A group of architecturally unified commercial establishments built on a site, planned, developed, owned and managed as a unified development, which provides on-site parking for customers. For the purposes of Subsection D(3)(e) only, shopping centers must have a gross aggregate building(s) footprint of at least 100,000 square feet.

SIGN -- Any device that is sufficiently visible to persons not located on the lot where such device is located which either:

(1) Attracts the attention of such persons to an object, product, place, business, activity, person, political policy, institution or organization; or

(2) Communicates information to such persons.
SIGN AREA -- The total area of the smallest rectangle or triangle which encloses the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.

TEMPORARY SIGN -- A sign that is used in connection with a circumstance, situation or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of the sign. Under no circumstances may a temporary sign remain on the lot where it is erected or placed for a period of more than 60 days in any six-month period.

C. Administration.

(1) Permits. No sign shall be erected, moved, enlarged, reconstructed or substantially altered except in accordance with the provisions of this section. Mere repainting or changing the message of a sign shall not, in and of itself, be considered a substantial alteration. All signs shall require a building permit issued by the Code Enforcement Officer except for specifically listed signs permitted without a building permit. [Amended 10-22-2007 by Ord. No. 10-2007]

(2) Procedure.

(a) Building permit applications shall be submitted to the Code Enforcement Officer accompanied by the building permit application fee and the following plans and information: [Amended 10-22-2007 by Ord. No. 10-2007]

[1] The name, address and telephone number of the applicant and sign contractor or erector. In the case of a lot occupied or intended to be occupied by more than two business enterprises (e.g., a shopping center), building permits shall be issued in the name of the lot owner or his/her agent rather than in the name of the individual business enterprise requesting a particular sign.

[2] The location of the lot of which the proposed sign will be located by street address, tax parcel identification number or distance to the nearest crossroad.

[3] An accurate site plan sketch showing lot lines, public roads, driveways, setbacks, the location of existing and proposed signs and the sign area of all existing signs, including the number of linear feet of street frontage of the lot.

[4] A scale drawing showing the proposed signs, including supportive structure, sign content and sign face size and method of illuminating the sign, if any.

(b) The Code Enforcement Officer, or his/her designee, shall, within 15 days of receiving a complete application, either approve or deny the building permit as regards this section or the regulations governing nonconforming structures. An
application with insufficient information to determine compliance with these regulations should be returned to the applicant with a written statement of what additional information is necessary. [Amended 10-22-2007 by Ord. No. 10-2007]

(c) Fees. Fees for application for a building permit shall be established by the City Council and may be revised from time to time. No permit shall be issued for sign applications in which the prescribed fee has not been paid.

(d) Enforcement. The Code Enforcement Division of the Fire Department shall be responsible for enforcing these sign regulations. Alleged violations shall be investigated upon the receipt of a written and signed complaint or at the direction of the City Council, the Director of Planning and Development or City Planning Board. [Amended 10-22-2007 by Ord. No. 10-2007]

D. General regulations.

(1) Construction standards. All signs shall comply with the Uniform Code regarding construction, materials, erection and electrical fixtures. [Amended 10-22-2007 by Ord. No. 10-2007]

(2) Maintenance standards. All signs shall be maintained in a safe and neat condition. Structural damage, missing letters, deterioration obscuring the sign content or outdated or inaccurate sign contents shall be remedied or the sign removed within 60 days at the landowner's expense. No additional building permits shall be granted to locate additional signs on property that is currently violating these maintenance standards.

(3) Placement standards.

(a) No attached wall sign shall extend beyond the roofline or the end of the wall to which it is attached or project out away from the building wall more than 12 inches.

(b) Hanging signs which project outward from the face of the building shall have a minimum clearance of 10 feet from the bottommost section of such sign to the surface of any public street, sidewalk or alley. Such signs shall not project more than four feet from the building wall.

(c) Signs shall not be located in road rights-of-way or on sidewalks nor extend beyond the lot lines of the parcel on which the sign is located.

(d) Signs shall not be attached to motor vehicles, trailers or other wheeled structures or vehicles.

(e) Freestanding signs shall not be located within five feet of any lot line or extend 20 feet above adjoining ground level, except in the case of signs erected at shopping centers, which may extend 40 feet above ground level. When located within 20 feet of any lot line, freestanding signs shall either provide a clear space of not less than 10 feet between the bottom of such sign and the curb level
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or extend no more than four feet above adjoining ground level.

(f) Sign placement shall not obstruct safe sight lines from roads or driveways nor obstruct the view of official traffic signs.

(4) Illumination standards.

(a) No sign shall flash or include artificial light that is not maintained stationary and constant in intensity and color at all times.

(b) Strings of light bulbs shall not be permitted, except as part of a temporary holiday celebration.

(c) Illumination shall not constitute a safety hazard or nuisance by reason of the intensity or direction of illumination onto adjacent residential premises or public roads.

(d) Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into public rights-of-way or residential premises.

(e) Signs shall not be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless the premises on which it is located is open for business.

(5) Prohibited signs.

(a) No sign may be erected so that by its location, color, size, shape, nature or message it would tend to be confused with official traffic signs or other signs erected by governmental agencies.

(b) No sign shall be attached to motor vehicles, trailers or other wheeled structures or vehicles except for signs painted on or otherwise permanently attached to currently licensed and self-propelled motor vehicles that are not primarily used as signs. Signs may not be detached from motor vehicles, trailers or other wheeled structures or vehicles to create an appearance of a permanent sign.

(c) Billboard and off-premise signs.

(d) Bulletin board signs, except as noted in Subsection E(1)(c).

(e) No copy-change signs, except as placed in accordance with Subsection D(3)(a), (b) or (e).

(f) Roof signs.

(g) Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public are prohibited. Streamers, animated display boards and propellers are prohibited; but, signs that only move occasionally because of wind are not prohibited if their movement is not a primary design feature of the sign and is not intended to attract attention to the
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sign. These restrictions shall not apply to signs indicating the time, date or weather conditions or standard barber poles that denote the location of a barbershop. [Amended 3-25-1996 by Ord. No. 8-1996]

(6) Nonconforming signs/sunset provision. Full conformity with this chapter shall be enforced for all billboard and off-premises signs and for signs that do not conform to the illumination standards in the City by December 31, 1994. Signs not in conformity at that time shall be removed by the owner. If the owner fails to remove the sign, the City shall remove said sign, with the cost of removal charged to the owner. [Amended 12-7-1992 by L.L. No. 3-1992]

E. Permitted signs.

(1) The following signs are permitted in all zoning districts, without building permits, provided that such signs conform to the provisions of this section:

(a) Identification signs. One unilluminated sign per street that the lot has frontage on no larger than two square feet in area bearing only the address and name of the occupants of the premises or other identification of the premises not having commercial connotations.

(b) Regulatory signs. Signs regulating the use of a property such as "No hunting," "No parking," "Enter" and "Exit," or warning the public of potential hazards, such as "Slippery walk" or "Beware of dog," provided that each regulatory sign is no longer than two square feet in area. Any commercial connotations are calculated against the permissible sign budget. [Amended 6-14-1993 by Ord. No. 8-1993]

(c) Bulletin boards. One bulletin board or announcement sign not to exceed 16 square feet in area for and on the premises of a public, charitable or religious use.

(d) Governmental signs. All signs erected or posted and maintained by governmental agencies are permitted and exempt from the sign regulations, except as otherwise provided by law.

(e) Gateway signs. All signs erected on public or private land at generally accepted entranceways to the City.

(f) Construction site identification signs. Such signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors and funding sources and may contain related information, including but not limited to sale or leasing information. Not more than one such sign may be erected per site and it may not exceed a sign area of 32 square feet. Such signs shall not be erected prior to the issuance of a building permit or preliminary subdivision plat approval.

(g) Holiday commemorations. Decorations commemorating nationally or locally recognized holidays or religious events are permitted and may incorporate lights in these decorations to the extent the display does not cause a safety hazard.
(h) Integral decorative or architectural features of buildings or works of art, including historical markers, plaques and tablets, so long as such features or works do not contain trademarks, moving parts or lights.

(i) Signs situated so as to be not visible to the public.

(j) Flags, pennants or insignia of any government or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device. Flags or pennants in connection with commercial promotions or as an advertising device within districts providing sign area of at least 64 square feet. Flags or pennants in connection with commercial promotions or as an advertising device shall not exceed 24 square feet of flow and shall be no larger than any patriotic flag on the premises. Such signage will not be calculated against total sign allowance. [Amended 9-8-1992 by Ord. No. 92-14; 5-10-1993 by Ord. No. 6-1993]

(k) Real estate signs. "For sale" or "For rent" signs that are nonilluminated and no larger than nine square feet may be erected. [Amended 5-10-1993 by Ord. No. 6-1993]

(l) Temporary signs not covered in previous categories. Political campaign signs and one additional nonilluminated temporary sign is permitted per lot, provided that no sign area exceeds nine square feet, nor is mounted on or attached to a motor vehicle, trailer or other wheeled vehicle or structure. Such temporary signs shall not be displayed for any period to exceed 60 days in any six-month period. All other unlisted signs require building permits prior to erection.

(2) The following sign area budgets per lot are allowed for signs requiring building permits, based on the zoning district in which the proposed sign is to be located.

(a) Total sign area budget permitted in SFR and MH Districts. A maximum of four square feet in wall-mounted sign area shall be permitted per lot when there is a home occupation present. No additional signage is permitted in SFR or MH Districts, except as otherwise allowed in Subsection E. [Amended 9-8-1992 by Ord. No. 14-1992; 4-25-1994 by Ord. No. 3-1994]

(b) Total sign area budget permitted in MDR Districts. The maximum sign area for all signs requiring building permits on any lot in the MDR District shall be the greater of nine square feet or the number of linear feet of street frontage of the lot multiplied by 0.3. However, in no case may the total sign area of signs requiring building permits exceed 20 square feet, except as otherwise allowed in Subsection E. [Amended 9-8-1992 by Ord. No. 14-1992; 4-25-1994 by Ord. No. 4-1994]

(c) Total sign area budget permitted in R/B Districts. The maximum sign area for all signs requiring building permits on any lot, except shopping centers, in the R/B District shall be the greater of 30 square feet or the number of linear feet of frontage of the lot multiplied by 0.75 square foot. However, in no case may the total sign area of signs requiring building permits exceed 64 square feet, except
in shopping centers. [Amended 4-25-1994 by Ord. No. 4-1994]

(d) Total sign area budget permitted in B Districts. The maximum sign area for all signs requiring building permits shall be the greater of 40 square feet or the number of linear feet of street frontage of the lot multiplied by 0.75 square foot, except in shopping centers. However, in no case may the total sign area of signs requiring building permits exceed 128 square feet, except in shopping centers and except as otherwise allowed in Subsection E. Single tenant occupancy of 50,000 square feet building footprint may double the maximum building signage allowed. However, in no case may the total sign area of single tenant occupancy of 50,000 square feet building footprint exceed 500 square feet. [Amended 9-8-1992 by Ord. No. 14-1992; 4-25-1994 by Ord. No. 4-1994]

(e) Total sign area budget permitted in I/I Districts. The maximum sign area for all signs requiring building permits shall be the greater of 40 square feet or the number of linear feet of street frontage of the lot multiplied by 0.75 square foot. However, in no case may the total sign area of signs requiring building permits exceed 128 square feet, except as otherwise allowed in Subsection E. [Amended 9-8-1992 by Ord. No. 14-1992]

(3) The following sign area budgets are allowed for shopping centers in R/B and B Districts:

(a) Sign dimensions shall be calculated on the basis of each individual storefront.

(b) The maximum sign area budget for each storefront may be increased an additional 10% if the storefront is at least 100 feet from the nearest street right-of-way. The maximum sign area budget for each storefront may be increased an additional 1% for each 10 feet beyond the first 100 feet from the nearest property line which is most parallel to the storefront. This distance will be deemed to be the shortest line from the closest point on the parallel property line and the storefront. [Amended 6-14-1993 by Ord. No. 8-1993]

(c) One additional freestanding sign shall be no larger than 100 square feet in sign area and shall identify only the name of the shopping center, except when one or more separate and distinct business occupies a single storefront so long as the total allowable sign area for the lot is not exceeded. [Amended 9-10-2007 by Ord. No. 7-2007]

(d) The sign budget allowed in waterfront marinas and hotels directly accessible by boat, in all districts, is 300 square feet with no one sign to exceed more than 200 square feet. [Added 9-8-1992 by Ord. No. 14-1992]

F. Appeals.

(1) Zoning Board of Appeals. Any applicant or person aggrieved by any decision of the Code Enforcement Officer, or his/her designee, made in administering and enforcing this section may appeal such decision to the Zoning Board of Appeals. [Amended 10-22-2007 by Ord. No. 10-2007]
(2) Supreme Court. Any person aggrieved by any decision of the Planning Board or any officer, department or board of the City may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within 30 days after the filing of a decision in the office of the City Clerk.

§ 221-53. Usable open space.

A. Purpose. It is the purpose of this section that large residential developments shall be required to provide open space for residents of the development and, in some cases, for the general public. Developed open space shall be designed to provide recreational facilities to serve the residents of the development. Undeveloped open space shall be designed to preserve important site amenities and environmentally sensitive areas.

B. Every residential development involving 25 or more housing units shall be developed so that at least 5% of the total area of the development remains permanently as usable open space.

C. For the purposes of this section, "usable open space" means an area that:

1. Is not encumbered with any substantial structure.
2. Is not devoted to use as a roadway, parking area, sidewalk, storm drainage area or storage area.
3. Has no dimension measuring less than 20 feet.
4. Consists of land no more than 25% of which lies within a "floodway" or "area of special flood hazard" as defined in Chapter 105, Flood Damage Prevention.
5. Is left (as of the date development began) in its natural or undisturbed state if wooded, except for the cutting of trails for walking, jogging or bicycling; is landscaped for ballfields, picnic areas or similar facilities; or is properly vegetated and landscaped with the objective of creating public waterfront access, a wooded area or other area that is consistent with the objectives set forth in Subsection C(6).
6. Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation.
7. Is legally and practicably accessible and usable to the residents of the development out of which the required usable open space is taken, or to the public if the City agrees that it will accept an offer of dedication of such open space.

D. Exceptions to the standards. The Planning Board may permit minor deviations from usable open space requirements when it can be determined that:

1. The objectives underlying these standards or the goals of this chapter can be met without strict adherence to them; and/or
2. Because of peculiarities in the tract of land or the facilities proposed, it would be unreasonable to require strict adherence to these standards.
E. Ownership and maintenance of required usable open space areas.

(1) Except as otherwise agreed to between the developer and the City, recreational facilities and usable open space required by this section shall remain under the ownership and control of the developer (or his/her successor) or a homeowners' association or similar organization that satisfies the criteria for responsible upkeep and proper maintenance of the required usable open space area.

(2) Deed restrictions. Any lands dedicated for open space purposes shall contain appropriate covenants and deed restrictions ensuring that:

(a) The usable open space area shall not be subdivided in the future;

(b) The use of the usable open space will continue in perpetuity for the purpose specified; and

(c) Common undeveloped usable open space shall not be turned into a commercial enterprise admitting the general public at a fee.

(3) The person or entity identified in Subsection E(1) as having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the area and facilities.

(4) Homeowners' association. Homeowners' associations or similar entities that are responsible for the maintenance and control of common areas, including recreational facilities and open space, shall be established in such a manner that:

(a) Provision for the establishment of the association or similar entity is made before any lot in the development is sold or any building is occupied.

(b) The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities.

(c) The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

§ 221-54. Temporary uses and structures.

A. Authorization. Temporary uses and structures are permitted in all zoning districts, provided that they comply with the regulations of this section.

B. Temporary uses or structures allowed without a building permit. The following temporary uses or structures are allowed without a building permit, provided that they meet the requirements established for each of the following:

(1) Garage sales.
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(a) Sales of tangible personal property shall be held on the premises of an owner of goods for sale or on the property of a charitable organization.

(b) Retail sales shall be conducted for no more than four days in any calendar year. Longer periods of business operation will classify the use as a permanent retail use rather than as a temporary use and will require a special permit issued by the Planning Board.

(2) Fund raising events for charitable organizations.

(3) City-sponsored or approved uses. Temporary uses or events sponsored, supported or approved by the City of Ogdensburg shall be permitted on a temporary basis.

(4) Sale of a single motor vehicle. The sale and display of not more than one motor vehicle at any one time is permitted as a temporary use. Larger business operations shall be considered a permanent motor vehicle sales use.

(5) Estate or household auctions. Such auction shall be held on the premises of an owner of tangible personal property being auctioned.

(6) Temporary construction offices and sanitary facilities. Such facilities shall be permitted in conjunction with an approved construction project, provided that such structure(s) is occupied only by persons having construction or security responsibilities over such construction site, and shall be removed upon completion of the construction project.

(7) Holiday decorations of a noncommercial nature.

C. Temporary structures requiring a building permit. The following temporary structures may be permitted for up to one year upon application to the Code Enforcement Officer. The temporary building permit may be extended for good cause with approval from the Planning Board. [Amended 10-22-2007 by Ord. No. 10-2007]

(1) Emergency or temporary residence. A residence (which may be a mobile home) that is:

(a) Located on the same lot as a residence made uninhabitable by fire, flood or other natural disaster and occupied by the persons displaced by such disaster, and is removed upon completion of a new permanent residence; or

(b) Located on the same lot as a residence that is under construction and occupied by the persons intending to live in such permanent residence when the work is completed, and is removed upon completion of the permanent residence.

§ 221-55. Nonconforming lots, uses and structures.

A. Purpose.

(1) It is the purpose of this section to provide for the regulation of legally nonconforming structures, lots of record and uses, and to specify those circumstances and conditions
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under which such nonconformities shall be permitted to continue.

(2) This chapter is designed to guide future land use in Ogdensburg by encouraging appropriate groupings of compatible and related uses and to promote and protect the public health, safety and general welfare. The continued existence of nonconformities is frequently inconsistent with these purposes. Nonconformities may adversely affect planned development and may diminish the value of nearby property. Therefore, the gradual elimination of such nonconformities is generally desirable.

B. Nonconforming lots of record.

(1) A nonconforming lot of record is any validly recorded lot which, at the time it was filed with the County Clerk, fully complied with all applicable laws at that time but which does not fully comply with the lot requirements of this chapter concerning minimum area, minimum lot depth or minimum lot width. Lots created prior to any zoning law of the City also are covered by this section.

(2) A nonconforming lot of record may be used for any permitted or conditional use allowed in the district in which the lot is located, provided that the following conditions exist or are met:

(a) The owners of the lot own no adjoining land which would create a conforming lot if combined with the lot which is deficient in area, width or depth.

(b) Any use which will require a water supply and/or sewage disposal shall be connected to City water and/or sewer services.

(c) Any structure or use located on a nonconforming lot shall provide front, side and rear yards conforming to the minimums required for the district in which the lot is located, except as may be otherwise approved by the Board of Appeals under the area variance process provided in § 221-73.

C. Nonconforming uses. A nonconforming use is an activity using land, buildings, signs or structures for purposes which were legal at the time they were established, but which would not be permitted to be established as a new use in the district in which it is located by the terms of this chapter. Any nonconforming use may be continued subject to the following provisions:

(1) Discontinuance. Whenever a nonconforming use has been discontinued for a period of 18 months or more, any future use shall conform to the use regulations for the zoning district in which the site is located. [Amended 11-12-1996 by Ord. No. 23-1996]

(2) Change of use. If a nonconforming use is replaced by another use, the new use shall conform to this chapter. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. Changes from one nonconforming use to a different nonconforming use is prohibited.

(3) Additional nonconforming uses. No new nonconforming uses are permitted, except as may be otherwise approved by the Zoning Board of Appeals according to the use
ZONING variance process.

(4) Expansion. Nonconforming uses shall not be expanded or enlarged to occupy a greater area of land than was occupied by the nonconforming use at the effective date of this chapter, except as may be otherwise approved by the Zoning Board of Appeals according to the use variance process.

(5) Destruction.

(a) A nonconforming use which has been changed by fire or other causes, to the extent of not more than 75% of its replacement cost, may be permitted to recontinue as before or may be reconstructed to the size that existed before the damage, as measured in square footage of lot coverage, provided that a building permit is applied for within one year and site plan review is done by the Planning Board.

(b) If a nonconforming use has been damaged by fire or other causes, to the extent of more than 75% of its replacement cost, the nonconforming use shall only be permitted to recontinue if the use is permitted within a zoning district not more than two districts removed from the district in which the nonconforming use is located. For the purposes of this section, the continuum of zoning districts is as follows:


(c) Therefore, the following table explains which nonconforming uses which have been more than seventy-five-percent damaged may be recontinued:

<table>
<thead>
<tr>
<th>Zoning Classification of Nonconforming Use</th>
<th>Uses, by Zoning District, That May be Recontinued</th>
</tr>
</thead>
<tbody>
<tr>
<td>SFR</td>
<td>SFR, MDR, R/B</td>
</tr>
<tr>
<td>MDR</td>
<td>SFR, MDR, R/B, B</td>
</tr>
<tr>
<td>R/B</td>
<td>SFR, MDR, R/B, B, I/I</td>
</tr>
<tr>
<td>B</td>
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<td>R/B, B, I/I</td>
</tr>
</tbody>
</table>
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(d) Uses that are permitted to recontinue may only be reconstructed to the size that existed prior to the damage, as measured in square footage of lot coverage.

D. Nonconforming structures. A nonconforming structure is any building or structure legally existing prior to this chapter which does not comply with the height or yard requirements of this chapter. Any nonconforming structure may be continued and maintained subject to the following provisions:

(1) Expansion. A nonconforming structure may be expanded, provided that such expansions will meet any front, side and rear yard requirements.

(2) New or additional nonconforming structures. The introduction of any new or additional nonconforming structures is prohibited unless approved by the Zoning Board of Appeals according to the area variance process.

(3) Destruction. A nonconforming structure which has been damaged by fire or other causes may be restored or reconstructed, provided that a building permit is applied for within one year, and the reconstruction shall not further aggravate setback or height regulations more than the original structure.

(4) Completion of structure. Nothing contained in this section shall require any change in the plans, construction or alteration of a structure for which a valid building permit has been issued and work has commenced prior to the effective date of this chapter.

(5) Moving. Should any structure be moved for any reason or for any distance, it shall thereafter conform to the setback and height regulations for the district in which it is located after it is moved.

E. Accessory structures without a principle use. For the purposes of this section a front yard shall be defined as 20’ from the property line, parallel with the street. All accessory structures shall not be less than six feet in rear and side yards and shall fully comply with minimum front yard requirements as defined by this section. The intent of this section is to promote the orderly development of vacant lots subject to the following provisions: [Added 9-9-2013 by Ord. No. 15-2013]

(1) Special permitted uses:

(a) Fences. Table 1 – Dimensional Regulations shall not apply to accessory structures without a principle use. All open, solid or opaque fences, no taller than 6½ feet in height on the side and rear yards or 4 feet in height on the front yard. All other regulations per § 221-37.E(5)(b)(2) shall apply.

(b) Sheds. One shed, which shall be no larger than 150 square feet and shall be constructed on a non-permanent foundation.

(c) Driveways. Driveways shall maintain a minimum of 3 feet from the edge of pavement to the property line.

(d) Docks, piers and boathouses.
§ 221-56. Purpose.

The general purpose of the State Environmental Quality Review Act \(^{93}\) is to incorporate the consideration of environmental factors into planning, review and decision-making processes of local governments at the earliest possible time. To this end, SEQR requires that all agencies determine whether the actions they directly undertake, fund or approve may have a significant effect on the environment, and, if it is determined that the action may have a significant effect on the environment, prepare or request an environmental impact statement. Article 8 and Part 617 of Title 6 of the New York Code of Rules and Regulations (NYCRR) are hereby adopted by reference. A summary discussion of the basic SEQR review procedures follows to supplement 6 NYCRR Part 617.

§ 221-57. Process completion required.

Completion of the SEQR process shall be required before an application is deemed complete. No final action shall be taken on an application until it has complied with SEQR. Therefore, time deadlines for review and decision making on applications shall not begin until the SEQR process has been completed.

§ 221-58. Applicability.

A. Projects or physical activities which meet at least one of the following criteria are subject to review under SEQR:

   (1) Are directly undertaken by the City;

   (2) Involve funding by the City; or

   (3) Require a discretionary permit from the City or its appointed boards.

B. If the proposed action does not require a discretionary decision there is no requirement for review under SEQR.

§ 221-59. Classification of action.

If a proposed action is subject to review under SEQR, the first step is to classify the action into one of five categories.

A. Classes of action requiring no further review under SEQR:

   (1) Exempt. These are actions such as maintenance, repair, emergency or nondiscretionary permitting which do not require further review. See Section 617.2(q) for the list of Exempt Actions.\(^{94}\)

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\(^{93}\) Editor's Note: See Art. 8 of the Environmental Conservation Law.

\(^{94}\) Editor's Note: Original Subsection a(2), which dealt with actions reviewable under the Public Service Law or
(2) Type II. An action that never produces significant environmental impacts and does not require the preparation of a determination of significance or a draft environmental impact statement (EIS). Type II actions are defined by the list in Section 617.13.

B. Classes of action which require further review under SEQR:

(1) Type I. An action that is likely to produce significant environmental impacts and may require the preparation of a draft environmental impact statement. At a minimum, a full Environmental Assessment form (EAF) must be completed and a determination of significance made. Type I actions are defined by the list in Section 617.12.

(2) Unlisted. All actions which are not Type I, Type II Exempt or Excluded are considered unlisted. At a minimum, an unlisted action requires that a short EAF be completed and a determination of significance made which may require the preparation of a draft environmental impact statement (EIS).

§ 221-60. Environmental assessment forms.

An EAF must be completed for all Type I and unlisted actions.

A. Type I actions. A full EAF must be prepared for all Type I actions. The project sponsor/applicant completes Part 1 of the form and submits it to an involved agency. When the lead agency is established, that agency is responsible for completing Parts 2 and 3 of the full EAF.

B. Unlisted actions. A short EAF must, at a minimum, be completed for all unlisted actions. The project sponsor/applicant completes Part 1 of the form and submits it to an involved agency. When the lead agency is established, that agency is responsible for completing Parts 2 and 3 of the short EAF. An agency may require a full EAF if the short EAF will not provide sufficient information to assess the environmental impact of the proposed action.

§ 221-61. Lead agency.

A. If there is only one agency approving, funding or directly undertaking an action, that agency is automatically the lead agency. If there are two or more involved agencies, a lead agency must be established by agreement of the agencies within 30 calendar days. If the lead agency cannot be agreed on, any of the involved agencies or the applicant can petition the New York State Department of Environmental Conservation Commissioner to resolve the dispute and designate the lead agency.

B. For zoning or subdivision actions reviewed by the City, the following bodies shall be the lead agency, unless otherwise delegated by the City Council.

(1) Map or text amendments to this chapter: City Council.

by the Adirondack Park Agency, and immediately followed this subsection, was deleted at time of adoption of Code; See Ch. 1, General Provisions, Art. II.
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(2) Site plan and subdivision applications: Planning Board.

(3) Variances: Zoning Board of Appeals.

§ 221-62. Determinations of significance.

A. For Type I and unlisted actions the lead agency has 20 calendar days to make its determination of significance. If the lead agency finds that it does not have sufficient information to make this determination, it shall request that the applicant provide it.

B. In determining significance the lead agency shall consider:

(1) The whole action;

(2) The EAF and any other information provided by the applicant;

(3) Any comments from involved agencies;

(4) The criteria in Section 617.11; and

(5) Public comments.

C. Negative declaration.

(1) A negative declaration means that the lead agency has determined that the proposed action will not have a significant effect on the environment and a draft EIS will not be prepared. Every negative declaration shall identify the relevant areas of environmental concern; analyze the identified concerns to determine if there will be a significant impact on the environment; and document the determination, in writing, showing why the environmental concerns will not be significant. A model negative declaration form can be found as Appendix F of Part 617.

(2) The lead agency must maintain a file, readily accessible to the public, containing the EAF and the negative declaration. For a Type I action, the lead agency must additionally comply with filing and notice requirements described in Section 617.10.

D. Positive declaration. If the lead agency determines, after review of the EAF, that the proposed action has the potential for a significant impact on the environment or community character, it shall prepare and file a notice of positive declaration and may require the preparation of a draft environmental impact statement (EIS) that includes information specified in Section 617.14. A model positive declaration form can be found as Appendix E of Part 617.

E. The applicant has the right to prepare the draft EIS. If the applicant refuses to prepare the draft EIS, the lead agency has the option of preparing the draft EIS for the applicant or tabling the proposed action for lack of a complete application. If the lead agency decides to prepare the draft EIS, it may hire a consultant and charge the applicant a fee to recover the direct costs of preparation.
§ 221-63. Acceptance of draft environmental impact statement.

After receiving a draft EIS, the lead agency has 30 days to determine whether the document is adequate for public review in terms of scope and content as described in Section 617.14. If the lead agency decides that the draft EIS is not adequate, it shall return the document to the applicant with a written identification of the deficiencies. If the lead agency determines that the draft EIS is adequate, it shall issue a notice of completion of a draft EIS and file it as prescribed in Section 617.10. A sample notice of completion of a draft EIS form is included as Appendix G of Part 617.

§ 221-64. Public comment period.

The notice of completion of a draft EIS starts the public comment period that must be a minimum of 30 days, during which all concerned parties are encouraged to offer their comments to the lead agency. The public comment period must continue at least 10 days following a public hearing, if one is held.

§ 221-65. Public hearing.

When the lead agency accepts the draft EIS, it must decide whether to hold a public hearing or not. If a hearing is held, the lead agency must comply with notice and filing requirements identified in Section 617.10. A hearing must provide at least 14 days of public notice and must start within 60 days from the date of filing the notice of completion of the draft EIS.

§ 221-66. Preparation of final environmental impact statement.

The lead agency is responsible for the adequacy and accuracy of the final EIS regardless of who prepares it. The final EIS shall be prepared within 45 calendar days after the close of any public hearing or within 60 days after the filing of the draft EIS, whichever occurs last. The EIS shall consist of:

A. The draft EIS, including any revisions or supplements of it;

B. Copies or a summary of the substantive comments received and their sources; and

C. The lead agency's response to the comments.

§ 221-67. Notice of completion of final environmental impact statement.

Upon completion or receipt of the final EIS the notice of completion of the final EIS shall be prepared and filed as described in Section 617.10. A sample notice of a completion of the final EIS form is included as Appendix H of Part 617.

§ 221-68. Findings statement.

All involved agencies shall prepare their own SEQR findings statement after the final EIS has been filed and before the agency makes a decision. The lead agency shall prepare its findings statement within 10 to 30 days following the filing of the notice of completion of the final EIS. The findings statement should discuss the balance of environmental impacts versus the needs and
benefits of the proposed action.

A. Positive findings statement. A positive findings statement means that the lead agency has determined that the proposed action is approvable after consideration of the final EIS and demonstrates that the action chosen is one that minimizes or avoids environmental impacts to the maximum extent practicable in terms of location, layout and design, scale or magnitude, timing and use.

B. Negative findings statement. If the action is not approvable, the lead agency shall make a negative findings statement documenting the reasons for the denial. A sample findings statement form may be found as Appendix I of Part 617. Findings of each agency must be filed with all other involved agencies and the applicant.

ARTICLE XVI
Site Plan Review

§ 221-69. Legislative authority.

Pursuant to authority delegated by § 30-a of the General City Law of the State of New York, the Ogdensburg City Council hereby authorizes the City Planning Board to review and approve site development plans. In all cases where this chapter requires site plan review by the Planning Board, no building permit shall be issued by the Zoning Enforcement Officer except upon authorization of and in conformity with the final site plan approved by the Planning Board. Site plan review by the Planning Board shall be required in all districts for the erection or enlargement of all principal buildings other than one- or two-family dwellings and their accessory uses or structures, except as otherwise described in

§ 221-70. Purpose.

This section of this chapter is enacted under the authority of § 30-a of the New York State General City Law to protect the health, safety and general welfare of the inhabitants of the City. The site plan review regulates the development of structures and sites in a manner which considers the following concerns and, where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances. The principal areas of concern are:

A. The balancing of landowners' rights to use their land with the corresponding rights of neighboring landowners to live without undue disturbances from nuisances in the form of noise, smoke, fumes, vibration, dust, odor, glare and stormwater runoff.

B. The safety and convenience of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads.

C. The protection of state or local designated historical or archeological sites and natural environmental resources on the site under review, and in adjacent areas.

D. The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the City and will not be detrimental to the orderly development of adjacent areas.
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§ 221-71. Sketch plan conference.

An optional sketch plan conference may be held between the Planning Board staff and the applicant prior to the preparation and submission of a formal site plan. The intent of such a conference is to enable the applicant to inform the Planning Board of the development proposal prior to the preparation of a preliminary site plan, and for the Planning Board to review the basic site design concept, advise the applicant as to potential problems and concerns, and to generally determine the information to be required on the site plan. In order to accomplish these objectives, the applicant should provide the following:

A. A statement and rough sketch showing the locations and dimensions of existing and proposed structures, wells, waste disposal systems, parking areas, access drives, signage and anticipated changes in the existing topography and natural features.

B. A sketch or map of the area which clearly shows the location of the site and nearby properties, land uses, street rights-of-way, easements and other pertinent features.

§ 221-72. Applications for site plan approval.

An application for site development plan approval or for an amendment to a previously approved site development plan shall be made in writing to the Chairperson of the Planning Board at least 15 days in advance of the Planning Board meeting at which the application is to be presented. All drawings submitted must be at a scale of not more than 50 feet to the inch. Five copies of all drawings must be submitted. The data to be submitted, the total of which constitutes a site development plan, is as follows:

A. Data required in all cases:

(1) The names of all owners of record of all adjacent property, and the lot, block and section number of the property, all as shown in the City's official tax records.

(2) Existing zoning and special district boundaries.

(3) Boundaries of the property, building or setback lines, if different from those required by this chapter, and lines of existing streets and lots as shown on the City's official Tax Maps. Reservations, easements and areas dedicated to public use, if known, shall be shown.

(4) A drawing showing the location of existing building and existing watercourses, marshes, rock outcrops, wooded areas, single trees with a diameter of eight inches or more, measured three feet above the base of the trunk, and other significant existing features.

(5) Title of development, date, North point, scale, name and address of record owner.

(6) The proposed uses or uses of land and buildings, proposed location of buildings and proposed architectural features.

(7) All means of vehicular access and egress to and from the site onto public streets.
(8) The location and design of any off-street parking and loading areas.

(9) The location of all proposed waterlines, valves and hydrants and of all sewer lines, or of any proposed alternative means of water supply and sewage disposal and treatment.

(10) The proposed location, direction, power and time of proposed outdoor lighting.

(11) All proposed screening and landscaping.

(12) Proposed stormwater drainage system.

(13) Location and screening of all trash receptacles.

B. Additional data which may be required in special cases. When, due to special conditions, peculiar to a particular site or to the size, nature or complexity of the proposed use or development of land or building, the Planning Board finds that all or portions of the additional data listed below are necessary for proper review of the site development plan, the Planning Board may require any or all such data to be included in the required submission of the site development plan.

(1) A survey of the subject property having an error of closure not in excess of one in 10,000 and indicating all lengths in feet and decimals of a foot and all angles to the nearest 10 second or closer, deemed necessary by a surveyor or professional engineer (licensed by the State of New York).

(2) A copy of all covenants or deed restrictions that are intended to cover all or any part of the subject property.

(3) Location of existing water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.

(4) Existing contours with intervals of five feet or less, referred to a datum satisfactory to the Planning Board.

(5) All proposed lots, easements and public and community areas. All proposed streets with profiles indicating grading and cross sections showing width of roadway, location and width of sidewalk, and location and size of utility lines.

(6) All proposed grades.

(7) The proposed screening and/or landscaping.

(8) Where the Planning Board requires the submission by an engineer, architect or surveyor licensed by the State of New York, the name and license number of such engineer, architect or surveyor. This section is in addition to submission requirements as otherwise provided by law.
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§ 221-73. Application acceptance; referral to Planning Board.

A. The Planning Board staff shall determine the completeness of any application made for site plan review and shall notify the applicant within 10 days of the date of application submission if such application is incomplete or deficient in any way, and shall further specify the deficiencies.

B. The Planning Board staff shall certify on each site plan whether or not the plan meets the requirements of all zoning regulations other than those of this section regarding site plan review.

C. The Planning Board staff shall refer the application to the Planning Board in accordance with submission and review timelines to determine whether the application is complete and which information may be waived. Staff shall further recommend to approve, approve with modifications or deny the preliminary site plan.

§ 221-74. Public hearing.

The Planning Board may schedule and hold a public hearing on the site plan if considered desirable by a majority of its members. Such hearing shall be held within 45 days of the receipt of a complete application submission or completion of the SEQR review and shall be advertised in the City's official newspaper at least five days before the public hearing.

§ 221-75. Referral to County Planning Board.

A. The approval of a proposed site plan constitutes a special authorization within this chapter. The application is, therefore, subject to referral by the City to the County Planning Board in accordance with the requirements of § 239-m of the General Municipal Law, prior to final action. Referral is necessary should the property of the site plan be located within 500 feet of the following:

(1) The boundary of any City or town.
(2) The boundary of any state park or other recreation area.
(3) The right-of-way of any county or state parkway, throughway, expressway or other controlled access highway.
(4) The right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines.
(5) The boundary of any county- or state-owned land on which a public building or institution is located.

B. If the County Planning Board has not acted on the referral within 30 days of receipt, the Planning Board may proceed as if the County Planning Board had approved the referral.

§ 221-76. Planning Board decisions.

A. The Planning Board shall render its decision within 45 days following receipt of a complete application for site plan review or, if a public hearing is held, within 45 days from the time of the hearing. The Planning Board's final action, rendered in writing, shall consist of either:
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(1) Approval of the site plan based upon a determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in this section;
(2) Disapproval of the site plan based upon a determination that the proposed project does not meet the standards for review set forth in this section, and stating such deficiencies; or
(3) Approval of the site plan subject to any conditions, modifications and restrictions as required by the Board which will ensure the project meets the standards for review.

B. Notice of the Board's decision shall be given in writing to the applicant and Code Enforcement Officer. [Amended 10-22-2007 by Ord. No. 10-2007]

(1) Upon approval of the site plan and payment by the applicant of any and all fees due to the City, the Planning Board shall endorse its approval by having the acting Chairperson sign the final site plan and forward copies to the applicant and Code Enforcement Officer.

(2) Upon disapproval of the site plan, the Planning Board shall so inform the Code Enforcement Officer, and the Code Enforcement Officer shall deny a building permit to the applicant. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval.

C. Failure of the Planning Board to take final action within the specified time period shall be deemed approval. The time within which a decision must be rendered may be extended by mutual consent of the applicant and the Planning Board.

§ 221-77. Standards for review.

The Planning Board's review of the site plan shall include, as appropriate, but is not limited to, the following general considerations:

A. Legal. The proposal shall conform to all provisions of this chapter and applicable regulations of state agencies. All existing zoning violations on the site shall be corrected.

B. Traffic. The proposal shall provide safe and convenient movement of vehicular and pedestrian traffic within the site and in relationship to adjoining roads, driveways and properties. Furthermore, all proposed traffic access and driveways shall be adequate but not excessive in size; adequate in width, grade, alignment and visibility; not located too near street corners; and other similar safety considerations.

C. Parking and loading. Adequate off-street parking and loading spaces shall be provided consistent with § 221-41, Off-street parking and loading, for the proposed use to prevent safety hazards from parking on public streets or disrupting traffic flow on adjacent roads, and that the interior vehicle circulation system is adequate to provide safe accessibility to all required off-street parking areas.

D. City services. The proposal shall not place unreasonable demands on City services and facilities (e.g., fire protection, public roads, road maintenance and snow plowing, recreational facilities, sewage system, water supply, etc.).
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E. Drainage. The proposal shall provide adequately for stormwater and drainage facilities such that site runoff will not run into the sewage system, onto roads or cause nuisance conditions for neighbors or lead to ponding or excessive erosion.

F. Exterior lighting. The location, direction, power and time of use for any proposed lighting shall be designed to protect neighbors from undue disturbances and nuisances.

G. Pedestrian circulation. The proposal shall provide safe and convenient pedestrian movement both within the site and to and from the site in a manner separated from vehicular traffic.

H. Environmental and historic resources.

(1) Environmental resources and state-designated historic features on the site or adjacent to the proposal shall be adequately protected from significant adverse impacts. Soil erosion shall be minimized both during and after construction.

(2) Unless a permit for commercial excavation has been granted, no person, firm or corporation will strip, excavate or otherwise remove topsoil for sale or for use other than on the premises from which the topsoil is taken, except in connection with the construction or alteration of a structure on the premises and excavation or grading incidental thereto.

I. Nuisances. Adequate protection of neighboring properties shall be provided from any undue disturbance caused by excessive or unreasonable noise, smoke, trash, garbage, debris, vibration, fumes, dust, odors, glare or other nuisance.

J. Landscaping and screening. Parking and loading areas shall be adequately screened or fenced from existing residences and state-designated tourism routes. On-site materials storage, refuse, salvage materials and unlicensed nonagricultural vehicles and equipment shall be adequately screened or fenced from view from public roads and existing residences.

K. City character. The location, scale, height and appearance of structures shall be appropriate to their function and harmonize with the surrounding architecture, cityscape and natural landscape. Clear cutting of large areas for development shall be avoided. Where tree removal is required, special attention shall be given to planting of replacement trees.

§ 221-78. Enforcement; inspections.

A. The Planning Board may require the posting of a bond or other similar performance guaranty to ensure compliance with the plan and stated conditions of approval and to cover any City costs involved in the project. It may suspend any permit when work is not performed as required.

B. Inspection of improvements. The Code Enforcement Officer shall be responsible for the overall inspection of site improvements. No certificate of occupancy shall be issued until all improvements shown on the approved site plan are installed or a sufficient performance guaranty has been posted for improvements not yet completed. [Amended 10-22-2007 by Ord. No. 10-2007]
§ 221-79. Amendments to approved plans.

Review of amendments to an approved site plan shall be acted in the same manner as the original site plan review application.

§ 221-80. Appeals.

Any person aggrieved by any decision of the Planning Board may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within 30 days after filing of a decision in the office of the City Clerk.

ARTICLE XVII
Administration and Enforcement


The Code Enforcement Officer shall have the power and duty to enforce the provisions of this chapter. The Zoning Administration Officer shall have the power and duty to administer the provisions of this chapter.

A. Application. The Code Enforcement Officer shall review all applications and, if the proposal fully complies with all applicable requirements of this chapter and Chapter 97, and if no site plan review is required, a permit shall be issued. If the applicant's plans do not meet the requirements of this chapter, the application must be denied. The Code Enforcement Officer must enforce the strict letter of the law, and is not authorized to use discretionary judgment. Inspections shall be made as are necessary to ensure compliance with this chapter.

B. Referral to City Planning Board. Any application for a change of zoning district or use that requires site plan review shall be forwarded by the Code Enforcement Officer to the Director of Planning and Development for review by the Planning Board, along with all supporting documentation.

C. Referral to the Zoning Board of Appeals. An applicant, after having been denied a building permit, or an aggrieved party in cases of a question of interpretation, may appeal the Code Enforcement Officer's decision or determination to the Zoning Board of Appeals (ZBA) for a variance or an interpretation. Should an appeal be requested, the Code Enforcement Officer shall notify the Director of Planning and Development of the request and forward the completed variance form along with all necessary supporting information to the ZBA.

D. Duties of the Code Enforcement Officer. In addition to general enforcement of this chapter, the duties of the Code Enforcement Officer shall include, but are not limited to:

   (1) Review of applications and issuance of permits.

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95 Editor's Note: See Ch. 97, Fire Prevention and Building Codes Administration.
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(2) On-site inspection of construction and development to ensure compliance with permits and approved site plans.

(3) Complaint review and follow-up.

(4) Maintenance of all zoning records and permits open to the public.

(5) Provide assistance to the Director of Planning and Development, the Planning Board or Zoning Board of Appeals, when requested, to assist each in fulfilling their responsibilities, duties and projects.

(6) Prepare and present an annual written report to the City Council and the City Planning Board every January or at the request of the Planning Board describing and enumerating actions taken and permits issued over the previous year. Such report shall separately list the number of permits issued for newly constructed residences, conversions, commercial uses and industrial uses.

(7) At the request of the Director of Planning and Development, attend meetings of the Planning Board and the Zoning Board of Appeals.

E. Duties of the Zoning Administrative Officer. In addition to general administration of this chapter, the duties of the Zoning Administrative Officer shall include, but are not limited to:

(1) Attend all meetings of the Planning Board and Zoning Board of Appeals, except where the Chairperson decides the Zoning Administrative Officer's attendance is not needed.

§ 221-82. Planning Board.

A. Authority. As authorized by § 27 of the General City Law, there shall be a Planning Board consisting of five members, holding staggered three-year terms, appointed by the and City Council. Additionally, pursuant to § 27(16) of the General City Law, one alternate member may be appointed by the Mayor and City Council to substitute for a regular member of the Planning Board in the event that a regular member is unable to participate in matters before the Planning Board because of a conflict of interest, illness or other absence. [Amended 5-27-2008 by L.L. No. 5-2008; Amended 3-27-17 by Ord. No. 5-2017]

B. Members. [Amended 5-27-2008 by L.L. No. 5-2008]]

(1) Appointment. Planning Board and alternate members shall be appointed by the Mayor and City Council, who shall have authority to remove any member for cause after a public hearing. [Amended 11-10-2014 by Ord. No. 16-2014]

(2) Removal. Members may be removed by the Mayor and City Council for cause and after a public hearing has been held. Cause for removal may include, but shall not be limited to, unexcused absences from two consecutive regularly scheduled meetings, failure to fulfill general attendance requirements or failure to complete prescribed training. The Director of Planning and Development shall notify the City Manager in
writing on or about December 1 in any year, or at any other time if warranted, of any member who fails to comply with the minimum requirements for meeting attendance and/or training in any calendar year. In the event a member of the Planning Board has failed to complete the minimum attendance and/or training requirements set forth in this chapter, then the Mayor and City Council may remove such member for cause as herein provided: [Amended 11-10-2014 by Ord. No. 16-2014]

(a) Notice. Such members shall be mailed a written notice specifying the nature of the failure of such member to meet the minimum requirements regarding training and attendance.

(b) Public hearing. Such notice shall specify a date, not less than 10 nor more than 30 days from the date of mailing such notice, when the Mayor and City Council shall convene and hold a public hearing on whether or not such member should be removed from service on such Board. Such notice shall also specify the time and place of such hearing. [Amended 11-10-2014 by Ord. No. 16-2014]

(c) Public notice. Public notice of such hearing shall be published in a paper of general circulation within the town at least 10 days prior to the date of the public hearing.

(d) Conduct of hearing. The public hearing on the charges shall be conducted before the Mayor and City Council during a City Council meeting. The member shall be given an opportunity to present evidence and to call witnesses to refute the charges. A record of such hearing shall be made. The decision of the Mayor and City Council shall be in writing and shall set forth specific findings with respect to each charge against such member. Said decision and findings shall be filed in the office of the City Clerk and mailed by certified mail, return receipt, to the member within five business days of such filing. [Amended 11-10-2014 by Ord. No. 16-2014]

(e) Action by the Mayor and City Council. Following the hearing and upon a finding that such member has not met the minimum attendance and/or training established by this chapter, the Mayor and City Council may: [Amended 11-10-2014 by Ord. No. 16-2014]

[1] Remove such member from the Planning Board; or

[2] Issue a written reprimand to such member without removing such member from such Board; or

[3] Take no action if the Mayor and City Council shall find the reasons for failing to meet the minimum meeting attendance and/or training requirements are excusable because of illness, injury or other good and sufficient cause. [Amended 11-10-2014 by Ord. No. 16-2014]

(f) Nothing contained herein shall be deemed to limit or restrict the Mayor and City Council's authority to remove a member from the Planning Board for cause for reasons other than as enumerated herein. The procedural rules established under this section shall govern any hearing to remove a member for such cause.
(g) In the event of the removal of a member for cause, such act shall not nullify any action or vote taken by said member as a member of the Planning Board.

(3) Eligibility.

(a) No member of the Zoning Board of Appeals shall be eligible for membership on the Planning Board.

(b) No elected official shall be eligible for membership on the Planning Board.

(c) No member of the Planning Board shall hold any paid position with the City.

(d) Full-time residency in the City of Ogdensburg is required.

(e) No person shall be disqualified from serving as a member of the Planning Board by reason of serving as a member or employee of the St. Lawrence County Planning Board or Department.

(f) Any person who shall fail to be in compliance with the training and/or attendance requirements shall be ineligible for reappointment to this Board.

(4) Vacancy. If a vacancy shall occur other than by expiration of a term, it shall be filled by appointment for the unexpired term by the Mayor and City Council. [Amended 11-10-2014 by Ord. No. 16-2014]

(5) Attendance.

(a) All members of the Planning Board shall be required to attend a minimum of 75% of the Board meetings scheduled within a calendar year. Additionally, no member shall be absent, without excuse, for more than two consecutive regularly scheduled meetings.

(b) Noncompliance with minimum requirements relating to attendance at meetings shall be deemed a proper cause for removal from office.

(6) Training.

(a) All members of the Planning Board shall complete a minimum of five hours of relevant training within one year from the date of their initial appointment to the Planning Board. Thereafter, each member shall complete four hours of relevant training in each subsequent year of membership. Training sessions which relate to the duties of members of the Planning Board may include, but shall not be limited to, programs offered by the New York State Department of State, New York State Planning Federation, New York State Department of Environmental Conservation, St. Lawrence County Planning Department, New York State Conference of Mayors, and other such entities, as well as in-house updates,
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seminars, or other web-based training as may be approved and recommended by the Director of Planning and Development, the City Manager, and/or prescribed by the City Council by resolution or as required under § 27(7-a) of the General City Law.

(b) The costs of such seminars, workshops or continuing education courses so designated shall be a City charge. Members shall also be reimbursed for travel and meal expenses according to the administrative regulations. In order to be eligible for cost assumption and expense reimbursement, such training session shall be approved in advance by the Director of Planning and Development and the City Manager.

(c) Noncompliance with minimum requirements relating to training shall be deemed a proper cause for removal from office.

C. Officers, expenses and rules.

(1) Officers. The Mayor and City Council shall designate a member of the Planning Board to act as Chairperson or, on failure to do so, the Planning Board shall elect a Chairperson from its own members. In addition, the Planning Board shall elect a Vice Chairperson to act in the Chairperson's absence. [Amended 11-10-2014 by Ord. No. 16-2014]

(2) Expenses. The Planning Board shall have the power and authority to employ experts, clerks and a secretary, and to pay for their services and such other expenses as may be necessary and proper, not exceeding in all the appropriation that may be made by the City Council for the Planning Board. The City Council may also provide for compensation to be paid to the members of the Planning Board.

(3) Rules. The Planning Board may adopt rules for its operations as may be necessary to carry out its duties under this chapter. In particular, the Board shall conduct itself according to the following:

(a) Meetings. The Planning Board shall have regularly scheduled meetings or shall meet at such other times as the Chairperson determines. The Planning Board may also advertise and hold public hearings when it desires. Notice of all public hearings shall be published in the official paper at least five days prior to the date of the meeting. All meetings of the Planning Board shall be open to the public.

(b) Records. The Board shall keep minutes of its proceedings. All decisions of the Board shall be recorded in the minutes which shall fully set forth the reasons for the decision of the Board and the findings of fact on which the decision was based, and such record of every official determination of the Board shall be filed in the office of Planning and Development as a public record.

(c) Quorum and voting. Attendance by a majority of the Board's fully authorized membership, not the number of filled positions, satisfies a quorum to make official decisions. All decisions shall be made by at least a majority vote of the full membership. In site plan and special permit applications referred to the
County Planning Board, which recommends denial or approval with modifications, a majority plus one vote of the Board's full membership shall be required to act contrary to the County Planning Board's recommendation; however, the Planning Board may deny any application by a simple majority vote of its full membership.

D. Powers and duties. The Planning Board shall have all the powers and duties prescribed by law and this chapter. The primary responsibility of the Planning Board is to advise the City Council, City staff and other agencies and boards on matters affecting community development. In particular, the powers of the Planning Board are:

1. Community plan. The Planning Board may prepare a community plan as will provide for the improvement of the City and its future growth, protection and development, and will afford adequate facilities for housing for all income levels, transportation, distribution, comfort, convenience, public health, safety and segments of the common general welfare of its population.

2. Land use regulations. The Planning Board may draft and recommend the adoption or amendment of land use regulations to the City Council.

3. Review subdivisions. The Planning Board may approve, conditionally approve or disapprove subdivision plans for the purpose of providing for the orderly and wise development of the City and affording adequate facilities for housing, transportation, distribution, comfort, convenience, safety and the health and welfare of its population.

4. Review site plans. The Planning Board may review and approve, approve with modifications or disapprove site plans according to standards set forth in this chapter.

5. Official Map. The Planning Board shall review and make a recommendation to the City Council, within 30 days of such referral, to change or add to the Official Map of the City so as to lay out new streets, highways or parks or to widen or close existing streets, highways or parks. The City Council's adoption of revised the Official Map does not obligate the City to commence condemnation proceedings to acquire land in the bed of a street as shown on the map, nor does it compel the City to open a street shown on the map.

6. Report on referred matters. The Planning Board may report on all matters referred to it by the Zoning Board of Appeals and the City Council, including proposed amendments to this chapter.

7. Investigations and reports. The Planning Board shall have authority to make investigations, maps and reports and recommendations relating to the planning and development of the City as it deems desirable, provided that the total expenditures of such actions shall not exceed the appropriations for its expenses.

8. Special permits. After public notice and hearing, site plan review by the County Planning Board, proof of receipt of all applicable federal and state permits and after taking into consideration the public health, safety and general welfare and subject to appropriate conditions and safeguards, a special permit may be granted.
E. Appeals. Any person aggrieved by any decision of the Planning Board may apply to the Supreme Court for review under Article 78 of Civil Practice Law and Rules. Such proceedings shall be instituted within 30 days after filing of a decision in the office of the City Clerk. Costs shall not be allowed against the Planning Board unless it shall appear to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

§ 221-83. Zoning Board of Appeals; appeals procedure.

A. Authority. As authorized by § 81 of the General City Law, there shall be a Zoning Board of Appeals (ZBA) consisting of five members, holding staggered three-year terms, appointed by the Mayor and City Council. Additionally, pursuant to § 81(11) of the General City Law, one alternate member may be appointed by the Mayor and City Council to substitute for a regular member of the Zoning Board of Appeals in the event that a regular member is unable to participate in matters before the Zoning Board of Appeals because of a conflict of interest, illness or other absence. [Amended 5-27-2008 by L.L. No. 5-2008; Amended 11-10-2014 by Ord. No. 16-2014; Amended 6-12-17 by Ord. No. 9-2017]

B. Members. [Amended 5-27-2008 by L.L. No. 5-2008; Amended 11-10-2014 by Ord. No. 16-2014]

(1) Appointment. Members of the Zoning Board of Appeals and alternate members shall be appointed by the Mayor and City Council, who shall have the authority to remove any member for cause after a public hearing.

(2) Removal. Members may be removed by the Mayor and City Council for cause and after a public hearing has been held. Cause for removal may include, but shall not be limited to, unexcused absences from two consecutive regularly scheduled meetings, failure to fulfill general attendance requirements or failure to complete prescribed training. The Director of Planning and Development shall notify the City Manager in writing on or about December 1 in any year, or at any other time if warranted, of any member who fails to comply with the minimum requirements for meeting attendance and/or training in any calendar year. In the event a member of the Zoning Board of Appeals has failed to complete the minimum attendance and/or training requirements set forth in this chapter, then the Mayor and City Council may remove such member for cause as herein provided:

(a) Notice. Such members shall be mailed a written notice specifying the nature of the failure of such member to meet the minimum requirements regarding training and attendance.

(b) Public hearing. Such notice shall specify a date, not less than 10 or more than 30 days from the date of mailing such notice, when the Mayor and City Council shall convene and hold a public hearing on whether or not such member should be removed from service on such Board. Such notice shall also specify the time and place of such hearing. [Amended 11-10-2014 by Ord. No. 16-2014]

(c) Public notice. Public notice of such hearing shall be published in a paper of general circulation within the town at least 10 days prior to the date of the public hearing.
(d) Conduct of hearing. The public hearing on the charges shall be conducted before
the Mayor and City Council during a City Council meeting. The member shall
be given an opportunity to present evidence and to call witnesses to refute the
charges. A record of such hearing shall be made. The decision of the Mayor and
City Council shall be in writing and shall set forth specific findings with respect
to each charge against such member. Said decision and findings shall be filed in
the office of the City Clerk and mailed by certified mail, return receipt, to the
member within five business days of such filing. [Amended 11-10-2014 by
Ord. No. 16-2014]

(e) Action by the Mayor and City Council. Following the hearing and upon a
finding that such member has not met the minimum attendance and/or training
established by this chapter, the Mayor and City Council may: [Amended 11-
10-2014 by Ord. No. 16-2014]

[1] Remove such member from the Zoning Board of Appeals; or

[2] Issue a written reprimand to such member without removing such member
from such Board; or

[3] Take no action if the Mayor and City Council shall find the reasons for
failing to meet the minimum meeting attendance and/or training
requirements are excusable because of illness, injury or other good and
sufficient cause. [Amended 11-10-2014 by Ord. No. 16-2014]

(f) Nothing contained herein shall be deemed to limit or restrict the Mayor and City
Council's authority to remove a member from the Zoning Board of Appeals for
cause for reasons other than as enumerated herein. The procedural rules
established under this section shall govern any hearing to remove a member for
such cause. [Amended 11-10-2014 by Ord. No. 16-2014]

(g) In the event of the removal of a member for cause, such act shall not nullify any
action or vote taken by said member as a member of the Zoning Board of
Appeals.

(3) Eligibility.

(a) No member of the Planning Board shall be eligible for membership on the
Zoning Board of Appeals.
(b) No elected official shall be eligible for membership on the Zoning Board of
Appeals.
(c) No member of the Zoning Board of Appeals shall hold any paid position in the
City.
(d) Full-time residency in the City of Ogdensburg is required.
(e) No person shall be disqualified from serving as a member of the Zoning Board
of Appeals by reason of serving as a member or employee of the St. Lawrence
County Planning Board or Department.
(f) Any person who shall fail to be in compliance with the training and/or
attendance requirements shall be ineligible for reappointment to this Board.
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(4) Vacancy. If a vacancy shall occur other than by expiration of a term, it shall be filled by appointment for the unexpired term by the Mayor and City Council. [Amended 11-10-2014 by Ord. No. 16-2014]

(5) Attendance

(a) All members of the Zoning Board of Appeals shall be required to attend a minimum of 75% of the Board meetings scheduled within a calendar year. Additionally, no member shall be absent, without excuse, for more than two consecutive regularly scheduled meetings.

(b) Noncompliance with minimum requirements relating to attendance at meetings shall be deemed a proper cause for removal from office.

(6) Training.

(a) All members of the Zoning Board of Appeals shall complete a minimum of five hours of relevant training within one year from the date of their initial appointment to the Zoning Board of Appeals. Thereafter, each member shall complete four hours of relevant training in each subsequent year of membership. Training sessions which relate to the duties of members of the Zoning Board of Appeals may include, but shall not be limited to, programs offered by the New York State Department of State, New York State Planning Federation, New York State Department of Environmental Conservation, St. Lawrence County Planning Department, New York State Conference of Mayors, and other such entities, as well as in-house updates, seminars, or other web-based training as may be approved and recommended by the Director of Planning and Development and the City Manager and/or prescribed by the City Council by resolution or as required under § 81(7-a) of the General City Law.

(b) The costs of such seminars, workshops or continuing education courses so designated shall be a City charge. Members shall also be reimbursed for travel and meal expenses according to the administrative regulations. In order to be eligible for cost assumption and expense reimbursement, such training session shall be approved in advance by the Director of Planning and Development.

(c) Noncompliance with minimum requirements relating to training shall be deemed a proper cause for removal from office.

C. Officers, expenses and rules.

(1) Officers. The Mayor and City Council shall appoint the Zoning Board of Appeals Chairperson. The ZBA membership shall elect a Vice Chairperson to act as the Chairperson when the appointed Chairperson is absent. [Amended 11-10-2014 by Ord. No. 16-2014]

(2) Expenses. The City Council shall provide an appropriation to the ZBA to cover necessary expenses, including the means for the ZBA to provide proper notice of and maintain a record of its meetings and public hearings. The City Council may also provide for compensation to be paid to the members of the Zoning Board of Appeals.
(3) Rules. The ZBA may adopt rules for its operations as may be necessary to carry out its duties under this chapter. In particular, the Board shall conduct itself according to the following:

(a) Meetings. All meetings and hearings of the ZBA shall be held at the call of the Chairperson and at such other times as a majority of the members of the full Board may determine. Public notice of all meetings shall be published in the official paper at least 10 days prior to the date of the meeting or hearing. All meetings of the ZBA shall be open to the public.

(b) Records. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question put to vote or, if absent or failing to vote, indicating said fact. All decisions of the Board shall be recorded in the minutes which shall fully set forth the reasons for the decision of the Board and the findings of fact on which the decision was based, and such record of every official determination of the Board shall be filed in the office of Planning and Development as a public record.

(c) Voting. A concurring vote of four members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Director of Planning and Development or the Code Enforcement Officer. In variance applications referred to the County Planning Board, which recommends denial or approval with modifications, a majority plus one vote of the Board's full membership shall be required to act contrary to the County Planning Board's recommendations; however, the ZBA may deny any application by a simple majority vote of its full membership. [Amended 10-22-2007 by Ord. No. 10-2007]

(d) Eligible applicants. An application for an appeal from any decision made by the Director of Planning and Development or the Code Enforcement Officer may be initiated by any person or party aggrieved or by an officer, department or board of the City. An application for a variance may only be made by the property owner or with written permission of the property owner. An appeal for an interpretation or variance may be made only after a determination and notification of action is taken by the Director of Planning and Development or the Code Enforcement Officer, except where such appeal is instituted by an official of the City or the Planning Board. [Amended 10-22-2007 by Ord. No. 10-2007]

(e) Rehearing. The ZBA may rehear any order, decision or determination of the Board previously reviewed upon a motion initiated by any member of the Board and adopted by the unanimous vote of the members present, but not less than a majority of all the members. Upon such rehearing, held with notice given as for the original hearing, the Board may reverse, modify or annul its original decision by a unanimous vote of the members present.

D. Procedure.

(1) Application. Appeals and applications made to the ZBA shall be in writing on forms
available from the Director of Planning and Development or the Code Enforcement Officer. Every application shall refer to the specific provision of the regulations involved and shall exactly set forth the interpretation that is applied for or demonstrate a practical difficulty or unnecessary hardship for variance applications. The Director of Planning and Development or the Code Enforcement Officer shall transmit to the Board all of the records concerning the case which is being appealed. [Amended 10-22-2007 by Ord. No. 10-2007]

(2) Time limit for appeals. All appeals of decisions of the Director of Planning and Development or the Code Enforcement Officer shall be applied for within 30 days after filing of a decision in the office of the City Clerk. [Amended 10-22-2007 by Ord. No. 10-2007]

(3) Referrals. Appeals may be referred to the City Planning Board for a nonbinding recommendation at the request of the Zoning Board of Appeals. Where an appeal for a variance involves lands within 500 feet of an adjoining municipality, state or county highway or state- or county-owned land on which a public building is situated, the appeal shall be referred to the Saint Lawrence County Planning Board and acted upon in accord with the provisions of § 239 of the General Municipal Law.

(4) Public hearing. The ZBA shall fix a reasonable time for a public hearing in connection with an appeal and shall give public notice by publication in the official newspaper at least 10 days prior to that date. Additionally, notice of the public hearing shall be mailed to the applicant and to all owners of property which lie adjacent to or within 100 feet for an area variance or 300 feet for a use variance of the property in question at least five days before such hearing.

(5) Decision and notification. Within 60 days from the date of any public hearing the Board shall render a determination on any appeal and notify the applicant, in writing, within five working days of the date of the determination. The ZBA shall further notify the Director of Planning and Development or the Code Enforcement Officer, City Clerk and Planning Board of the action taken on any application. [Amended 10-22-2007 by Ord. No. 10-2007]

(6) Expiration of variance. Unless construction is commenced and diligently pursued within six months of the date of granting a variance, such variance shall become null and void unless, upon application and receipt, an extension is granted by the ZBA.

(7) Appeal from decision of the Zoning Board of Appeals. Any person aggrieved by any decision of the Zoning Board of Appeals may apply to the Supreme Court for relief under Article 78 of the Civil Practice Law and Rules. Such proceeding must be instituted within 30 days after the filing of a decision in the office of the City Clerk.

E. Powers and duties. The Zoning Board of Appeals shall have all the powers and duties prescribed by law and this chapter. In particular, the powers of the ZBA are:

(1) Interpretation: To decide any question involving the interpretation of any provision of this chapter, including determination of the exact location of any zoning district boundary or any other determination made in the application and administration of this chapter. Such interpretation shall be considered and rendered by the Board only
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upon application or appeal following a determination made by the Director of Planning and Development or the Code Enforcement Officer, unless requested by an officer of the City or the Planning Board. [Amended 10-22-2007 by Ord. No. 10-2007]

(2) Variances.

(a) Variances may be granted to modify or vary the strict application of any of the requirements of this chapter so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done where strict application would result in a practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved. The unnecessary hardship or practical difficulty must relate to the land, not the applicant, as all variances run with the land. A hardship or difficulty which is merely personal to the current owner of real property will not justify the granting of a variance which runs with the land. Variances granted are subject to site plan review according to Article XV.

(b) Definitions. As used in this section, the following terms shall have the meanings indicated: [Amended 1-23-1995 by Ord. No. 1-1995]

USE VARIANCE -- The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

AREA VARIANCE -- The authorization by the Zoning Board of Appeals for the use of land in manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations, such as minimum lot size, minimum lot width, minimum setbacks, off-street parking requirements or sign limitations.


Following are the standards for granting use and area variances based upon New York State case law through 1993:

A. Use variance standards. To grant approval for a use variance request, the applicant must show that an unnecessary hardship exists with using the property in strict compliance with this chapter. No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In determining whether an unnecessary hardship exists, the ZBA's findings must establish that each and every of the following tests is met:

(1) Reasonable return. The applicant must demonstrate an inability to realize a reasonable return under any of the uses permitted by this chapter. There must be dollars-and-cents proof of the property's inability to earn a reasonable return; failure to realize the highest return is not considered a hardship. Proof required to show dollars-and-cents proof is not met by a simple statement by the applicant, or on the part of a realtor, that the land will not at this time attract a buyer or developer for a purpose consistent with this chapter. The New York Court of Appeals has stated that
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dollars-and-cents proof may be shown by the following items:

(a) The amount paid for the parcel of land in question;

(b) The current value of the parcel;

(c) The maintenance expenses;

(d) The amount of taxes on the land;

(e) The amount of mortgages and other encumbrances, such as liens on the property;

(f) Income from the land; and

(g) Other facts relevant to the particular circumstances of the case.

(2) Uniqueness. The hardship is unique to this parcel and is not general throughout the zoning district. The applicant must prove that there are certain features or conditions of the parcel that make it possible to earn a reasonable return without some adjustment of the zoning regulations as they apply to the applicant's property. If features or conditions are generally applicable throughout the district, a variance should not be granted. If the hardship is common throughout the area, relief should be accomplished by amendment to this chapter rather than by granting a variance.

(3) Character. The applicant must prove that the requested modification will not change the character or quality of the neighborhood. In addition, the spirit of this chapter should be preserved. Reviewing the purpose statements of the zoning district for consistency with the proposed use is one way to determine whether the character of the neighborhood is preserved and the spirit of this chapter is upheld.

(4) Self-created hardship. If the hardship complained of is self-imposed, then the variance request may be denied. An applicant who acquires land or proposes to acquire land for a purpose known to be prohibited by this chapter creates his or her own hardship. Even if the applicant did not actually learn of the prohibition at the time of purchase he or she is nevertheless charged with knowing the restrictions on use.

(5) Other factors to be considered.

(a) Personal problems. If the hardship complained of is due to personal problems, as opposed to use of the land or buildings, then the use variance must be denied. Zoning and variances run with the land, not the owner.

B. The Zoning Board of Appeals, in granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

C. Area variance standards. In making its determination, the Zoning Board of Appeals shall
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take into consideration the benefit to the applicant if the variance is granted, as weighted against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall consider:

(1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

(2) Whether the benefit sought by the applicant can be achieved by some method feasible for the application to pursue, other than an area variance.

(3) Whether the requested area variance is substantial.

(4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

(5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

D. The Zoning Board of Appeals, in granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

E. Following are some of the public purposes:

(1) Protect the health and safety of residents.

(2) Secure safety from the spread of fire and provide access for emergency equipment.

(3) Protect the rights of landowners and residents to adequate light, air and sunshine.

(4) Prevent the overcrowding of land and capacity of the streets.

(5) Protect the value of property by prohibiting the intrusion of inappropriate large, overshadowing structures.

(6) Uphold the prevailing community character and form of the neighborhood.

(7) Protect adjacent properties from detrimental impacts.

(8) Reserve unbuilt areas for street widening.

F. Imposition of conditions. The Zoning Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the Zoning Ordinance and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.
§ 221-85. (Reserved)\textsuperscript{96}


A. In addition to a permit required pursuant to Chapter 97, any one, or a combination of the following, shall require a building permit:

(1) The construction, erection or placement of any building or structure unless expressly exempted from this chapter.

(2) The expansion, addition or alteration of a building or structure that would in any way alter its exterior dimensions, its interior structural members or the provision for entrance or exit.

(3) The introduction of any new, additional, changed or expanded use.

(4) The alteration of any shoreline or major landform or the stripping of topsoil for commercial purposes or in the preparation of a site for uses that have not yet received a required building permit.

(5) The deposit, removal, storing or excavation of rock, sand, dirt, gravel, clay or other like materials in the amount of more than 100 cubic yards in all districts on any lot or parcel for the purpose of altering existing grades except as otherwise exempted in § 221-76B(2).

B. Permits issued pursuant to this section shall be governed by the following:

(1) The permit shall include as a condition thereof a finished grade plan which will not adversely affect the adjacent land and as a condition thereof shall regulate the type of fill and general maintenance of the site and adjacent area.

(2) Exceptions.

(a) Foundations and basements. No separate permit shall be required for the deposit, excavation, removal, or storage of rock, sand, dirt, gravel, clay or other like material for the purpose of the foundation, cellar or basement of some immediately pending structure to be erected, built, or placed thereon contemporaneously with or immediately following such excavation, removal, or storage, providing a building permit has been issued.

(b) Road construction. No permit shall be required for such excavations, deposit, removal, or storage of rock, sand, dirt, gravel, clay, other like material as may be required by the state or City authorities, their agents or private utility companies franchised by the City in connection with the construction or maintenance of roads, streets and highways.

\textsuperscript{96} Editor's Note: Former § 221-75, Enforcement, was repealed 10-22-2007 by Ord. No. 10-2007.

\textsuperscript{97} Editor's Note: See Ch. 97, Fire Prevention and Building Codes Administration.

An application for a building permit shall be submitted in writing to the Code Enforcement Officer along with the required submission fee. An application for a special permit or a variance shall be submitted in writing to the Zoning Administration Officer along with the required submission fee. The application should satisfy the City submission requirements, which are available from the Department of Fire, Division of Codes, and/or the Department of Planning and Development.

§ 221-88. Issuance or denial of building permit. [Amended 10-22-2007 by Ord. No. 10-2007]

The Code Enforcement Officer, or his or her designee, shall, within 10 days after receiving a complete and properly prepared application, either issue or deny a building permit. If an application requires site plan review by the Planning Board, the planning and development staff shall refer the application to the Planning Board along with a report of any deficiencies with the proposal. If a building permit is denied, the reasons for such denial shall be forwarded to the applicant in writing.

§ 221-89. (Reserved) 98


A certificate of occupancy or a certificate of compliance shall be required for any work that is the subject of a building permit issued pursuant to Chapter 97 or pursuant to this chapter. Said certificate shall comply with Chapter 97 and this chapter. Said permit shall be issued by the Code Enforcement Officer unless this Code requires otherwise. In such event, said certificate shall be issued jointly by the Director of Planning and Development and the Code Enforcement Officer. No certificate of occupancy shall be issued for a building or a use subject to site plan review by the Planning Board unless in conformance with the approved site plan and approved by the Director of Planning and Development. No certificate of occupancy shall be issued for a building or a use permitted subject to a variance granted by the Zoning Board of Appeals except in accordance with all conditions which may be prescribed by such Board and approved by the Director of Planning and Development.

§ 221-91. Appeals.

The Zoning Board of Appeals shall hear and decide appeals from, and review any order, decision or determination made in administering or enforcing this chapter.

A. Zoning Board of Appeals. All appeals for relief from the application of this chapter in matters of interpretations or requests for an area variance or use variance shall be directed to the Zoning Board of Appeals which shall function as prescribed in § 221-73 of this chapter. Where there are practical difficulties or unnecessary hardships in the way of

98 Editor's Note: Former § 221-79, Expiration of building permits, was repealed 10-22-2007 by Ord. No. 10-2007.

99 Editor's Note: See Ch. 97, Fire Prevention and Building Codes Administration.
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carrying out the strict letter of this chapter, the Zoning Board of Appeals shall have the power to vary the requirements of the regulations so that the spirit of the law shall be observed, public safety and welfare secured and substantial justice done.

B. Court review. Any person or persons, jointly or severally aggrieved by any decision of the Planning Board, Zoning Board of Appeals, City Council or any officer of the City concerning this chapter may have the decision reviewed in the manner provided by Article 78 of the Civil Practice Law and Rules, provided that the proceeding is commenced within 30 days after the receipt of written notice of the decision. Costs shall not be allowed against the City unless it appears to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

§ 221-92. Complaints; investigation.

A. Citizen complaint. Any person may file with the Code Enforcement Officer a written signed complaint against any alleged violation of this chapter. [Amended 10-22-2007 by Ord. No. 10-2007]

B. Investigation. As directed by the Planning Board, Zoning Board of Appeals, the Zoning Administration Officer, the Director of Planning and Development or the City Council or by receipt of a signed, written citizen complaint, the Code Enforcement Officer, or his or her designee, shall make an investigation into the alleged violation. Depending upon findings of fact, a correction notice, stop-work order or other penalty or remedy may be issued to the liable person or persons as appropriate. [Amended 10-22-2007 by Ord. No. 10-2007]

C. Persons liable. The owner, tenant or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates or maintains any situation that is contrary to the requirements of this chapter shall be held responsible for the violation and suffer the penalties and be subject to the remedies provided.

D. Procedures upon discovery of violations.

(1) If the Zoning Enforcement Officer, or his or her designee, finds that any provision of this chapter are being violated, the person or persons responsible for such violation shall be sent a written notice indicating the nature of the violation and ordering the action necessary to correct it.

(2) The final written notice (the initial written notice may be the final notice) shall state what action the City's representative intends to take if the violation is not corrected and shall advise that such decision may be appealed to the Zoning Board of Appeals in accordance with § 221-73.

(3) In cases where delay would seriously threaten the effective enforcement of this chapter or pose a danger to the public health, safety or welfare, the administration may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized below.

Stop-work orders. In addition to the authority granted in Chapter 97, a stop-work order may be issued to preclude the continued and further violation of this chapter or to protect the public's health or safety. Such stop-work order shall stay all activity in conjunction with any violation of this chapter. Any stop-work order will stipulate that within 30 days a permit or certificate shall be obtained noting compliance with this chapter. If such permit or certificate is not obtained by the responsible party or the work continues in violation of the stop-work order, action by the City will be initiated to compel compliance, using such penalties or remedies as hereafter provided for.

§ 221-94. Revocation of permits.

A. A building or special use permit may be revoked by the Zoning Enforcement Officer, or his or her designee, in accordance with the provisions of this section, if the permit recipient fails to develop or maintain the property in accordance with plans submitted, the requirements of this chapter or any additional requirement lawfully imposed by the permit-issuing board.

B. Before a permit may be revoked, notice and hearing requirements for hearings of the Zoning Board of Appeals (see § 221-73, Zoning Board of Appeals, appeals procedure) shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.

C. The burden of presenting evidence sufficient to authorize the permit-issuing authority to conclude that a permit should be revoked shall be upon the party advocating that position. The burden of persuasion shall also be upon that party. A motion by the permit-issuing board shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.

D. Before a building or special use permit may be revoked, the permit recipient shall be given 10 days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his or her right to obtain an informal hearing on the allegations. If the permit is revoked, a written statement of the decision along with the reasons for the action shall be provided to the permittee in writing.

E. No person may continue to make use of land or buildings in the manner authorized by any building or special use permit after such permit has been revoked in accordance with this section.

§ 221-95. Judicial review. Any person or persons, jointly or severally aggrieved by any decision of the Planning Board, Zoning Board of Appeals or City Council concerning this chapter, may have the decision reviewed in the manner provided by Article 78 of the Civil Practice Law and Rules, provided that the proceeding is commenced within 30 days after filing of the decision with the City Clerk. Costs shall not be allowed against the City unless it appears to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

100 Editor's Note: See Ch. 97, Fire Prevention and Building Codes Administration.
§ 221-96. Legislative authority.

As authorized by § 83 of the New York State General City Law, the City Council may, on its own motion or on petition after public notice and hearing, amend, supplement, repeal or change the regulations and districts established in this chapter in accordance with the legal requirements of the General City Law.

§ 221-97. Referral to Planning Board.

A. All proposed amendments shall be referred to the Planning Board for a report and recommendation prior to taking final action. The Planning Board shall submit its report to the City Council within 45 days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to constitute its recommendation for approval of the proposed amendment.

B. In making such report recommending to approve, modify or disapprove the proposed amendment, the Planning Board shall determine the following:

(1) Whether such change is consistent with the purposes and goals of this chapter as noted in § 221-4.

(2) Whether such change is consistent with the principles and spirit of the community plan of the City.

(3) Whether such change is consistent with any adopted Local Waterfront Revitalization Program.

(4) Whether any new uses permitted by the proposed rezoning would be appropriate in the area concerned, considering land use compatibility with existing land uses, adequacy of public services and highway safety and function.

§ 221-98. Referral to County Planning Board.

A. Proposed amendments which would change the zoning classification of or the regulations applying to property lying within a distance of 500 feet of any municipal boundary, state park boundary, the right-of-way of any county or state highway or the boundary of any county- or state-owned land on which a public building or institution is situated shall be referred to the County Planning Board in accordance with § 239-m of the General Municipal Law prior to taking final action on the matter.

B. Within 30 days after receipt of a full statement of the proposed amendment, the County Planning Board shall report its recommendation accompanied by a statement of reasons for such recommendation. If the County Planning Board fails to report within such period of 30 days or such longer period as may have been agreed upon by the City, the City Council may take final action on the matter without such a report.
§ 221-99. Public notice and hearing.

Before a final vote on any proposed amendment there shall be a public notice and hearing held at which interested parties and citizens shall have the opportunity to comment on the proposed amendment. Such public hearing may be held by the City Council or the Planning Board. Notice of the time and place of such hearing shall be published in a paper of general circulation at least 10 days prior to the hearing.

§ 221-100. City Council vote; protests.

After the public hearing and consideration of the Planning Board recommendations, a majority vote of the City Council membership shall be required to amend this chapter. In the case of a County Planning Board recommendation to disapprove or modify the proposal, a majority plus one vote of the full membership is necessary to act contrary to such recommendation. In the case of a protest against such change signed and acknowledged by the owners of 20% or more of the land area included in the proposed change or by the owners of 20% or more of the area of land immediately adjacent within 100 feet of such affected area, such proposed amendment shall not become effective except by the favorable vote of at least 3/4 vote of the City Council.

ARTICLE XIX
Application Fees

§ 221-101. Application fees. [Amended 1-28-2013 by Ord. No. 2-2013] [Amended 3-24-2014 by Ord. No. 4-2014; Amended 6-12-17 by Ord. No. 10-2017]

A. Application fees, for applications that do not require St. Lawrence County Planning Board review, shall be as follows:

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Application Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site plan review &amp; Special Use Permit</td>
<td>$150</td>
</tr>
<tr>
<td>Adaptive Reuse Permit</td>
<td>$1,000</td>
</tr>
<tr>
<td>Area variance</td>
<td>$75</td>
</tr>
<tr>
<td>Use variance</td>
<td>$150</td>
</tr>
<tr>
<td>Text amendment to Zoning Ordinance</td>
<td>$100</td>
</tr>
<tr>
<td>Amendment to Zoning Map (rezoning)</td>
<td>$100</td>
</tr>
<tr>
<td>Establishment of a planned development district</td>
<td>$1,000</td>
</tr>
<tr>
<td>Zoning Verification (per tax map parcel)</td>
<td>$50</td>
</tr>
<tr>
<td>Floodplain Development Permit</td>
<td>$150</td>
</tr>
<tr>
<td>Subdivision review</td>
<td></td>
</tr>
<tr>
<td>Less than 5 parcels</td>
<td>$100</td>
</tr>
<tr>
<td>5 to 20 parcels</td>
<td>$250</td>
</tr>
<tr>
<td>More than 20 parcels</td>
<td>$1,000</td>
</tr>
</tbody>
</table>

B. Application fees, for applications that require 239m or 293n review by the St. Lawrence County Planning Board, shall be the City’s application fee stated in Section 221-91.A. plus the current County review fee for the type of application submitted.
C. This fee schedule has been adopted so that the administrative costs of these procedures will be in part defrayed by the applicant and to discourage frivolous applications.

ZONING
ARTICLE XX
Penalties for Offenses

§ 221-102. Penalties for offenses.

A. Misdemeanors. Violations of this chapter or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the granting of variances, site plan approvals or establishment of planned development districts, shall constitute a misdemeanor, punishable by a fine of up to $250 or a maximum five-day imprisonment, or both. Each day a violation is continued shall be deemed a separate offense.

B. Civil penalties. Any act constituting a violation of this chapter, including violations of any conditions or safeguards established in connection with the granting of variances, site plan approvals or establishment of planned development districts, shall also subject the offender to a civil penalty of $100 per day for each day that the violation shall continue from the date of remedy as set forth in the notice of violation. The Code Enforcement Officer or the Director of Planning and Development, as the case may be, shall cause to be served a notice of violation which notice shall provide for a date of remedy of said violation. In the event the violation is not remedied as directed, the civil penalty shall be imposed. If the offender fails to pay this penalty within 10 days after failing to remedy the cited violation, the penalty may be recovered by the City in a civil action in the nature of debt. A civil penalty may only be appealed to the Zoning Board of Appeals if the offender was sent a notice of violation and filed an appeal to the Zoning Board of Appeals within 30 days of its receipt. The Zoning Board of Appeals shall have no power to alter or modify the amount of the penalty. Review by the Zoning Board of Appeals shall be limited to the question of whether or not there is/was a violation of this chapter.

C. Each day that any violation continues after notification that such violation exists shall be considered a separate offense for purposes of the misdemeanor or civil penalties.

D. Injunction. In addition to the above-provided penalties and remedies, the City Council shall reserve the right of the City to take action in a court of competent jurisdiction in the name of the City to compel compliance with or to restrain by injunction the violation of this chapter.

E. Any one, all or any combination of the preceding penalties and remedies may be used to enforce this chapter.

§ 221-103. (Reserved)
OGDENSBURG CODE
ARTICLE XXI
Adult Entertainment Uses [Added 5-11-1998 by Ord. No. 5-1998]

§ 221-104. Purpose.

It is recognized that buildings and establishments operated as adult entertainment uses have serious objectionable operational characteristics which may result in the blighting and deterioration of areas surrounding them and the City itself. In order to promote the health, welfare and well-being of the residents of the City of Ogdensburg, this section is intended to restrict adult uses to nonresidential and nonbusiness areas of the City. The City Council hereby finds that the operational characteristics of adult entertainment uses increase the detrimental impact on a community when such uses are concentrated. Therefore, this section is intended to promote the health, safety and general welfare of the residents of the City of Ogdensburg by regulating the concentration of such uses.

§ 221-105. Definitions.

General. Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meanings they have in common usage and to give this section its most reasonable application.

ADULT ENTERTAINMENT USES -- An establishment consisting of, including or having the characteristics of any or all of the following:

A. ADULT BOOKSTORE -- An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes or films that are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or anatomical genital areas.

B. ADULT ENTERTAINMENT CABARET:

(1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis depicting, describing or relating to sexual activities or anatomical genital areas.

(2) A cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.

C. ADULT LIVE THEATER -- An establishment devoted to or an area used for presenting any plays, shadow plays, skits, pantomimes or other actions which are characterized by an emphasis on matter depicting or describing or simulating or relating to specified sexual activities, sexual conduct or specified anatomical areas for observation by patrons therein. The foregoing shall not apply to any plays, shadow plays, skits, pantomimes or other actions presented or performed at or under the auspices of any educational institution.

D. ADULT MINI MOTION-PICTURE THEATER -- An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or anatomical genital areas.
ZONING

E. ADULT MOTION-PICTURE THEATER -- An enclosed building with a capacity for 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or anatomical genital areas.

F. MASSAGE PARLOR -- Any establishment where, for any form of consideration or gratuity, any person, firm, association or corporation engages in, carries on or permits to be engaged in or carried on the administration of any alcohol rub, electric or magnetic treatments or any other treatment or manipulation of the human body or by putting pressure or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance, but, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments or other similar preparations commonly used in the practice of massage where such occurs in connection with specified sexual activities or where the individual providing such treatment, manipulation or service related thereto exposes specified anatomical areas or has sexual contact as hereinafter defined. The foregoing shall not apply to licensed hospitals, licensed nursing homes or clinics or persons holding any unrevoked certificates to practice and of the healing arts under the laws of New York State or persons working under the direct supervision and in the presence of any such persons or in any such establishments, nor shall this section apply to barbers or cosmetologists carrying out their trade or business and holding a valid unrevoked license or certificate of registration issued by the State of New York, nor shall this section apply to any persons performing such massages in connection with the care, treatment and training of persons involved in recognized athletic endeavors.

G. SPECIFIED ANATOMICAL AREA:

(1) Less than completely covered and opaquely covered human genitals, pubic region, buttock or female breasts, below a point immediately above the top of the areola.

(2) Human genitals in a discernibly turgid state, even if covered.

H. SPECIFIED SEXUAL ACTIVITY:

(1) Human genitals in the state of sexual stimulation or arousal.

(2) Any act of human masturbation, sexual intercourse or sodomy.

(3) Fondling or other erotic physical contact of the clothed or unclothed genitals, pubic region, buttock or female breasts.

§ 221-106. Location; signs; blockage of view from public places; establishment of business.

Provided that the requirements of the Municipal Code of the City of Ogdensburg are complied with and other pertinent laws of the City of Ogdensburg, County of St. Lawrence and the State of New York, adult entertainment uses, as hereinafter defined, shall be permitted only in the I/I - Industrial/Institutional District, subject to the following regulations:
A. No adult entertainment use shall be located in the City of Ogdensburg, except in the I/I Industrial/Institutional District.

B. No adult entertainment use shall be located within 800 feet of any residential zoned area or municipal boundary.

C. No adult entertainment use shall be located within 1,000 feet of any church, school, park, playground, day care, youth center or location where children traditionally congregate.

D. No adult entertainment use shall be located within 500 feet of another such use.

E. Only one sign shall be permitted visible from the exterior of a building which is occupied by an adult entertainment use business, and such sign shall be no larger than six square feet, nor shall the sign consist of any material other than plain lettering. No sign shall have any photographic or artistic representations whatsoever thereon. All such signs shall be in compliance in all other respects with the existing regulations of the City of Ogdensburg.

F. All openings, entries, windows, doors, etc., to an adult entertainment use facility shall be located, covered or screened in such a manner as to prevent a view into the interior from any public place.

G. The establishment of an adult entertainment use business shall include the opening of such business as a new business, the relocation of such business or the conversion of an existing business location to any of the uses defined herein, whether such conversion be for a permanent or temporary use.


For purposes of this section, measurements shall be made in a straight line without regard to intervening structures or objects from the nearest portion of the building or structure used as part of the premises for an adult entertainment use business to the nearest property line of land upon which is situated a school, church, park, playing field, day-care center, library or other recreational facility where numbers of minors regularly congregate or to the nearest dividing line which established the boundary between the Industrial/Institutional District and any other district.

§ 221-108. Penalties for offenses.

Any person, firm or corporation violating any of the provisions of this article shall be guilty of a violation punishable by a fine not exceeding $250 or by imprisonment for a term not exceeding 15 days, or both such fine and imprisonment. Each day the offense is continued shall constitute a separate and distinct violation hereunder.

§ 221-109. Severability.

If any provisions or clauses of this article or its application to any person, persons or corporation or circumstances is held to be unconstitutional or otherwise invalid, such decision shall not effect the remaining provisions or clauses of the article or applications thereto which can be implemented without such invalid provision or clause, and, to this end, the provisions and clauses of the article are declared to be severable.
§ 221-110. When effective.

This article shall take effect upon the filing with the Secretary of State pursuant to the provisions of the Municipal Home Rule Law of the State of New York.
# ZONING

## Attachment 1

City of Ogdensburg

Table 1

## Dimensional Regulations

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Lot Area (square feet)</th>
<th>Minimum Average Lot Width (feet)</th>
<th>Minimum Average Lot Depth (feet)</th>
<th>Maximum Height (feet)</th>
<th>Minimum Yards/Setbacks**</th>
<th>*** Minimum Lot Coverage (percent)</th>
<th>Minimum Usable Open Space For Residential Uses Only</th>
</tr>
</thead>
<tbody>
<tr>
<td>SFR (Single-Family Residential)</td>
<td>6,000</td>
<td>75</td>
<td>75</td>
<td>35</td>
<td>20</td>
<td>7</td>
<td>22</td>
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<tr>
<td>MDR (Moderate-Density Residential)</td>
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<tr>
<td>1-family</td>
<td>5,500</td>
<td>55</td>
<td>60</td>
<td>35</td>
<td>15</td>
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<td>2-family</td>
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<td>55</td>
<td>60</td>
<td>35</td>
<td>15</td>
<td>4*</td>
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</tr>
<tr>
<td>3- or more family</td>
<td>4,000 per unit</td>
<td>75</td>
<td>100</td>
<td>35</td>
<td>15</td>
<td>4*</td>
<td>20</td>
</tr>
<tr>
<td>Other permitted uses</td>
<td>5,500</td>
<td>55</td>
<td>60</td>
<td>35</td>
<td>15</td>
<td>4*</td>
<td>20</td>
</tr>
<tr>
<td>R/B (Residential/Business)</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>1-family</td>
<td>5,500</td>
<td>55</td>
<td>60</td>
<td>48</td>
<td>--</td>
<td>4*</td>
<td>20</td>
</tr>
<tr>
<td>2-family</td>
<td>5,500</td>
<td>55</td>
<td>60</td>
<td>48</td>
<td>--</td>
<td>4*</td>
<td>20</td>
</tr>
<tr>
<td>3- or more family</td>
<td>2,700 per unit</td>
<td>75</td>
<td>100</td>
<td>48</td>
<td>--</td>
<td>4*</td>
<td>20</td>
</tr>
<tr>
<td>Other permitted uses</td>
<td>5,500</td>
<td>55</td>
<td>60</td>
<td>48</td>
<td>--</td>
<td>4*</td>
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</tr>
<tr>
<td>B (Business)</td>
<td>5,500</td>
<td>55</td>
<td>60</td>
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<td>15</td>
<td>--**</td>
<td>--**</td>
</tr>
<tr>
<td>I/I (Industrial and Institutional)</td>
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<td>60</td>
<td>60</td>
<td>15</td>
<td>--**</td>
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</tr>
<tr>
<td>MH (Mobile Homes)</td>
<td>6,000</td>
<td>75</td>
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</tr>
<tr>
<td>PDD (Planned Development District)</td>
<td>87,120</td>
<td>--</td>
<td>(Subject to recommendation of Planning Board and discretion of the City Council)</td>
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<td></td>
<td></td>
<td></td>
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</tbody>
</table>

### NOTES:

* One (1) side yard may be reduced down to zero (0) feet if structures constructed within four (4) feet of a side lot line have no windows, doors, air-conditioning units or other type of openings in the wall facing such side lot line. Swimming Pools shall be located no less than four (4) feet from a side lot line. In cases where the provided side yard is less than four (4) feet, a written agreement between adjacent landowners shall be required for a perpetual maintenance easement of the lot line wall that allows a minimum four-foot width for the entire length of the building.

** A buffer strip twenty-five (25) feet in width shall be required along a zoning district boundaries and any existing one- or two-family dwelling when topographical, existing vegetation or other barriers do not provide reasonable screening to shield neighboring properties. Buffering shall provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds or combinations of these to achieve the same objective. Plant materials shall be sufficiently large and planted in such a fashion that a year-round screen at least seven (7) feet in height shall be produced within three (3) growing seasons.

*** Lot coverage is that portion of the lot that is covered by buildings, structures and accessory structures. Adequate parking and any front yard requirements must also be satisfied. See definitions of the following terms in § 221-6: “building,” “accessory structure” and “structure.” See also § 221-37, Accessory uses and structures, and § 221-41, Off-street parking and loading.

**** Handicap ramps shall be exempt from minimum yard setbacks in all districts and shall fully comply with state and federal construction standards. [Added 3-27-1995 by Ord. No. 4-1995]
<table>
<thead>
<tr>
<th>Year</th>
<th>Chapter</th>
<th>Subject Matter</th>
</tr>
</thead>
<tbody>
<tr>
<td>1868</td>
<td>335</td>
<td>City incorporated and City Charter</td>
</tr>
<tr>
<td>1868</td>
<td>180</td>
<td>Hydraulic power at city</td>
</tr>
<tr>
<td>1869</td>
<td>194</td>
<td>Amends Charter regarding officers; state lands under water in Saint Lawrence River ceded to City</td>
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<tr>
<td>1870</td>
<td>709</td>
<td>Amends Charter regarding Assessor</td>
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<tr>
<td>1871</td>
<td>360</td>
<td>Hydraulic power at city</td>
</tr>
<tr>
<td>1872</td>
<td>405</td>
<td>Charter amended regarding Treasurer</td>
</tr>
<tr>
<td>1874</td>
<td>187</td>
<td>Charter amended regarding official notices</td>
</tr>
<tr>
<td>1874</td>
<td>561</td>
<td>Authorized bridge over Oswegatchie River</td>
</tr>
<tr>
<td>1875</td>
<td>135</td>
<td>Improving hydraulic power</td>
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<tr>
<td>1877</td>
<td>453</td>
<td>Bridge at Ogdensburg</td>
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<tr>
<td>1878</td>
<td>272</td>
<td>Charter amended regarding depository of public funds</td>
</tr>
<tr>
<td>1881</td>
<td>95</td>
<td>Charter generally amended regarding boundaries and officers</td>
</tr>
<tr>
<td>1881</td>
<td>631</td>
<td>Waterworks</td>
</tr>
<tr>
<td>1883</td>
<td>19</td>
<td>Town Hall of Town of Oswegatchie situate in City of Ogdensburg</td>
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<tr>
<td>1884</td>
<td>156</td>
<td>Charter amended regarding Assessor, Recorder, etc.</td>
</tr>
<tr>
<td>1884</td>
<td>283</td>
<td>Raise money to pay past-due indebtedness</td>
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<tr>
<td>1889</td>
<td>457</td>
<td>Assessments rolls, town to make for inside and outside City of Ogdensburg</td>
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<tr>
<td>1889</td>
<td>458</td>
<td>Support of the poor</td>
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<td>1890</td>
<td>216</td>
<td>Charter amended regarding highway tax</td>
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<td>1893</td>
<td>87</td>
<td>Charter reenacted with amendments</td>
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<td>1894</td>
<td>191</td>
<td>Charter amended regarding bonds and interest thereon</td>
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<td>1894</td>
<td>330</td>
<td>Pollution of water supply</td>
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<tr>
<td>1894</td>
<td>395</td>
<td>Charter amended regarding officers</td>
</tr>
<tr>
<td>Year</td>
<td>Chapter</td>
<td>Subject Matter</td>
</tr>
<tr>
<td>------</td>
<td>---------</td>
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<tr>
<td>1897</td>
<td>131</td>
<td>Protection of water supply</td>
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<td>1897</td>
<td>747</td>
<td>Issuance of bonds for waterworks</td>
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<tr>
<td>1897</td>
<td>749</td>
<td>Charter amended regarding auction sales, peddling and hawking</td>
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<td>1898</td>
<td>299</td>
<td>Charter amended regarding city tax; jurisdiction and power of Recorder</td>
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<tr>
<td>1900</td>
<td>239</td>
<td>Charter amended</td>
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<tr>
<td>1900</td>
<td>705</td>
<td>Town Hall act amended</td>
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<tr>
<td>1900</td>
<td>158</td>
<td>Issue bonds for waterworks</td>
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<tr>
<td>1902</td>
<td>592</td>
<td>Charter amended</td>
</tr>
<tr>
<td>1903</td>
<td>208</td>
<td>Charter amended regarding powers and duties of Common Council</td>
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<tr>
<td>1904</td>
<td>338</td>
<td>Charter amended regarding fire precautions</td>
</tr>
<tr>
<td>1905</td>
<td>579</td>
<td>Charter amended regarding streets, highways and sidewalks; Superintendent of Waterworks</td>
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<tr>
<td>1906</td>
<td>494</td>
<td>Charter amended regarding city officers and city elections</td>
</tr>
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<td>1907</td>
<td>268</td>
<td>Charter amended regarding sidewalks and curbing</td>
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<tr>
<td>1910</td>
<td>370</td>
<td>Refunding of water bonds</td>
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<td>1910</td>
<td>371</td>
<td>Waterworks bond issue authorized</td>
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<tr>
<td>1910</td>
<td>513</td>
<td>Erection of cemetery monument to General Curtis</td>
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<tr>
<td>1912</td>
<td>84</td>
<td>Improvement of streets</td>
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<tr>
<td>1912</td>
<td>85</td>
<td>Charter amended regarding Sanitary Code; meat inspections</td>
</tr>
<tr>
<td>1913</td>
<td>734</td>
<td>Commission and appropriations for Curtis monument</td>
</tr>
<tr>
<td>1914</td>
<td>339</td>
<td>Charter amended regarding unpaid taxes</td>
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<tr>
<td>1915</td>
<td>112</td>
<td>Charter amended regarding borrowing moneys, etc.</td>
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<td>1915</td>
<td>525</td>
<td>Charter generally amended</td>
</tr>
<tr>
<td>1915</td>
<td>542</td>
<td>Grade crossing eliminated</td>
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<tr>
<td>1915</td>
<td>728</td>
<td>Curtis monument, site and foundation</td>
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<tr>
<td>1916</td>
<td>285</td>
<td>Charter amended regarding street sprinkling and oiling</td>
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<tr>
<td>Year</td>
<td>Chapter</td>
<td>Subject Matter</td>
</tr>
<tr>
<td>------</td>
<td>---------</td>
<td>----------------</td>
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<tr>
<td>1916</td>
<td>304</td>
<td>Charter amended regarding tax roll</td>
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<tr>
<td>1917</td>
<td>181</td>
<td>State appropriations for Ford Street paving</td>
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<td>252</td>
<td>Charter amended regarding street sprinkling and oiling</td>
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<td>450</td>
<td>Charter amended regarding snow removal on sidewalks</td>
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<td>1918</td>
<td>208</td>
<td>Snow and ice removal; temporary loans</td>
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<td>1918</td>
<td>217</td>
<td>Charter amended regarding tax collections</td>
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<td>1918</td>
<td>218</td>
<td>Street sprinkling and oiling, temporary loans</td>
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<td>1918</td>
<td>431</td>
<td>State appropriations for public market</td>
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<td>1919</td>
<td>350</td>
<td>Charter amended regarding tax warrants</td>
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<tr>
<td>1920</td>
<td>254</td>
<td>Sewer bonds, issuance and sale</td>
</tr>
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<td>1920</td>
<td>256</td>
<td>Acting Recorder, qualifications and compensation</td>
</tr>
<tr>
<td>1920</td>
<td>257</td>
<td>Water regulations, violations by owner or occupant</td>
</tr>
<tr>
<td>1921</td>
<td>65</td>
<td>Sewer assessments, payments in installments</td>
</tr>
<tr>
<td>1921</td>
<td>66</td>
<td>Fiscal year</td>
</tr>
<tr>
<td>1922</td>
<td>174</td>
<td>Police Department, fund for salaries, etc.</td>
</tr>
<tr>
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<td>175</td>
<td>Fire Department, fund for salaries, etc.</td>
</tr>
<tr>
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<td>176</td>
<td>Water bonds, issuance, etc.</td>
</tr>
<tr>
<td>1927</td>
<td>29</td>
<td>Separation from Town of Oswegatchie; appointment of Overseer of the Poor</td>
</tr>
<tr>
<td>1927</td>
<td>379</td>
<td>Assessment rolls, provisions repealed</td>
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<td>1927</td>
<td>381</td>
<td>Establishment of City Court</td>
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<tr>
<td>1928</td>
<td>372</td>
<td>Charter amended regarding tax sales</td>
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<tr>
<td>1928</td>
<td>577</td>
<td>Paving differences with City of Ogdensburg St. Railroad Co.</td>
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<td>1928</td>
<td>695</td>
<td>City Court; powers of Clerk</td>
</tr>
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<td>1929</td>
<td>155</td>
<td>Waterworks, extension, etc.</td>
</tr>
<tr>
<td>1930</td>
<td>403</td>
<td>City Treasurer empowered to collect state and county taxes</td>
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<tr>
<td>1932</td>
<td>47</td>
<td>Retirement of water bonds</td>
</tr>
<tr>
<td>Year</td>
<td>Chapter</td>
<td>Subject Matter</td>
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<tr>
<td>------</td>
<td>---------</td>
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<tr>
<td>1937</td>
<td>870</td>
<td>Temporary Assessor, etc. (proceedings legalized)</td>
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<tr>
<td>1938</td>
<td>665</td>
<td>Authorizing city to convert city market into central fire station</td>
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<tr>
<td>1941</td>
<td>768</td>
<td>MacNaughton market, acquire state rights</td>
</tr>
<tr>
<td>1942</td>
<td>236</td>
<td>Tax limit, exclude school taxes</td>
</tr>
<tr>
<td>1942</td>
<td>357</td>
<td>Tax election regarding Fire Department expenses</td>
</tr>
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§ DL-1 Disposition of legislation.

The following is a chronological listing of legislation of the City of Ogdensburg adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] Information regarding legislation which is not included in the Code nor on this list is available from the office of the City Clerk. The last legislation reviewed for the original publication of the Code was an ordinance of 8-10-1992. A complete listing, including disposition, of all legislation reviewed in conjunction with the original publication of the Code is on file in the office of the City Clerk.

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