



City of Rochester

City Clerk's Office

Certified Resolution

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that at a meeting of the Council of the City of Rochester, held in the City Hall, on **June 19, 2018**, a resolution was **Adopted**, of which the following is a true copy; and at the time said resolution was adopted, the Council consisted of Nine (9) members.

Resolution No. 2018-16

Resolution approving the 2018-19 debt limit for general municipal purposes

WHEREAS, an important component of the City's expense budget and tax levy is debt; and

WHEREAS, the amount of debt outstanding is one of the major factors evaluated by credit agencies in the determination of bond rating; and

WHEREAS, control of the debt service expense and the amount of outstanding debt must necessarily be exercised through restrictions on bond and note authorizations; and

WHEREAS, bond ratings influence the rate of interest which must be paid on indebtedness and therefore the amount of debt service.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester, that it is the intent and policy of the City to limit the amount of bonds and notes authorized in fiscal year 2018-19 to \$19,997,000 for general municipal purposes.

BE IT FURTHER RESOLVED, unused authorizations from the debt limits for fiscal years 2016-17 and 2017-18 shall continue to be available, but no authorization included in the debt limit for a prior fiscal year, if not actually approved by the City Council, shall be carried-over and included in the limit for this fiscal year. By this resolution, the Council specifically approves inclusion for this fiscal year of unused authorizations from the debt limit for 2015-16 relating to hazardous waste investigation and remediation at contaminated City sites and Vacuum Oil Brownfield Opportunity Area sites, street rehabilitation and milling and resurfacing including but not limited to Goodman Street, and street lighting improvements; 2014-15 relating to renovations to RPD Special Operations office and the cycle track on Elmwood Avenue; 2013-14 relating to street rehabilitation and milling and resurfacing including but not limited to Midtown Redevelopment III, hazardous waste investigation and remediation at contaminated City sites, street lighting, and focused investment; 2012-13 relating to hazardous waste

investigation and remediation at contaminated City sites; 2010-11 relating to hazardous waste investigation and remediation at contaminated City sites; and for 2009-10 relating to hazardous waste investigation and remediation at contaminated City sites.

BE IT FURTHER RESOLVED, that exceptions to this policy are to be approved only for projects and purposes which could not reasonably be foreseen and, if not approved, would result in an obvious public danger or economic loss; and for projects and purposes for which the debt issued therefor would be self-supporting.

BE IT FURTHER RESOLVED, that to insure continued awareness of an adherence to this policy, each separate request for authorized debt shall be accompanied by a report in which the amount of debt actually authorized is compared to the amount of debt herein established as a limit.

BE IT FURTHER RESOLVED, that the redemption of any debt issued as an exception to a debt limit shall be excluded from the calculation of subsequent debt limits.

This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Patterson, Ortiz, Spaul - 9.

Nays - None - 0.

.

Attest

City Clerk



City of Rochester

City Clerks Office

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TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-155

Authorizing an amendatory agreement with Verint Americas Inc.

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Verint Americas Inc. for additional services to upgrade the 311 Call Center program environment. The amendatory agreement shall extend to December 31, 2018, the term of the agreement that was executed in December 2016 and then amended pursuant to Ordinance No. 2017-121.

Section 2. Said amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



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Ordinance No. 2018-156

Approving certain matters and authorizing the execution and delivery of specified documents in conjunction with the 2018 Phase of the Rochester Joint Schools Construction Board Facilities Modernization Program

WHEREAS, the City of Rochester, in the County of Monroe, New York (herein called "City") has cooperated with the Rochester City School District (the "School District") and the Rochester Joint Schools Construction Board (the "RJSCB") in furtherance of the School District's Facilities Modernization Program;

WHEREAS, the RJSCB was created by the "Rochester School Facilities Modernization Program Act" (Chapter 416 of the Laws of 2007, as amended by Chapter 533 of the Laws of 2014) (the "Act"), which authorizes the RJSCB to manage the design, reconstruction, or rehabilitation of existing school buildings for their continued use as schools of the School District (the "Facilities Modernization Program" or "Program"), and to create and coordinate efforts to enable compliance with, and monitor and report on, a program-wide diversity plan for the Program;

WHEREAS, the RJSCB, the School District and the City have entered into a Cooperative Agreement dated as of February 22, 2010, and amended as of August 4, 2016 (the "Cooperative Agreement"), in order to clarify the agency arrangement and delegation of authority among the School District, the City and the RJSCB, as well as their respective obligations and expectations to achieve the objectives of the Act;

WHEREAS, on June 20, 2012, the County of Monroe Industrial Development Agency ("COMIDA") issued its \$124,100,000 School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2012 (the "Series 2012 Bonds"), the proceeds of which were applied to development and other costs incurred in connection with Phase 1A of the Program, the rehabilitation of twelve (12) existing School District schools, as well as a district wide technology program (collectively, the "Series 2012 Project");

WHEREAS, on June 1, 2013, COMIDA issued its \$103,055,000 School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2013 (the "Series 2013 Bonds"), the proceeds of which were applied to (i) development and other costs incurred in connection with Phase 1A of the Program which were not financed from the proceeds of the Series 2012 Bonds; (ii) development and other costs incurred in connection with Phase 1B of the Program; and (iii) planning and design costs incurred in connection with Phase 1C of the Program (collectively, the "Series 2013 Project");

WHEREAS, on February 5, 2015, COMIDA issued its \$44,225,000 School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2015 (the "Series 2015 Bonds"), the proceeds of which were applied to (i) finance costs incurred in connection with Phase 1C of the Program which were not financed from the proceeds of the Series 2013 Bonds, and (ii) additional Phase I Projects or portions thereof which were eligible under the Act and which were part of the Program (collectively, the "Series 2015 Project");

WHEREAS, on August 1, 2017, COMIDA issued its \$123,670,000 School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2017 (the "Series 2017 Bonds"), the proceeds of which were applied to (i) finance the development and other costs of Phase II of the Program, the rehabilitation of thirteen (13) existing School District schools with the following names (some of which have changed since then) and addresses:

1. James Monroe High School, 164 Alexander Street;
2. East School (formerly known as East High School), 1801 East Main Street;
3. Edison Technology Campus, 655 Colfax Street;
4. Dr. Freddie Thomas Learning Center, 625 Scio Street;
5. School Without Walls Commencement Academy, 480 Broadway Street;
6. Children's School of Rochester (formerly known as Martin B. Anderson School No. 1), 85 Hillside Avenue;
7. Clara Barton School No. 2, 190 Reynolds Street;
8. George Mather Forbes School No. 4, 198 Dr. Samuel McCree Way;
9. Dag Hammarskjold School 6, 595 Upper Falls Boulevard;
10. Virgil I. Grissom School No. 7, 31 Bryan Street;
11. Dr. Walter Cooper Academy School No. 10, 353 Congress Avenue;
12. John Walton Spencer School No. 16, 321 Post Avenue;
13. Flower City School No. 30/54 (formerly known as The Flower City School No. 54), 36 Otis Street;

(collectively, the "Phase II Program Schools") and (ii) finance the payment of the principal of and a portion of the interest due on the \$32,000,000 Bond Anticipation Notes, 2017 Series I, which were authorized in Ordinance No. 2016-225 and issued by the City to provide short-term financing for Phase II of the Program (collectively, the "Series 2017 Project"); and

WHEREAS, the School District now proposes to finance the development and other costs of Phase II Program consisting of the rehabilitation of the 13 Phase II Program Schools listed above, to the extent that such costs were not financed from the proceeds of the Series 2017 Bonds, and, therefore, has requested COMIDA to issue its School Facility

Revenue Bonds (Rochester Schools Modernization Project), Series 2018 (the “Series 2018 Bonds”) in the maximum principal amount of \$250,000,000, the proceeds of which are also expected to fund capitalized interest for the Series 2018 Bonds and finance the cost of issuance of the Series 2018 Bonds.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Director of Finance is hereby authorized and directed to enter into such agreements as may be necessary and appropriate to effect issuance of the Series 2018 Bonds, all in form and substance to be approved by the City’s Corporation Counsel.

Section 2. The Director of Finance and Corporation Counsel are hereby authorized and directed to comply and evidence compliance with all requirements of the Act necessary and appropriate to ensure that the Series 2018 Bonds are issued in accordance with the New York Local Finance Law and the Act and to ensure that the interest payable on the Series 2018 Bonds is the lowest possible rate obtainable under current market conditions.

Section 3. The actions authorized and directed in this ordinance shall be contingent, as evidenced by the written advice of Corporation Counsel, upon approval of the bonding by the School District and RJSCB.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



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Ordinance No. 2018-157

Adoption of the Budget estimates for municipal purposes for the 2018-19 fiscal year, appropriation of sums set forth therein and approving commercial refuse fees, as amended

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The budget estimate for municipal purposes for the fiscal year July 1, 2018 to June 30, 2019, providing for the expenditure of \$539,646,900, is in all respects adopted, confirmed, fixed, and determined.

Section 2. The sums of money designated in the budget estimate for municipal purposes for the fiscal year 2018-19 are hereby authorized to be expended and the sum of \$539,646,900 is hereby appropriated for the current expenses of the departments and agencies; cash capital; debt service; and for the other purposes therein, in the manner provided by law, as listed below:

City Council and Clerk	\$1,874,700
Administration	9,156,900
Neighborhood and Business Development	11,053,300
Environmental Services	86,229,200
Finance	11,873,000
Information Technology	8,257,400
Law	2,022,200
Library	11,971,600
Recreation and Youth Services	11,830,200
Emergency Communications	14,227,200
Police	90,380,200 <u>90,583,100</u>
Fire	51,569,200
Undistributed Expenses	144,671,000 <u>144,759,200</u>
Contingency	8,874,100 <u>8,583,000</u>

Cash Capital	36,457,000
Debt Service	39,199,700
Sub-total	\$539,646,900
Tax Reserve	2,679,183
Total	\$542,326,083

Section 3. The budget estimate of the current revenues and other receipts, other than real estate taxes and the School Tax Relief (STAR) funds, for municipal purposes for the fiscal year 2018-19 is hereby fixed and determined at \$482,788,683 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2018-19 providing for the raising of taxation on real estate for municipal purposes of the sum of \$59,537,400 is hereby adopted.

Section 5. Pursuant to subsection 20-24B(1) of the Municipal Code, the Council hereby approves the fees for collection of commercial refuse and recyclables as proposed by the Mayor for fiscal year 2018-19.

Section 6. This ordinance shall take effect on July 1, 2018.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0

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Ordinance No. 2018-158

Adoption of the Budget estimates for school purposes for the 2018-19 fiscal year and appropriation of sums set forth therein

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The budget estimate for school purposes for the fiscal year July 1, 2018 to June 30, 2019, providing for the expenditure of \$915,945,579, is in all respects adopted, confirmed, fixed, and determined.

Section 2. The sums of money designated in the budget estimate for school purposes for the fiscal year 2018-19 are hereby authorized to be expended and the sum of \$915,945,579 is hereby appropriated by the Board of Education for the following purposes:

Operations	\$828,897,755
Cash Capital	17,319,159
Debt Service	<u>69,728,665</u>
Subtotal	915,945,579
Tax Reserve	<u>5,359,500</u>
Total	\$921,305,079

Section 3. The budget estimate of the current revenues and other receipts, other than real estate taxes, for school purposes for the fiscal year 2018-19 is hereby fixed and determined at \$802,205,079 and said sum is hereby appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2018-19 providing for the raising of taxation on real estate for school purposes of the sum of \$119,100,000 is hereby adopted.

Section 5. This ordinance shall take effect on July 1, 2018.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, McFadden, Patterson, Spaul - 6.

Nays - Councilmembers Gruber, Ortiz, Lightfoot - 3.

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Ordinance No. 2018-159

Levying taxes for municipal purposes for the fiscal year commencing July 1, 2018 and expiring June 30, 2019

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The sum of \$59,537,400, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2018 and expiring June 30, 2019 the amount required to meet the budget estimates for municipal purposes, is hereby levied on all taxable real property in the City of Rochester, as set forth in the assessment rolls, for the fiscal year commencing July 1, 2018 and expiring June 30, 2019.

Section 2. The Director of Finance shall cause the taxes levied above to be inserted in the assessment rolls for the fiscal year commencing July 1, 2018 and expiring June 30, 2019.

Section 3. This ordinance shall take effect on July 1, 2018

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

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Ordinance No. 2018-160

Levying taxes for school purposes for the fiscal year commencing July 1, 2018 and expiring June 30, 2019

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The sum of \$119,100,000, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2018 and expiring June 30, 2019 the amount required to meet the budget estimates for school purposes, is hereby levied on all taxable real property in the City of Rochester, as set forth in the assessment rolls, for the fiscal year commencing July 1, 2018 and expiring June 30, 2019.

Section 2. The Director of Finance shall cause the taxes levied above to be inserted in the assessment rolls for the fiscal year commencing July 1, 2018 and expiring June 30, 2019.

Section 3. This ordinance shall take effect on July 1, 2018.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

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Local Improvement Ordinance No. 1747

Local Improvement Ordinance - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2018 and expiring June 30, 2019

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The Council finds and declares (1) that it is in the public interest to provide street cleaning, snow removal services on the streets and sidewalks, and the repair of hazardous sidewalks in the City of Rochester during the fiscal year from July 1, 2018 to June 30, 2019; (2) that the provision of such service benefits the properties abutting on such streets and sidewalks, and (3) that the cost of providing such services should be borne by the benefitted properties according to the benefit received by such properties.

Section 2. The Commissioner of Environmental Services shall cause the following improvements and work to be provided on streets, sidewalks and lots in the City of Rochester during the fiscal year July 1, 2018 to June 30, 2019:

- A. The removal of snow from such sidewalks and the repair of such hazardous sidewalks as the Commissioner may direct.
- B. The removal of snow and ice from the roadway of such streets as the Commissioner may direct, including the use of sodium chloride, calcium chloride, and other chemicals or abrasives for the treatment of slippery or icy pavement as deemed necessary by the Commissioner.
- C. The cleaning and/or flushing of such streets as the Commissioner may direct, including hand-cleaning, tank flushing, mechanical sweeping, and the collection and removal of brush, leaves, and debris.

Section 3. Such work shall be done by competitive contract, or by the Department of Environmental Services, as the Commissioner of Environmental Services deems appropriate.

Section 4. The cost of providing such street cleaning and street snow removal services for the 2018-19 fiscal year shall be assessed against all parcels of property that abut a street, reflecting the benefit to be derived by such parcels from such services. The cost of providing such sidewalk repair and snow removal services for the 2018-19 fiscal year shall be assessed against all parcels of property that abut a sidewalk, reflecting the benefit to be derived by such parcels from such services.

Section 5. The amount assessed shall be allocated among all benefited parcels in direct proportion to each parcel's street or sidewalk footage, defined for purposes of this ordinance as the full footage of the parcel along the street or sidewalk upon which it fronts, plus one-third of the footage along any other abutting streets or sidewalks. The Council hereby determines that such street or sidewalk footage represents the relative amount of benefit received by each such parcel.

Section 6. The total cost of such services to be assessed on July 1, 2018 shall be \$20,120,600.00 consisting of \$4,526,837.22 for street and lot maintenance, \$4,399,658.55 for sidewalk repair, \$8,582,206.23 for roadway snow removal and \$2,611,899.00 for sidewalk snow removal services. Such total amount constitutes an estimate of the amount necessary to pay contractors to provide services and to cover the costs of providing services with City crews between July 1, 2018 and June 30, 2019, less any miscellaneous revenues estimated to be collected during the same period, plus a reasonable reserve for uncollected assessments. All assessments collected shall be paid into the Local Works Fund, and all costs incurred shall be paid from such fund. The amounts assessed herein are appropriated for that purpose.

Section 7. The amount assessed on July 1, 2018 shall be billed on the tax bill and shall be due in one installment. Delinquent assessments collected more than 60 days into a fiscal year subsequent to the fiscal year billed shall be credited as revenue in the year collected and applied against costs in that fiscal year.

Section 8. This ordinance shall take effect on July 1, 2018.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



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Ordinance No. 2018-161

Confirming the assessments, amounts and charges to be inserted in the annual tax rolls for the fiscal year commencing July 1, 2018 and expiring June 30, 2019, as amended

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The following assessments, amounts and charges, and the allocation of said amounts against properties in the City, as set forth in roll or rolls on file in the City Clerk's Office, to be inserted into the annual tax rolls for the fiscal year commencing July 1, 2018 and expiring June 30, 2019 are hereby in all respects confirmed:

Street and Lot Maintenance	\$4,526,837.22
Roadway Snow Removal	8,582,206.23
Sidewalk Snow Removal	2,611,899.00
Hazardous Sidewalk Repair	4,399,657.55
Delinquent Refuse	630,017.01
Delinquent Water Charges	5,499,052.36 <u>5,640,292.36</u>
Supplemental Taxes	472,364.49
Street Malls	31,644.00
Parking Lots	64,191.00
Code Enforcements	118,915.00
Code Violations	1,783,318.00
Downtown Enhancement	640,000.00
Public Market Plowing	5,888.07
Public Market Security	41,160.70
Encroachment Fees	4,050.00
Rehabilitation Charges	234,375.12
Wilson Blvd. Street Lights	534.08
Monroe Avenue Lights I	1,290.57
Monroe Avenue Lights and Sidewalk II	599.43
Norton Street Lights	1,327.34

Norton Street Streetscape	2,815.00
Cascade Lights	1,543.03
Cascade Streetscape	8,000.00
Lake Avenue Lights	3,895.94
High Falls Business Improvement District	25,000.00
St. Paul Street Streetscape	20,649.38
St. Paul Street Lighting	503.29
Rundel Park Lighting	3,168.68
Upper East Alexander Refuse	20,800.00
East Main Street Lights	308.48
Browncroft Lighting	9,508.99
Nunda Boulevard Lighting	8,449.38
Mt. Hope Streetscape	30,000.00
South Avenue Open Space 1	4,486.85
South Avenue Open Space 2	4,413.15
Demolition	1,458,598.91
Local Improvements	1,797.93

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

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Ordinance No. 2018-162

Amending the Municipal Code with respect to water rates

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 23-37 of the Municipal Code, Fees, relating to water rates, as amended, is hereby further amended by amending subsection A (2) thereof to read as follows:

(2) Base Charge.

Size of Meter (inches)	Charge per Month
5/8	—\$7.97 <u>\$8.31</u>
3/4	—\$11.95 <u>\$12.46</u>
1	\$37.62
1 1/2	\$55.72
2	\$74.53
3	\$186.25
4	\$372.15
6	\$557.90
8	\$1,009.72 <u>\$1,106.46</u>
10	\$1,438.15 <u>\$1,615.68</u>

Section 2. This ordinance shall take effect on July 1, 2018.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

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Ordinance No. 2018-163

Amending the Municipal Code with respect to fire prevention permit fees

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 54-12 of the Municipal Code, relating to fire prevention permit fees, as amended, is hereby further amended in subsections B and C to read in their entirety as follows:

B. Permits shall be required for the operation and/or maintenance of the following activities. Such permits shall be issued annually, and the annual fees for such permits shall be as follows:

(1) Tire recapping or rebuilding plant: ~~\$165~~ \$200.

(2) Automobile wrecking yard, junkyard or waste material handling plant: ~~\$165~~ \$200.

(3) Nitrate motion-picture film stored, kept or had on hand in quantities greater than 25 pounds (about 5,000 feet of thirty-five-millimeter film): ~~\$165~~ \$200.

(4) Cellulose nitrate plastics (pyroxylin) stored or handled in quantities greater than 25 pounds by jobbers, wholesalers and retailers: ~~\$165~~ \$200.

(5) Cellulose nitrate plastics (pyroxylin) manufactured into products or used in the manufacture or assembly of other articles: ~~\$165~~ \$200.

(6) Combustible fibers stored or handled in quantities exceeding 100 cubic feet: ~~\$80~~ \$95.

(7) Dry-cleaning plants:

(a) Class I system, liquids having a flash point below 100° F. (37.8° C.): prohibited.

(b) Class II system, liquids having a flash point at or above 100° F. (37.8° C.) and below 140° F. (60° C.): ~~\$165~~ \$200.

(c) Class IIIA system, liquids having a flash point at or above 140° F. (60° C.) and below 200° F. (93.4° C.): ~~\$165~~ \$200.

(d) Class IIIB system, liquids having a flash point at or above 200° F. (93.4° C.): ~~\$135~~ \$160.

(e) Class IV system, liquids classified as nonflammable: ~~\$100~~ \$120.

(8) Dust-producing operation: ~~\$135~~ \$160.

(9) Explosives or blasting agents manufactured, possessed, stored or sold or otherwise handling or disposing of these compounds: ~~\$165~~ \$200.

(a) Transportation of explosives or blasting agents, per vehicle: ~~\$80~~ \$95.

(10) "Liquid," which shall mean, for the purpose of this section, any material which has a fluidity greater than that of 300 penetration asphalt when tested in accordance with Test for Penetration for Bituminous Materials ASTM D-5-73. When not otherwise identified, the term "liquid" shall mean both flammable and combustible liquids.

(a) "Flammable liquid" shall mean a liquid having a flash point below 100° F. (37.8° C.) and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100° F. (37.8° C.) and shall be known as a "Class I liquid."

[1] Class IA shall include those having flash points below 73° F. (22.8° C.) and having a boiling point below 100° F. (37.8° C.).

[2] Class IB shall include those having flash points below 73° F. (22.8° C.) and having a boiling point at or above 100° F. (37.8° C.).

[3] Class IC shall include those having flash points at or above (73° F.) (22.8° C.) and below 100° F. (37.8° C.).

(b) "Combustible liquid" shall mean a liquid having a flash point at or above 100° F. (37.8° C.).

[1] Class II liquids shall include those having flash points at or above 100° F. (37.8° C.) and below 140° F. (60° C.).

[2] Class IIIA liquids shall include those having flash points at or above 140° F. (60° C.) and below 200° F. (93.4° C.).

[3] Class IIIB liquids shall include those having flash points at or above 200° F. (93.4° C.).

(c) Flammable liquids and combustible liquids, Class II, stored, handled or used (not otherwise covered under Chapter 77, Oil Burners, or gasoline service stations and bulk plants):

[1] Storage in any building of more than six gallons of flammable liquid or more than 25 gallons of combustible liquid (Class II): ~~\$80~~ \$95.

[2] Storage outside of a building of more than 10 gallons of flammable liquid or more than 60 gallons of combustible liquid (Class II and Class III): ~~\$80~~ \$95.

[3] Paints, oils and varnishes stored more than 30 days: ~~\$80~~ \$95.

(d) Flammable liquids storage and combustible liquids, Class II, storage in stationary tanks, including bulk plants (not otherwise covered in gasoline service stations, and Chapter 77, Oil Burners, of the Municipal Code):

[1] First 50,000 gallons: ~~\$80~~ \$95.

[2] Second 50,000 gallons: ~~\$80~~ \$95.

[3] Third and fourth 50,000 gallons (each): ~~\$80~~ \$95.

[4] Each additional 100,000 gallons or fraction thereof: ~~\$80~~ \$95.

[5] Each dispensing unit: ~~\$35~~ \$40.

(e) Flammable liquids and combustible liquids, Class II, manufactured, processed, blended or refined: ~~\$165~~ \$200.

(f) Flammable liquids and combustible liquids, Class II, stored in drums for the purpose of manufacture, storage or sale:

[1] Maximum of 10 drums: ~~\$80~~ \$95.

[2] Exceeding 10 drums: ~~\$165~~ \$200.

(g) Spraying or dipping operations using more than one gallon of flammable or combustible liquids in any one working day: ~~\$80~~ \$95.

(11) Fumigation room, vault or chamber using a toxic or flammable fumigant: ~~\$135~~ \$160.

(12) Hazardous chemical storage or handling:

(a) More than 2,000 cubic feet of flammable compressed gas: ~~\$165~~ \$200.

(b) More than 6,000 cubic feet of nonflammable compressed gas: ~~\$135~~ \$160.

(c) More than 55 gallons of corrosive liquids: ~~\$80~~ \$95.

- (d) More than 50 pounds of oxidizing materials: ~~\$80~~ \$95.
- (e) More than 10 pounds of organic peroxides: ~~\$80~~ \$95.
- (f) More than 50 pounds of nitromethane: ~~\$80~~ \$95.
- (g) More than 1,000 pounds of ammonium nitrate, ammonium nitrate fertilizers and fertilizer mixtures: ~~\$165~~ \$200.
- (h) Any amount of highly toxic material: ~~\$80~~ \$95.
- (i) Any amount of poisonous gas: ~~\$80~~ \$95.
- (j) More than 1 microcurie of radium (not contained in a sealed source): ~~\$80~~ \$95.
- (k) More than 1 millicurie of radium or other radioactive material (in sealed source): ~~\$80~~ \$95.
- (l) Any amount of radioactive material for which a license from the United States Nuclear Regulatory Commission is required: ~~\$80~~ \$95.
- (13) Lumber storage in excess of 100,000 board feet: ~~\$165~~ \$200.
- (14) Magnesium or similar materials being melted, cast, heat-treated, machined or ground in quantities of more than 10 pounds per working day: ~~\$165~~ \$200.
- (15) Matches:
 - (a) Manufacture of: ~~\$165~~ \$200.
 - (b) Storage in excess of 25 cases: ~~\$80~~ \$95.
- (16) Each oven or kiln (industrial or commercial baking/drying) operation and/or commercial cooking system: ~~\$70~~ \$85 per location.
- (17) Combustible material storage in excess of 2,500 cubic feet gross volume: ~~\$100~~ \$120.
- (18) Acetylene and other flammable gas usage in connection with welding or cutting: ~~\$80~~ \$95.
- (19) Calcium carbide storage in excess of 200 pounds: ~~\$165~~ \$200.
- (20) Acetylene generator with carbide capacity exceeding five pounds: ~~\$165~~ \$200.
- (21) Liquefied petroleum gas container(s) installed, handled or used in all buildings, structures or properties (except residential):
 - (a) Water capacity of 1,000 gallons or more: ~~\$120~~ \$145.
 - (b) Less than 1,000 gallons' water capacity: ~~\$80~~ \$95.
- (22) Gasoline service stations:

(a) Each 10,000 gallons, or part thereof, of storage capacity: ~~\$80~~ \$95.

(b) Each dispensing unit: ~~\$25~~ \$30.

(23) Private plants:

(a) Each 10,000 gallons, or part thereof, of storage capacity: ~~\$80~~ \$95.

(b) Each dispensing unit: ~~\$25~~ \$30.

(24) Central stations: no fee.

(25) Places of assembly (when a City license is not also required):

(a) Capacity of 100 to 249: ~~\$25~~ \$30.

(b) Over capacity of 249: ~~\$50~~ \$60.

C. Permits shall be required for the following activities, and fees shall be as follows:

(1) Setting off or discharging explosives (per job, not to exceed one year per permit): ~~\$165~~ \$200.

(2) Delivering explosives or blasting agents to a terminal between the hours of sunset and sunrise (per delivery): ~~\$80~~ \$95.

(3) Fumigation or thermal insecticidal fogging (per building): ~~\$165~~ \$200 for commercial buildings and ~~\$35~~ \$40 for residential buildings.

(4) Bowling pin refinishing, involving use of flammable liquids or materials (per 50 pins): ~~\$80~~ \$95.

(5) Bowling alley resurfacing operations, involving use of flammable liquids or materials (per alley): ~~\$35~~ \$40.

(6) Any roof repair or replacement using any form of heat-generating equipment or process (per job): ~~\$80~~ \$95.

(7) Setting off fireworks: ~~\$120~~ \$145.

Section 2. This ordinance shall take effect on July 1, 2018.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-164

Amending the Municipal Code with respect to parking fees

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. Section 111-95 of the Municipal Code, Limitation of application of provisions of this chapter, is hereby amended to read in its entirety as follows:

The provisions of Article II of this chapter relating to the maximum period of parking in a parking zone and the fees for parking in a parking zone shall apply to parking in any parking zone between the hours of 8:00 a.m. and ~~6:00~~ 8:00 p.m., Monday through Friday excluding New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

Section 2. Section 111-119 of the Municipal Code, Fees for use of space in parking garages and hours of operation, as amended, is hereby further amended by amending subsections A(6)(a)-(h) thereof to read in their entirety as follows:

- (a) Court Street Garage: ~~\$91~~ \$95 for parking in the general area, ~~\$110~~ \$120 for parking in the premium area, and ~~\$141~~ \$150 for parking in the reserved area.
- (b) Genesee Crossroads Garage: ~~\$91~~ \$95.
- (c) High Falls Garage: ~~\$77~~ \$90 for parking in the general area, ~~\$118~~ \$125 for parking in the reserved area, ~~\$46~~ \$76 for reserved residential parking, and ~~\$57~~ \$70 for parking in the Kodak surface lot located at 231 State Street.
- (d) South Avenue Garage: ~~\$91~~ \$95

- (e) Sister Cities Garage: ~~\$91~~ \$99 for parking in the general area and ~~\$110~~ \$124 for parking in the premium area.
- (f) Mortimer Street Garage: ~~\$70~~ \$75 for parking in the garage ~~and in the surface lot~~. Notwithstanding the parking rates established in this subsection, the Parking Director, subject to the approval of the Mayor, is authorized to establish a program allowing a parking discount reducing the monthly rate to \$25 in the Mortimer Street Garage for up to 50 members of the High Tech Rochester program.
- (g) Washington Square Garage: ~~\$91~~ \$95 for parking in the general area of the garage, ~~\$110~~ \$120 for parking in the reserved area of the garage, and ~~\$29~~ \$33 for parking in the Wadsworth Square Lot.
- (h) East End Garage: ~~\$79~~ \$85 for general parking, ~~\$59~~ \$69 for ~~reserved~~ residential parking, and \$43.50 for student parking.

Section 3. Section 111-120 of the Municipal Code, Lost tickets, as amended, is hereby further amended to read:

If the operator of a vehicle parked in a City garage loses his or her time-stamped ticket, the vehicle operator will be charged ~~the maximum rate allowable within the above schedule~~ \$20.

Section 4. This ordinance shall take effect on July 1, 2018.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson – 8.

Nays - Councilmember Spaul - 1.

Attest

City Clerk



City of Rochester

City Clerks Office

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Rochester, N.Y., _____

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Ordinance No. 2018-165

Amending the Municipal Code with respect to building permit fees and elevator certifications

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 39-221 of the Municipal Code, Fees for permits, as amended, is hereby further amended by modifying subsection F thereof to read in its entirety as follows:

F. Building permit fees for the following actions shall be as follows:

Purpose	Fee
Demolition ¹ of: Any structure, the demolition of which would be a Type II action as identified in § 48-5B of Chapter 48, Environmental Review, of the Municipal Code or in 6 NYCRR 617.13, State Environmental Quality Review	\$50.00
Frame building up to 3 stories in height	\$150.00
Any other structure	\$300, plus \$135 for each full 5,000 square feet of building floor area
Installation of exterior paved area or parking lot	\$100
Installation, alteration, repair or removal of a flammable liquid storage facility	

Per tank	\$100
Per pump	\$ 80
Installation of other structures such as tents, amusement devices, temporary classrooms or construction trailers where it is impractical to base a fee on cost	
Deck	
< = 144 square feet	\$ 75
> = 144 square feet	\$100
> = 400 square feet	\$150
Wood-burning stove, solid fuel device, fireplace insert, gas fireplace	\$100
Swimming pool	\$ 50
Electrical inspections	
Residential	
New dwelling unit with service	\$150 <u>\$175</u>
	+ \$75 per each additional unit
Renovation/addition	
Less than or equal to 200 square feet	\$70 <u>\$100</u>
Greater than 200 <u>and up to 1000</u> square feet	\$100 <u>\$125</u>
<u>Greater than 1,000 square feet</u>	<u>\$150</u>
Commercial new construction or alteration/renovation	
Less than or equal to 1,500 square feet	\$125 <u>\$150</u>
1,501 to 5,000 square feet	\$250 <u>\$275</u>
Greater than 5,000 square feet	\$250 <u>\$275</u> + \$0.05
	per square foot
(All above-listed fees do not include service installation.)	
Alarm system	\$ 70
A/C or heat pump	\$ 70
Elevator/escalator	\$ 70
Fuel dispensing unit	\$ 70
New service installation or upgrade	\$70 <u>\$100</u> + \$35
less than or equal to 200 amps each	per each <u>additional meter</u>
New service installation or upgrade	\$110 <u>\$140</u> + \$35
greater than 200 amps each	per each <u>additional meter</u>
Other	\$ 70

Pool/hot tub wiring	\$ 70
Reinspection fee	\$ 50
Safety inspection (5 <u>2</u> meters or fewer)	\$ 70
Safety inspection (more than 5 <u>2</u> meters)	\$ 70 + \$10 per meter over 5 <u>2</u>
Signs	\$ 70
Temporary service installation	\$ 70
Exterior lighting	\$ 70
Pole lights	\$ 70 + \$10 per pole
Plumbing inspections: ^{2,3}	
Base fee for all plumbing permits	\$ 55 <u>\$80</u>
In addition to the base fee, plumbing permit fees shall be as follows:	
Fixtures: installation, removal or capping of each fixture	\$ 10
Building sewers	\$ 45
Sump pumps:	
Residential	\$ 15
Single (commercial)	\$ 35
Duplex (commercial)	\$ 75
Catch basins or yard drains, each	\$ 50
Parking area trench drains, each	\$ 20
Outside conductors (residential), each	\$ 5
Conductors or roof drains (commercial), each	\$ 10
Sewer ejectors:	
Single	\$ 20
Double	\$ 35
Hot-water heaters (over 70 gallons' capacity), each	\$ 30
Hot-water heaters (70 gallons' capacity or less), each	\$ 10
Commercial and industrial establishments, including restaurants:	
Garbage disposals, each	\$ 35
Dishwashing machines, each	\$ 40
Grease interceptors, each \$40	
Ice-cube-making machines, each	\$ 25
Laundry-washing machines, each	\$ 35
Backflow prevention devices (installation):	
Size from 1/4 inch to 3/4 inch, each	\$ 10
1 inch to 1 1/2 inches, each	\$ 15
More than 1 1/2 inches, each	\$ 30
Water service renewal:	
Renewal of water service, less than 2 inches,	\$ 85

without any street work, each	
Water main services in property line of 3/4 inch to 2 inches, each	\$ 35
Water main and sewer repairs or renewal, public or private, over 2 inches	\$ 35 for the first 60 feet; each additional 100 feet: \$10
Cleanouts at property line, each	\$ 35
Manholes in property line, each	\$ 35
Sand interceptors, each	\$ 35
Oil interceptors (all types), each	\$ 35
Future use openings, each	\$ 10
All notice and order plumbing violations, each	\$ 10
Repair or replacement of gas supply, domestic water,	\$ 10 for the first 100 feet, and \$2 per foot thereafter
Storm, sanitary or vent piping	
Reinspection or callback when work is not ready for inspection, each	\$ 50

NOTES:

¹For demolition work done after 5:00 p.m. on weekdays or at any time on weekends, an additional fee equal to the demolition fee shall be charged.

² For items not listed in the Fee Schedule, the permit fee shall be established by the Commissioner of Neighborhood and Business Development.

³ For any inspections requested on Saturdays, Sundays, holidays or other than regular working hours, the rate shall be \$50 per hour. A minimum of four hours may be charged if the inspector was called in and/or has no other inspections during the four hours.

Section 2. Section 39-225 of the Municipal Code, Penalties for offenses, as amended, is hereby further amended by modifying subsection A thereof to read in its entirety as follows:

A. A person performing work for which a permit is required and for which no permit has been obtained shall be charged a penalty equal to the applicable permit fee, provided, however, that said penalty shall be no less than \$150 for residential work and \$300 for commercial work. The person must also pay the applicable permit fee itself.

Section 3. Section 50-23 of the Municipal Code, Fees, as amended, relating to the inspection of elevators, escalators and other conveyances, is hereby further amended in Subsection A thereof to read as follows:

A. Each inspection certification form shall be accompanied by a filing fee of ~~\$90~~ \$110 for each conveyance.

Section 4. This ordinance shall take effect on July 1, 2018.

Strikeout indicates deleted text, new text is underlined

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2018-166

Amending the Municipal Code with respect to the coastal erosion management permit fee

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. Section 43A-29 of the Municipal Code, Fee Schedule, as amended, is hereby further amended to read in its entirety as follows:

§ 43A-29 Fee Schedule.

The following fees shall be charged upon application for the following actions:

Action	Code Section	Fee
Coastal erosion Management permit	43A-6	\$25 <u>\$100</u>
Variance	43A-18	\$100
Appeal of administrative decision	43A-17	\$50

Section 2. This ordinance shall take effect on July 1, 2018.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

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Ordinance No. 2018-167

Amending the Municipal Code with respect to dog control penalties and fees

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. Section 31-17 of the Municipal Code, Penalties for offenses, as amended, is hereby further amended by modifying subsection A(1) to read in its entirety as follows:

A. Any person who violates or knowingly permits the violation of Article 7 of the Agriculture and Markets Law, of this chapter or of any local law or ordinance relating to the licensing, identification and control of dogs shall be subject to the following penalties:

(1) License violations (§ 31-10).

	Initial Penalty	Penalty Upon Default
First offense	\$ 25 <u>\$ 50</u>	\$ 50 <u>\$ 75</u>
Second offense	50 <u>100</u>	100 <u>150</u>
Third and subsequent offense	100 <u>200</u>	200 <u>250</u>

Section 2. Section 31-20 of the Municipal Code, Fees for dog licenses and dog control activities, as amended, is hereby further amended by modifying subsections A(1)-(3) to read in their entirety as follows:

A. The fees for procuring a dog license in the City, which shall include the state surcharges, shall be as follows:

(1) Spayed female dogs and neutered male dogs: ~~\$8.50~~ \$10.

(2) Unaltered dogs: ~~-\$20.50~~ \$30.

(3) Purebred dogs: ~~-\$23.50~~ \$35.

Section 3. This ordinance shall take effect on July 1, 2018.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



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Ordinance No. 2018-168

Amending the Municipal Code with respect to fees for marriage ceremonies, domestic partnerships, alarm user permits, and animal licenses

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. Section 5-10 of the Municipal Code, Marriage officers, as amended, is hereby further amended to read in its entirety as follows:

§ 5-10. Marriage officers.

The Council may appoint the City Clerk and other members of the City Clerk's staff to serve as marriage officers pursuant to § 11-c of the Domestic Relations Law. Such marriage officers may charge a fee not to exceed ~~\$50~~ \$75 for officiating at a marriage, which fee shall be payable to the City of Rochester.

Section 2. Section 47B-3 of the Municipal Code, Fees, as amended, is hereby further amended to read in its entirety as follows:

§ 47B-3 Fees.

The City Clerk shall charge a fee of ~~\$50~~ \$75 for filing a statement of domestic partnership or a termination of domestic partnership. Payment of the fee shall entitle the payor to one certified copy of the document. The City Clerk shall charge a fee of \$10 for providing an additional certified copy of either document.

Section 3. Section 27-5 of the Municipal Code, Alarm user permits; fees, as amended, is hereby further amended in Subsection B(3) thereof to read as follows:

B. Alarm user permit application.

...

(3) Every application for an alarm user permit shall be accompanied by a fee of ~~\$20~~ \$25. No alarm user permit shall be granted unless the applicable fee is submitted with the application.

Section 4. Section 27-5 of the Municipal Code, Alarm user permits; fees, as amended, is hereby further amended in Subsection E(1) thereof to read as follows:

E. Renewal fees based on use.

(1) The annual permit renewal fee shall be based upon the number of avoidable alarms recorded for each alarm user as follows:

(a) For an alarm user with zero avoidable alarms during the preceding year, a renewal fee of ~~\$20~~ \$25 shall be charged.

(b) For an alarm user with one avoidable alarm during the preceding year, a base permit renewal fee of ~~\$20~~ \$25 shall be charged, plus an additional excessive use fee of \$5.

(c) For an alarm user with two avoidable alarms during the preceding year, a base permit renewal fee of ~~\$20~~ \$25 shall be charged, plus an additional excessive use fee of \$30.

(d) For an alarm user with three avoidable alarms during the preceding year, a base permit renewal fee of ~~\$20~~ \$25 shall be charged, plus an additional excessive use fee of \$50.

(e) For an alarm user with four avoidable alarms during the preceding year, a base permit renewal fee of ~~\$20~~ \$25 shall be charged, plus an additional excessive use fee of \$90.

(f) For an alarm user with more than four avoidable alarms during the preceding year, a base renewal fee of ~~\$20~~ \$25, plus an additional excessive use fee of \$90 and an additional excessive use fee of \$50 for each subsequent avoidable alarm, shall be charged, except that such excessive use fees shall not be charged for systems with any combination of more than 500 pull stations, or heat, smoke, flame or fire gas detectors, or water flow sensing devices, not including sprinkler heads, until the alarm user has had more than 20 avoidable alarms during the preceding year, and such excessive use fees shall not be charged for residential child-care facilities with any

combination of more than 100 pull stations, or heat, smoke, flame or fire gas detectors, or water flow sensing devices, not including sprinkler heads, until such a facility has had more than 40 avoidable alarms during the preceding year. At the time of renewal, an alarm user shall receive credit for any amounts paid during the permit year to reinstate a revoked permit.

Section 5. Section 30-16 of the Municipal Code, Fees, as amended, relating to the license fee required for keeping chickens, geese, ducks, doves or pigeons, turkeys or other animals or fowls, is hereby further amended to read in its entirety as follows:

§ 30-16. Fee.

The Chief of Police shall require the fee of ~~\$37~~ \$75 for each year or fraction thereof for each license issued, payable before the issuance of such license. There shall be a fee of \$10 for replacement of a lost license.

Section 6. This ordinance shall take effect on July 1, 2018.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2018-169

Authorizing an agreement for the CityStart 2018 Grant program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Cities for Financial Empowerment Fund, Inc. for the receipt and use of \$20,000 in funding and technical assistance for implementing a CityStart 2018 Grant program to develop strategies for financial empowerment of economically disadvantaged City residents (the "Program").

Section 2. Upon its adoption, the 2018-19 Budget of the City of Rochester is hereby amended by increasing the revenue estimates and appropriations to the Budget of the Mayor's Office by \$20,000 to reflect the receipt of the funds authorized herein, which funds are hereby appropriated to implement the Program.

Section 3. The Program agreement shall have a term of nine months.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



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Ordinance No. 2018-170

Amending the proposed 2018-19 Budget with respect to Police Crime Prevention Officers

WHEREAS, although there is a continued need to allocate police resources to patrol functions to combat violence, continuing an effective Crime Prevention Officer program is also desired to maintain existing relationships with the neighborhoods served by these officers. As a result, three Crime Prevention Officer positions will be restored and the next recruit class size increased to at least 28 recruits.

NOW, THEREFORE, BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The proposed 2018-19 Budget of the City of Rochester is hereby amended by transferring a total of \$291,100 from the Contingency allocation to the Police Department in the amount of \$202,900 and to Undistributed in the amount of \$88,200 to fund the position restorations, increased recruit class size, and associated fringe benefits.

Section 2. This ordinance shall take effect on July 1, 2018.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



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Ordinance No. 2018-171

Amending Chapter 120 of the Municipal Code, the Zoning Code, by adding the O-LH Overlay Limited-Height District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by adding Article XV-A for the O-LH Overlay Limited-Height District, which shall read in its entirety as follows:

Article XV-A. O-LH Overlay Limited-Height District

§ 120-118.1. Purpose.

The O-LH Overlay Limited-Height District protects City neighborhoods that are within or adjacent to the C-1 Neighborhood Center District that would be adversely impacted by taller buildings. It establishes a three-story limit on building heights for those C-1 District or adjoining areas where there is the presence or proximity of features that would be adversely affected by the aesthetic, traffic, parking demands, and other adverse impacts associated with taller buildings. Such features may include but are not limited to uses in the R-1 Low Density Residential and R-2 Medium Density Residential zoned districts, an O-S Open Space District, a Preservation District, a City-designated landmark, a property or structure listed on the State or National Register of Historic Places, a park, a critical environmental area as defined in §48-4 of the Municipal Code, or a residential area challenged by a persistent shortage of on- and off-street parking spaces. The O-LH District shall not be independently mapped on the City of Rochester Zoning Map but shall be overlaid upon an existing C-1 or R-3 District area that is found to be appropriate for such treatment.

§ 120-118.2. Permitted uses and structures.

The uses and structures permitted in the O-LH District shall be the permitted uses allowed in the underlying district.

§ 120-118.3. Special permit uses.

The uses and structures allowed as special permit uses in the O-LH District shall be the special permit uses allowed in the underlying district.

§ 120-118.4. Lot, area and yard requirements.

The lot, area and yard requirements of the O-LH District shall conform to the underlying district.

§ 120-118.5. Bulk requirements.

A. Building heights in the O-LH:

- (1) Minimum building height, principal use or structure:
conforming to the underlying district.
- (2) Maximum building height, principal use or structure: three stories.
- (3) Maximum building height, detached accessory use or structure:
conforming to the underlying district.

B. Square footage limitations on uses in the O-LH shall conform to the underlying district.

§ 120-118.6. Personal wireless telecommunication facilities (PWTF).

Personal wireless telecommunication facilities in the O-LH District shall be regulated as outlined in § 120-143, Personal wireless telecommunication facilities.

§ 120-118.7. Additional regulations.

The applicable City-Wide Design Guidelines and Standards (Article XIX) and Requirements Applying to All Districts (Article XX) in this chapter shall apply to all uses in the O-LH District.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-172

Amending Chapter 120 of the Municipal Code, the Zoning Code, by changing zoning classification of 1092, 1098, 1108, 1116, 1118-1120, 1132-1138, 1142, 1150, 1174, 1176, 1182, 1186-1188, 1190 and 1196-1200 Mt. Hope Avenue, 25 May Street, 20, 21, 24 and 25 Stewart Street and 10 Gold Street from C-1 Neighborhood Center District to C-1 Neighborhood Center/ O-LH Overlay Limited Height District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code and the Zoning Map incorporated therein, as amended, is hereby further amended by changing the zoning classification of the following parcels and area from C-1 Neighborhood Center District to C-1 Neighborhood Center/ O-LH Overlay Limited Height District:

Address	SBL #
1092 Mt. Hope Avenue	136.38-1-43
1098 Mt. Hope Avenue	136.38-1-76./HOME
1108 Mt. Hope Avenue	136.38-1-76./NHOM
1116 Mt. Hope Avenue	136.38-1-75
1118-1120 Mt. Hope Avenue	136.38-1-74
1132-1138 Mt. Hope Avenue	136.46-1-1
1142 Mt. Hope Avenue	136.46-1-61
1150 Mt. Hope Avenue	136.46-1-60
1174 Mt. Hope Avenue	136.46-1-59
1176 Mt. Hope Avenue	136.46-1-58
1182 Mt. Hope Avenue	136.46-1-57
1186-1188 Mt. Hope Avenue	136.46-1-56
1190 Mt. Hope Avenue	136.46-1-55
1196-1200 Mt. Hope Avenue	136.46-1-54
25 May Street	136.38-1-44
20 Stewart Street	136.38-1-73
21 Stewart Street	136.46-1-2
24 Stewart Street	136.38-1-72

25 Stewart Street
10 Gold Street

136.46-1-3
136.46-1-24

and the area extending from those parcels to the center line of any adjoining street, alley, and right-of-way.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-173

Amending the Municipal Code with respect to the abatement of nuisances

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 68 of the Municipal Code, Licenses – Businesses and Trades, as amended, is hereby further amended in Subsection E of Section 68-10, Revocation of licenses and permits, to read as follows:

E. In addition to the power granted to the authority issuing a license or permit either in this chapter or in other chapters of the Municipal Code, a license or permit for a business or trade issued by the City of Rochester may be revoked or suspended in accordance with the procedures established in-~~§ 3-15~~ § 10-12, Abatement of nuisances, of the City Charter.

Section 2. Chapter 90 of the Municipal Code, Property Code, Article II, Business Permits, as amended, is hereby further amended in Subsection B of Section 90-36, Issuance of business permit, to read as follows:

B. No business permit shall be issued unless the applicant and business have fully complied with the provisions of this article and have obtained all necessary licenses and permits for the operation. No business permit shall be issued to a premises while charges are pending pursuant to-~~§ 3-15~~ § 10-12 of the City Charter, or while any other nuisance abatement proceeding or action is pending against the premises.

Section 3. Chapter 90 of the Municipal Code, Property Code, Article II, Business Permits, as amended, is hereby further amended in Subsection F(14) of Section 90-37, Operation of businesses, to read as follows:

F. The owner or operator of any business shall maintain good order on and about the premises at all times when the business is open. The premises

shall include the building in which the business is located, as well as accessory structures and uses, including parking lots, and the land on which the building is located. The owner or operator of any business shall be responsible to remove refuse and obstructions from the sidewalk in accordance with Municipal Code requirements, and to operate the business so that neither the business nor its patrons become a source of disruption on the sidewalks, streets or other private property in the vicinity of the business. The lack of good order shall include, but not be limited to, suffering or permitting the following:

...

(14) Any other nuisance activity listed in ~~§ 3-15~~ § 10-12 of the City Charter.

Section 4. Chapter 96 of the Municipal Code, Secondhand Dealers, as amended, is hereby further amended in Subsection D of Section 96-5, Issuance of secondhand dealer's license, to read as follows:

D. No secondhand dealer's license shall be issued unless the applicant and business have fully complied with the provisions of this chapter and have obtained all necessary licenses and permits for the operation. No secondhand dealer's license shall be issued to a premises while charges are pending pursuant to ~~§ 3-15~~ § 10-12 of the City Charter or while any other nuisance abatement proceeding or action is pending against the premises or owner or operator.

Section 5. Chapter 96 of the Municipal Code, Secondhand Dealers, as amended, is hereby further amended in Subsection F(14) of Section 96-8, General operation of secondhand dealer's businesses, to read as follows:

F. Secondhand dealers shall maintain good order on and about the premises at all times when the business is open. The premises shall include the building in which the business is located, as well as accessory structures and uses, including parking lots and the land on which the building is located. The owner or operator of any secondhand dealer's business shall be responsible to remove refuse and obstructions from the sidewalk in accordance with Municipal Code requirements and to operate the business so that neither the business nor its patrons become a source of disruption on the sidewalks, streets or other private property in the vicinity of the business. The lack of good order shall include, but not be limited to, suffering or permitting the following:

...

(14) Any other nuisance activity listed in ~~§ 3-15~~ § 10-12 of the City Charter.

Section 6. Chapter 99 of the Municipal Code, Shooting Ranges, as amended, is hereby further amended in Subsection D of Section 99-7, Issuance of shooting range license, to read as follows:

D. No shooting range license shall be issued unless the applicant and business have fully complied with the provisions of this chapter and have obtained all necessary licenses and permits for the operation. No shooting

range license shall be issued to a premises while charges are pending pursuant to ~~§ 3-15~~ § 10-12 of the City Charter or while any other nuisance abatement proceeding or action is pending against the premises or owner or operator.

Section 7. This ordinance shall take effect on the effective date of an accompanying local law amending the City Charter with respect to the abatement of nuisances..

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-174

Authorizing the sale of real estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves of the negotiated sale with proposal of the following parcels:

Address	SBL#	Lot Size	Use	Price	Purchaser
146 Bartlett St	120.68-1-59.1	59 x 141	Vacant Lot	\$500	Barakah Muslim Charity, Inc.
600 Jefferson Av	120.68-1-13	35 x 107	Vacant Lot	\$1,000	Barakah Muslim Charity, Inc.
393 Lexington Av	105.25-3-5.2	39 x 94	Education/training	\$10,000	Rochester Refugee Resettlement Services, Inc.

Section 2. The Council hereby approves of the negotiated sale with proposal of the following parcel of vacant land:

Address	SBL#	Lot Size	Sq. Ft.	Price	Purchaser
156 Peck St	106.59-3-53	40 x 120	4,800	\$4,425	Richard Marciszewski

Section 3. The Council hereby approves the negotiated sale of the following parcel of unbuildable vacant land for the sum of \$1.00:

<u>Address</u>	<u>SBL#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
68 Lincoln St	106.41-3-14.2	40 x 95	3,800	Josie Whitfield

Section 4. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester
City Clerks Office
Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

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Ordinance No. 2018-175

Authorizing the acceptance of real estate by donation

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby authorizes the acceptance of the donation of a real estate parcel from the Rochester Land Bank Corporation as follows:

Address	SBL No.	Purpose
403 Caroline Street	121.81-1-39	Demolition
150 Campbell Park	105.71-1-38	Demolition
70 Parsells Avenue	107.53-3-62	Demolition

Section 2. Upon transfer of title to the City, any City taxes and any other City charges, liens or encumbrances against said property are hereby cancelled.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Patterson, Spaul - 8.

Nays - None - 0.

Councilmember Ortiz abstained due to a professional relationship.

Attest _____

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

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Ordinance No. 2018-176

Amending the Zoning Map for 16, 20, 26, 32 and 42-48 Cameron Street, as amended

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by modifying the Zoning Map incorporated in Section 120-5 to change from R-1 Low Density Residential to ~~C-1 Neighborhood Center~~ R-3 High-Density Residential the zoning district classification of the following property parcels:

Address	SBL #
16 Cameron Street	105.66-1-25
20 Cameron Street	105.66-1-26
26 Cameron Street	105.66-1-27
32 Cameron Street	105.66-1-28
42-48 Cameron Street	105.66-1-31.2

and the area extending from those parcels to the center line of any adjoining street, alley, and right-of-way.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2018-177

Approving the Consolidated Community Development Plan/2018-19 Annual Action Plan

WHEREAS, there is pending before this Council the Draft Consolidated Community Development Plan/2018-19 Annual Action Plan (the Plan) to be financed with \$13,757,758 available to the City of Rochester from the federal Community Development Block Grant, HOME Investment Partnerships, Emergency Solutions Grant Program, Housing Opportunities for Persons with AIDS Program, City Development Fund, Urban Development Action Grant loan and interest repayments, and other program income;

WHEREAS, the Plan was prepared according to an approved Citizen Participation Plan and reflects public comments and consultations;

WHEREAS, notice of the Plan was published in the legal notices section of the Democrat and Chronicle on February 14, 2018;

WHEREAS, the Plan was the subject of a general public hearing on March 14, 2018, as specified in the February 14th newspaper notice;

WHEREAS, in another notice published in the legal notices section of the Democrat and Chronicle on May 12, 2018, citizens, public agencies and other interested parties were invited to submit comments by June 14, 2018, either in writing or at public hearing scheduled for June 14, 2018;

WHEREAS, on June 14, 2018, the City Council conducted a public hearing on the Plan and on the needs, strategies, proposed actions and annual performance report;

WHEREAS, the City Council has reviewed the needs, strategies and proposed actions with City staff; and

WHEREAS, the City Council has reviewed the public comments and recommendations.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby adopts the Draft Consolidated Community Development Plan/2018-19 Annual Action Plan.

Section 2. The Mayor is hereby directed to prepare detailed programs and specifications for the various actions and to submit said plans to City Council for approval prior to implementation.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-178

Authorizing submission of the Consolidated Community Development Plan/2018-19 Annual Action Plan and execution of grant agreements with the United States Department of Housing and Urban Development

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit the Consolidated Community Development Plan/2018-19 Annual Action Plan to the United States Department of Housing and Urban Development.

Section 2. The Mayor is hereby further authorized to provide any such information that may be required and to execute all necessary grant agreements with the United States Department of Housing and Urban Development for the Program Year beginning July 1, 2018.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

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Ordinance No. 2018-179

Appropriation of funds for the City Development Fund

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. As part of the Consolidated Community Development Plan/2018-19 Annual Action Plan, the Council hereby appropriates the sum of \$300,000 in anticipated Urban Development Action Grant loan repayment funds and reversionary interest payments and interest, to be utilized as capital for the City Development Fund.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary for the implementation of programs funded by the appropriation made herein.

Section 3. The agreements shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 4. The Director of Finance shall record all transfers herein and shall have the authority to make adjustments to the amounts set forth which may have changed prior to the adoption of this ordinance.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester
City Clerk's Office
Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2018-180

Appropriating funds and authorizing agreements for the Restore NY Communities Initiative Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Grant funds from the Empire State Development Corporation (ESDC) awarded through Round 5 of its Restore NY Communities Initiative in the amount of \$5,000,000 are hereby appropriated for the Restore NY Round 5 projects.

Section 2. The Mayor is hereby authorized to enter into agreements with the following property owners or developers, for the Restore NY Round 5 projects. The agreements shall obligate the City to pay an aggregate amount not to exceed \$5,000,000 with the maximum amount of each agreement as set forth below to be funded from the appropriation in Section 1 herein. Each agreement shall for a term of five years.

Developer/Principal	Project Address	Grant Amount
East Main Realty Holdings LLC	176-182 East Main St.	\$250,000
Ren Square, LLC	186 East Main St.	\$265,000
Ren Square, LLC	190-194 East Main St.	\$1,300,000
Hopwood LLC	220-222 East Main St.	\$345,000
Hopwood LLC	224-226 East Main St.	\$365,000
Sibley Redevelopment Limited Partnership	250 East Main St., Condo #100	\$1,190,000
35 State Property, LLC	35 State Street	\$1,000,000
Scott Hopwood	79 State Street	\$285,000
	Total	\$5,000,000

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2018-181

Authorizing a loan agreement for the 49 Stone Street Redevelopment Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$400,000 from the following sources is hereby appropriated to the Housing Revolving Loan Fund to finance the redevelopment of the property located at 49 Stone Street in the Center City (the Project): \$22,852 from Prior Years' Cash Capital, \$257,676.30 from 2016-17 Cash Capital, and \$119,471.70 from 2017-18 Cash Capital.

Section 2. The Mayor is hereby authorized to enter into a loan agreement with 49 Stone Street LLC, or an entity to be formed by Hudson Partners Development LLC, in the amount of \$400,000 to fund a portion of the Project costs. The loan shall be funded from the amounts appropriated in Section 1 herein, have a term of 6 years, and have an annual interest rate of 3%.

Section 3. The loan agreement authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate. The Mayor is hereby authorized to execute such other agreements and documents as may be necessary to effectuate the agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-182

Appropriating funds and authorizing agreements for the foreclosure prevention services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$180,000 is hereby appropriated from the Homeownership Fund-Foreclosure Prevention allocation of the Consolidated Community Development Plan/2018-19 Annual Action Plan (the Plan) for the provision of foreclosure prevention services, contingent upon adoption of the Plan.

Section 2. The Mayor is hereby authorized to enter into an agreement with The Housing Council at PathStone, Inc. in a maximum amount of \$157,700 to provide foreclosure prevention services.

Section 3. The Mayor is hereby authorized to enter into an agreement with Empire Justice Center in a maximum amount of \$22,300 to provide foreclosure prevention services.

Section 4. The amounts of said agreements, or so much thereof as may be necessary, shall be funded from the sum appropriated in Section 1. If funds are not available or are less than anticipated, the agreement amounts and terms shall be adjusted accordingly.

Section 5. The agreements shall be for a term of one year.

Section 6. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City and providers shall enter into agreements for these services only with organizations that are in compliance with federal regulations.

Section 7. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-183

Appropriating funds and authorizing an agreement for landlord/tenant services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with The Legal Aid Society of Rochester, New York in a maximum amount of \$95,000 to provide housing stabilization services to tenants and landlords. The term of the agreement shall be one year. The agreement shall be funded by \$95,000 from the Rental Market Fund-Landlord/Tenant Services allocation of the Consolidated Community Development Plan/2018-19 Annual Action Plan, contingent upon approval thereof, which amount is hereby appropriated for the program. If funds are not available or are less than anticipated, the agreement amounts and terms shall be adjusted accordingly.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City and provider shall enter into agreements for this program only with organizations that are in compliance with federal regulations.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-184

Appropriating funds and authorizing agreements for the Buyer Assistance Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The following amounts are hereby appropriated for the Buyer Assistance Program as described in the Consolidated Community Development Plan/2018-19 Annual Action Plan (the Plan): \$398,000 from the HOME funds within the the Homeownership Promotion Fund - Buyer Assistance allocation of the Plan; and \$57,000 from City Development Fund portion of the Homeownership Promotion Fund - Buyer Assistance allocation of the Plan. Both appropriations shall be contingent upon adoption of the Plan.

Section 2. The Mayor is hereby authorized to enter into such agreements with recipients of Buyer Assistance funds as may be necessary to implement the Program, with each having a maximum amount of \$8,000 to be funded from the amounts appropriated herein.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. The Director of Finance is hereby authorized to record all transfers herein and to make adjustments to the amounts set forth herein.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2018-185

Appropriating funds and authorizing amendatory agreements for the Homebuyer Training Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The following amounts are hereby appropriated for the Homebuyer Training Program (Program) from the Consolidated Community Development Plan/2018-19 Annual Action Plan (the Action Plan):

- a. \$50,000 from the HOME fund portion of the Homeownership Promotion Fund - Homebuyer Training allocation; and
- b. \$40,000 from the City Development Fund portion of the Homeownership Promotion Fund - Homebuyer Training allocation.

Both appropriations shall be contingent upon the adoption of the 2018-19 Action Plan.

Section 2. Ordinance No. 2015-184, as amended by Ordinance Nos. 2015-256, 2016-149, 2017-223 is hereby further amended by adding the funds appropriated in Section 1 herein to the prior aggregate appropriations for the Program implementation agreements entered into with the following organizations for terms of one year with the option to extend for one additional year:

Neighborhood Housing Services of Rochester Inc. d/b/a NeighborWorks
Rochester

The Home Store, Urban League of Rochester, N.Y., Inc.

Consumer Credit Counseling Service of Rochester, Inc.

The Housing Council at PathStone, Inc.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City and implementing organizations shall enter into agreements for the Program only with organizations that are in compliance with federal regulations.

Section 4. The Director of Finance is authorized to record all transfers herein and to make adjustments to the amounts set forth herein which may have changed prior to the date of this ordinance.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

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Ordinance No. 2018-186

Appropriating funds and authorizing agreements for the HOME Rochester Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. A total of \$839,562 is hereby appropriated from various Housing Development Fund projects of the Consolidated Community Development Plan/2018-19 Annual Action Plan, contingent upon the adoption of said Action Plan, as follows:

Amount	Source	Purpose
\$174,000	2018-19 Housing Development Fund: Housing Development Support	HOME Rochester Program Operation
\$385,562	2018-19 Housing Development Fund: Community Housing Development Organization (CHDO)	Development subsidies – incomes no more than 80% of the Area Median Income (AMI)
\$280,000	2018-19 Housing Development Fund: HOME Rochester	Development subsidies – incomes no more than 80% of AMI

Section 2. The Mayor is hereby authorized to enter into an agreement with Rochester Housing Development Fund Corporation (RHDFC) in a maximum amount of \$174,000 to administer the HOME Rochester Program. The agreement shall be funded from the Housing Development Support funds appropriated in Section 1.

Section 3. The Mayor is hereby authorized to enter into an agreement with RHDFC, a qualified CHDO, for the administration of housing development subsidies totaling \$385,562 for families whose incomes are no more than 80% of AMI. The agreement shall be funded from the CHDO funds appropriated in Section 1.

Section 4. The Mayor is hereby authorized to enter into an agreement with RHDFC for the administration of housing development subsidies totaling \$280,000 for families whose incomes are no more than 80% of AMI. The agreement shall be funded from the HOME Rochester funds appropriated in Section 1.

Section 5. The agreements authorized herein shall be for a term of up to two years, with an option to extend for up to one additional year if funds remain in the original appropriation.

Section 6. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City and RHDFC shall enter into agreements for this program only with organizations that are in compliance with federal regulations.

Section 7. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-187

Authorizing agreement for the HOME Rochester Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Rochester Housing Development Fund Corporation (RHDFC) for the administration of the HOME Rochester Program to provide housing development subsidies totaling \$150,000 for homebuyers whose household incomes are no more than 120% of the Area Median Income. The agreement shall be funded from 2018-19 Cash Capital, contingent upon approval.

Section 2. The agreement shall be for a term of one year, with an option to extend for up to one additional year if funds remain in the original appropriation.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City and RHDFC shall enter into agreements for this Program only with organizations that are in compliance with federal regulations.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2018-188

Authorizing an agreement for the 2018 Commercial Corridor Study

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Place Dynamics LLC to conduct the 2018 Commercial Corridor Study. The term of the agreement shall be for one year, with the option for one six-month extension. The maximum compensation for the agreement shall be \$90,000 and said amount, or so much thereof as may be necessary, shall be funded from \$40,000 from the 2018-19 Budget of the Department of Neighborhood and Business Development, contingent upon its approval, and \$50,000 from the funds appropriated in Section 2.

Section 2. The sum of \$50,000 is hereby appropriated for the Study from grant funds received from the New York State Department of Economic Development and the New York State Urban Development Corporation, collectively d/b/a the Empire State Development Corporation (ESD) authorized in Ordinance No. 2017-227.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

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Rochester, N.Y., _____

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Ordinance No. 2018-189

Authorizing agreements and appropriating funds for the Emergency Solutions Grant Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following twelve providers for services to homeless individuals and families under the Emergency Solutions Grant program. The agreements shall obligate the City to pay an aggregate amount not to exceed \$623,455 with the maximum amount for each agreement being as follows:

Organization	Amount
Catholic Charities of the Diocese of Rochester, operating as the Catholic Family Center	\$ 61,872
Spiritus Christi Prison Outreach, Inc.	\$ 35,000
Dimitri House, Inc.	\$ 19,885
The Salvation Army	\$ 47,985
The Center for Youth Services, Inc.	\$ 23,735
Volunteers of America of Western New York, Inc.	\$ 37,054
Rochester Area Interfaith Hospitality Network, Inc.	\$ 45,430
Providence Housing Development Corp.	\$ 90,000
Coordinated Care Services, Inc.	\$159,117
Willow Domestic Violence Center of Greater Rochester, Inc.	\$ 28,914
The YWCA of Rochester and Monroe County, N.Y.	\$ 49,463

Veterans Outreach Center, Inc.

\$ 25,000

Total:

\$ 623,455

Section 2. The sum of \$623,455, or so much thereof as may be necessary, is hereby appropriated to fund the agreements from the Housing Choice Fund-Emergency Solutions Grants project in the Consolidated Community Development Plan/2018-19 Annual Action Plan, contingent upon the adoption thereof.

Section 3. The agreements shall be for one year, with an option to extend for an additional year if funds remain in the original appropriation.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City and the providers shall only enter into agreements with organizations that are in compliance with Federal regulations.

Section 5. The Director of Finance is authorized to record all transfers herein and to make adjustments to the amounts set forth herein if fund sources are different, not available or less than anticipated.

Section 6. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson – 8.

Nays - None - 0.

Councilmember Spauld abstained due to a professional relationship.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2018-190

Appropriating funds and authorizing agreements for the Housing Opportunities for Persons with AIDS Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The amount of \$863,459 is hereby appropriated from the Housing Choice Fund-Housing Opportunities for Persons with AIDS (HOPWA) project of the Consolidated Community Development Plan/2018-19 Annual Action Plan for HOPWA program implementation, contingent upon the adoption of said Plan.

Section 2. The Mayor is hereby authorized to enter into agreements with the following organizations for the specified maximum compensation amounts to implement the HOPWA program:

Organization	Amount
Trillium Health, Inc.	\$518,075
Catholic Charities of Diocese of Rochester d/b/a Catholic Charities Community Services	\$345,384

Section 3. The agreements' compensation in an aggregate amount not to exceed \$863,459 shall be funded from the amount appropriated in Section 1 herein.

Section 4. The agreements' term shall be for one year, with an option to extend for an additional year if funds remain in the original appropriation.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City and implementing contractors shall enter into agreements for the HOPWA program only with organizations that are in compliance with federal regulations.

Section 6. The Director of Finance is authorized to record all transfers herein and to make adjustments to the amounts set forth herein which may have changed prior to the date of this ordinance.

Section 7. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

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Rochester, N.Y., _____

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Ordinance No. 2018-191

Appropriating funds and authorizing agreements for the Helping Elders Law Project, as amended

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Volunteer Legal Services Project of Monroe County, Inc. to implement and manage the Helping Elders Law Project (the Project) for a maximum compensation of ~~\$20,000~~ \$20,666.11.

Section 2. The sum of ~~\$20,000~~ \$20,666.11, or so much thereof as may be necessary, is hereby appropriated to fund the agreement from the Seniors Program - Legal Services allocations in the amounts of \$666.11 from the Consolidated Community Development Plan/~~2018-19~~ 2016-17 Annual Action Plan ~~(the Plan)~~ and \$20,000 from the Consolidated Community Development Plan/~~2018-19~~ Annual Action Plan, ~~to fund the agreement,~~ contingent upon the adoption of the latter Plan.

Section 3. The agreement shall have a term of one year, with the option to extend for an additional year if funds remain in the original appropriation.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. The City and provider shall enter into agreements for the Project only with organizations that are in compliance with federal regulations.

Section 6. The Director of Finance is authorized to record all transfers herein and to make adjustments to the amounts set forth herein which may have changed prior to the date of this ordinance.

Section 7. This ordinance shall be effective immediately.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2018-192

Authorizing an agreement and appropriation for the Aging in Place Home Modification Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Lifespan of Greater Rochester, Inc. to implement the Aging in Place Home Modification Program (the Program).

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$30,000, and said amount, or so much thereof as may be necessary, is hereby appropriated for that purpose from the Housing Development Fund-Aging in Place project of the Consolidated Community Development Plan/2018-19 Annual Action Plan, contingent on adoption of the Action Plan. The term of the agreement shall be one year, with the option to extend the term for up to one additional year if funds remain in the original appropriation.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City shall enter into agreements for the Program only with organizations that are in compliance with federal regulations.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

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Rochester, N.Y., _____

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Ordinance No. 2018-193

Authorizing funding for the Demolition Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby appropriates \$1,600,000 from the Demolition allocation of the Consolidated Community Development Plan/2018-19 Annual Action Plan (the Plan) for the Demolition Program to continue the removal of vacant, derelict and fire damaged structures in the City of Rochester. The appropriation authorized herein shall be contingent upon the adoption of the Plan.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest _____

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2018-194

Appropriating funds and authorizing agreements for business programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$500,000 in Community Development Block Grant (CDBG) funds is hereby appropriated from the Business Development Financial Assistance Program project of the Consolidated Community Development Plan/2018-19 Annual Action Plan, contingent upon the adoption of said Plan, to implement a Business Development Financial Assistance Loan & Grant Program.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Program authorized herein.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City shall only enter into agreements with organizations that are in compliance with Federal regulations.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

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Rochester, N.Y., _____

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Ordinance No. 2018-195

Authorizing an agreement for the Central Vehicle Maintenance Facility Building 300 Roof Replacement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Konopka Architecture, P.C. to provide architectural design construction administration and resident project representative services for the Central Vehicle Facility Maintenance Building 300 Roof Replacement Project("Project"). The term of the agreement shall continue to 3 months after completion of the two-year guarantee inspection of the Project. The maximum compensation for the agreement shall be \$60,000 and said amount, or so much thereof as may be necessary, shall be funded from 2016-17 Cash Capital.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

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Rochester, N.Y., _____

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Ordinance No. 2018-196

Authorizing an amendatory agreement for planning and engineering services for the Vacuum Oil Brownfield Opportunity Area project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2017-232, authorizing an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. to provide services for the Vacuum Oil Brownfield Opportunity Area project (the Project), is hereby repealed.

Section 2. Ordinance No. 2017-233, a bond ordinance authorizing funding for the amendatory agreement revoked in Section 1 above, is hereby repealed.

Section 3. The Mayor is hereby authorized to enter into an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. to amend the professional services agreement providing planning, design and engineering services for the Project, which was authorized in Ordinance No. 2014-253 and amended in Ordinance No. 2016-269. The amendatory agreement shall increase the agreement's maximum compensation by \$82,500 for a total of \$857,500 and shall provide for additional services to complete site-wide earthwork cut and fill calculations for planned improvements along the western bank of the Genesee River in accordance with the Vacuum Oil Brownfield Opportunity Area (BOA) Master Plan. The amendatory amount of \$82,500 shall be funded in the amounts of: \$75,000 from anticipated reimbursements from the New York State Department of State's BOA grant that was authorized and appropriated in Ordinance No. 2014-253; and \$7,500 from 2016-17 Cash Capital.

Section 4. The amendatory agreement shall contain such other terms and conditions as the Mayor deems appropriate.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2018-197

Authorizing an agreement for professional corrosion engineering and cathodic protections services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Corrpro Companies, Inc. for professional corrosion engineering and cathodic protections services. The term of the agreement shall be three years with the option for two one-year renewals. The maximum annual compensation for the agreement shall be \$35,000 and said amount, or so much thereof as may be necessary, shall be funded for the first year from the 2018-19 Budget of the Department of Environmental Services (the "Department"), contingent upon approval, and for subsequent years from subsequent annual Budgets of the Department.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



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Rochester, N.Y., _____

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Ordinance No. 2018-198

Authorizing applications to and agreements with New York State for funding of water quality infrastructure projects, as amended

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit applications to and enter into agreements with New York State for grants under the New York State Water Infrastructure Improvement Act (WIIA) and Intermunicipal Water Infrastructure Grant (IMG) to fund a portion of the costs for ~~the following~~ water quality infrastructure projects that focus on improving water quality and protecting public health:

Project	Total Project Cost	State Funding Request	Agency Source	City Match
Lead Service Line Replacement	\$1,100,000	\$660,000	WIIA	\$440,000
Water Main Renewal Project—Extensions & Improvements	\$3,400,000	\$2,040,000	WIIA	\$1,360,000
Water Main Replacement Project—Scottsville Road	\$1,253,000	\$751,800	WIIA	\$501,200
Cathodic Protection of Water Transmission Conduits	\$2,600,000	\$1,560,000	WIIA / IMG	\$1,040,000

Section 2. The WIIA and IMG funds, if granted, shall be used to fund a portion of the following water quality infrastructure projects: Lead Service Line Replacement Project with a total project cost of \$1,100,000, a State funding request of \$660,000 in WIIA funds and a City match of \$440,000; Water Main Renewal Project – Extensions and Improvements with a total project cost of \$3,400,000, a State funding request of \$2,040,000 in WIIA funds and a City match of \$1,360,000; Water Main Replacement Project – Scottsville Road with a total project cost of \$1,253,000, a State funding request of \$751,800 in WIIA funds and a City match of \$501,200; and the Cathodic Protection of Water Transmission Conduits Project with a total project cost of \$2,600,000, a State funding request of \$1,560,000 in WIIA and/or IMG funds, and a City Match of \$1,040,000.

Section ~~23~~. If State funding is awarded, the City match amounts will be funded from the 18-19 Capital Improvement Plan and from future Capital Improvement Plans, contingent upon their approval.

Section ~~34~~. The applications and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section ~~45~~. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



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Rochester, N.Y., _____

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Ordinance No. 2018-199

Authorizing an amendatory service agreement with the New York State Department of Environmental Conservation for maintaining Hemlock-Canadice State Forest property

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory service agreement with the New York State Department of Environmental Conservation to compensate the City for maintenance activities performed within the Hemlock-Canadice State Forest property. The amendatory agreement shall increase the maximum compensation of the agreement originally authorized in Ordinance No. 2015-401 by \$231,000 to a new total of \$331,000 and shall extend the term one additional year to a total of 4 years.

Section 2. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



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Rochester, N.Y., _____

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Ordinance No. 2018-199

Authorizing an amendatory service agreement with the New York State Department of Environmental Conservation for maintaining Hemlock-Canadice State Forest property

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory service agreement with the New York State Department of Environmental Conservation to compensate the City for maintenance activities performed within the Hemlock-Canadice State Forest property. The amendatory agreement shall increase the maximum compensation of the agreement originally authorized in Ordinance No. 2015-401 by \$231,000 to a new total of \$331,000 and shall extend the term one additional year to a total of 4 years.

Section 2. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



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Rochester, N.Y., _____

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Ordinance No. 2018-199

Authorizing an amendatory service agreement with the New York State Department of Environmental Conservation for maintaining Hemlock-Canadice State Forest property

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory service agreement with the New York State Department of Environmental Conservation to compensate the City for maintenance activities performed within the Hemlock-Canadice State Forest property. The amendatory agreement shall increase the maximum compensation of the agreement originally authorized in Ordinance No. 2015-401 by \$231,000 to a new total of \$331,000 and shall extend the term one additional year to a total of 4 years.

Section 2. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



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Rochester, N.Y., _____

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I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-200

Authorizing an agreement with the Town of Lima Water District 2 and the Village of Lima for the purchase of water and amending the Municipal Code with respect to wholesale water rates

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Village of Lima (the Village) and the Town of Lima Water District 2 (the District) for the purchase of water from the City of Rochester. The Village and District may purchase a maximum quantity of 275,000 gallons of water per day. The term of the agreement shall be 20 years.

Section 2. The initial tiered rate structure shall be as follows: \$2.23 per 1,000 gallons, up to 8 million gallons per month; \$2.82 per 1,000 gallons, between 8 million gallons and 10.5 million gallons per month; and \$3.77 per 1,000 gallons in excess of 10.5 million gallons per month. The rate shall be adjusted annually on July 1 based on the City's cost to purchase water from the Monroe County Water Authority.

Section 3. Effective July 1, 2018, Chapter 23, Section 37 of the Municipal Code relating to water fees, as amended, is hereby further amended by amending subsection F(9) thereof to read in its entirety as follows:

(9) Wholesale rate: \$1.68 per 1,000 gallons for water drawn from a City water main connection for Water Districts 1 ~~and 2~~ of the Town of Lima ~~and the Village of Lima~~.

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



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Rochester, N.Y., _____

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Ordinance No. 2018-201

Authorizing an agreement with the Rochester Housing Authority for commercial refuse and recycling services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Housing Authority whereby the City will collect and dispose of solid waste and recyclable materials generated at Rochester Housing Authority facilities for one year, with options to renew for up to five additional one-year extensions.

Section 2. The agreement shall obligate the Rochester Housing Authority to pay to the City the standard rates applicable at the time of service.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-202

Authorizing an intermunicipal agreement for the fueling of vehicles

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Marshals Service for the fueling of its vehicles. The agreement shall have a term of three years with two one-year renewal options. The agreement shall obligate the Marshals Service to reimburse the City for the actual cost of the fuel and pay an administrative and service charge of \$.15 per gallon.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest _____

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-203

Authorizing an agreement relating to the ARTWalk Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with ARTWalk of Rochester, Inc. to provide services relating to the repair, installation of art features and youth outreach for the ARTWalk Project in the City's Neighborhood of the Arts. The agreement shall have a term of two years with an option to extend for 2 additional years. The total maximum compensation for the agreement shall be \$75,000, which shall be funded from Prior Years' Cash Capital.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-204

Appropriating funds from the Rochester Pure Waters District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The receipt and use of the sum of \$500,000 in anticipated reimbursements from the Rochester Pure Waters District that are provided pursuant to the agreement authorized by Ordinance No. 2010-438 is hereby authorized and appropriated to fund eligible portions of sewer costs incurred on the Inner Loop project.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-205

Authorizing an amendatory agreement with Stantec Consulting Services Inc. for the Joseph A. Floreano Rochester Riverside Convention Center River Terrace Repairs Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Stantec Consulting Services Inc. to provide additional engineering, design and project administration services for the Joseph A. Floreano Rochester Riverside Convention Center River Terrace Repairs Project. The amendatory agreement shall increase the maximum compensation of the agreement originally authorized in Ordinance No. 2017-40 by \$100,000 to a new total of \$730,000. Said amendatory amount shall be funded from 2015-16 Cash Capital.

Section 2. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-206

Amending Bond Ordinance No. 2017-41 to finance a portion of the costs of the Joseph A. Floreano Rochester Riverside Convention Center Terrace Repairs Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2017-41 authorizing the issuance of bonds to finance the Joseph A. Floreano Rochester Riverside Convention Center Terrace Repairs Project is hereby amended in its title and sections 1,2, 3 and 4 thereof as follows:

Bond Ordinance of the City of Rochester, New York authorizing the issuance of ~~\$2,440,000~~ \$2,954,000 Bonds of said City to finance a portion of the costs of the Joseph A. Floreano Rochester Riverside Convention Center Terrace Repairs Project

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the costs of structural inspection, engineering and repair, including waterproofing, replacement of railings, electrical upgrades, and installation of building façade lighting, on ~~of~~ the exterior terrace located at the City's Joseph A. Floreano Rochester Riverside Convention Center (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is ~~\$2,440,000~~ \$3,108,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of ~~\$2,440,000~~ \$2,954,000 bonds of the City to finance said appropriation and said amount is hereby appropriated therefor, the application of \$100,000 from 2015-16 Cash

Capital and \$54,000 from 2016-17 Cash Capital, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of ~~\$2,440,000~~ \$2,954,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of ~~\$2,440,000~~ \$2,954,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 12(a)(1) of the Law, is twenty five (25) years.

Section 2. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication..

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-207

Authorizing an agreement with Protectives, Inc., of Rochester, N.Y. for auxiliary services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Protectives, Inc., of Rochester, N.Y. (Protectives) to provide property protection, salvage and related services to the Fire Department. Said agreement shall be for a term of one year with the option to renew for up to two additional extensions of 1 year each. The maximum annual monetary compensation to the Protectives shall be \$55,000 for the first year, and, if extension options are exercised, \$56,000 for the second year and \$57,000 for the third year. The Fire Department shall also be obligated to pay for the costs of physical examinations and hepatitis B vaccinations for Protectives members. Said compensation and costs for the first year shall be funded from the 2018-19 Budget of the Fire Department, contingent on approval, and for second and third years, if any, from subsequent Budgets of the Fire Department, contingent upon approval of said budgets.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-208

Authorizing an agreement for the City of Rochester Emergency Management Plan

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Tetra Tech, Inc. for the development and revision of sections and annexes of the City's emergency plan. The term of the agreement shall be for one year with the option to renew for one additional year. The maximum compensation for the agreement shall be \$89,600 and said amount, or so much thereof as may be necessary, shall be funded from 2016 and 2017 State Homeland Security Program Grants authorized in Ordinance No. 2016-218 (\$40,000) and Ordinance No. 2017-248 (\$31,500), and the 2018 -19 Budget of the Fire Department (\$18,100), contingent upon approval.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-209

Appropriating funds and authorizing an agreement for veterinary services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$26,100 is hereby appropriated from the Animal Control Gifts Funds for veterinary services agreements.

Section 2. The Mayor is hereby authorized to enter into an agreement with Animal Hospital of Pittsford, P.C. for emergency veterinary services. The term of the agreement shall be July 1, 2018 to June 30, 2019. The maximum compensation for the agreement shall be \$6,000 and said amount, or so much thereof as may be necessary, shall be funded from \$4,000 from the 2018-19 Budget of the Police Department, contingent upon approval, and \$2,000 from the appropriation in Section 1.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-210

Authorizing an agreement for the Summer Literacy Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into a tripartite agreement with the Rochester Public Library and the Rochester City School District (RCSD) for the receipt and use of \$109,300 from RCSD for the summer literacy program to fund youth literacy aides at City R-centers and libraries. The term of the agreement shall not exceed one year.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-211

Appropriation for the 2018-19 Mural Arts Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$100,000 from the Job Creation/Youth Development allocation of the Consolidated Community Development Plan/2018-19 Annual Action Plan (Action Plan) is hereby appropriated for the 2018-19 Mural Arts Project, contingent upon adoption of the Action Plan.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-212

Amending Ordinance No. 2018-21

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2018-21, authorizing a grant agreement with the New York State Archives, is hereby amended in Sections 1 and 3 thereof to read in their entirety as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Archives for receipt and use of a Local Government Records Management Improvement Fund Disaster Recovery grant in the amount of up to \$5,5008,800. The term of the agreement is July 1, 2017 through June 30, 2018.

Section 3. Ordinance No. 2017-154, the 2017-18 Budget of the City of Rochester, is hereby amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by \$5,5008,800 to reflect the receipt of the funds authorized herein and said funds are hereby appropriated to the Program.

Section 2. This Ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-213

Authorizing an agreement with the Rochester City School District related to School Resource Officers

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District (RCSD) to provide sworn City of Rochester Police Officers to serve as School Resource Officers at RCSD facilities and for the receipt and use of funds in an amount not to exceed \$1,453,928 from the RCSD as partial reimbursement for the City's cost of providing the officers.

Section 2. The term of said agreement shall extend from July 1, 2018, through June 30, 2019.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-214

Authorizing an agreement with the Rochester Philharmonic Orchestra for music performances

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement in the maximum amount of \$70,000 with the Rochester Philharmonic Orchestra to provide music performances. Said amount shall be funded from the 2018-19 Budget of the Bureau of Communications, contingent upon approval. The agreement shall have a term of one year.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-215

Authorizing an agreement for the 2018 KeyBank Rochester Fringe Festival

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement in the maximum amount of \$37,500 with Rochester Fringe Festival, Inc. to provide programming for the 2018 KeyBank Rochester Fringe Festival. Said amount shall be funded from the 2018-19 Budget of the Bureau of Communications, contingent upon approval thereof. The term of the agreement shall be one year.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest _____

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-216

Authorizing an agreement for the 2018 Puerto Rican Festival

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement in the maximum amount of \$40,000 with Puerto Rican Festival, Inc. for the 2018 Puerto Rican Festival. Said amount shall be funded from the 2018-19 Budget of the Bureau of Communications, contingent upon approval. The term of the agreement shall be one year.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest _____

City Clerk



City of Rochester

City Clerks Office

Certified Local Law

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of a local law which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 28, 2018** in accordance with the applicable provisions of law.

Local Law No. 4

Local law amending the City Charter with respect to the abatement of nuisances, as amended

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled “An Act Constituting the Charter of the City of Rochester”, as amended, is hereby further amended by repealing Section 3-15, Abatement of nuisances.

Section 2. Chapter 755 of the Laws of 1907, entitled “An Act Constituting the Charter of the City of Rochester”, as amended, is hereby further amended by adding to the end of Article X, Department of Neighborhood and Business Development, the following new section:

§ 10-12. Abatement of nuisances.

A. Declaration of legislative findings. The Council finds that public nuisances exist in the City of Rochester in the operation of certain establishments and the use of property in flagrant violation of certain Penal Law and Municipal Code provisions, which nuisances substantially and seriously interfere with the interest of the public in the quality of life and total community environment, commerce in the City, property values and the public health, safety and welfare. The Council further finds that the continued occurrence of such activities and violations is detrimental to the health, safety and welfare of the people of the City of Rochester and of the businesses thereof and the visitors thereto. It is the purpose of the Council to establish a means to remedy these public nuisances, which shall be in addition to the use of procedures and remedies available under other laws. The Council further finds that the remedies that may be implemented pursuant to this law are reasonable and necessary in order to protect the health and safety of the people of the

City and to promote the general welfare. The Council finds that it is the public policy of the City of Rochester to ensure that, in an emergency, all crime victims, including victims of domestic violence, dating violence, stalking, or sexual abuse ~~in an emergency~~, are able to contact police or emergency assistance without penalty under this ordinance. The Council further finds that this law is not intended to sanction, penalize or displace victims of triggering enumerated crimes or violations that are deemed public nuisances pursuant to this City Charter Section; accordingly points, sanctions and penalties assessed hereunder shall not be applied against the premises where an owner, lessor, lessee, mortgagee or any other person in possession or having charge of as agent or otherwise, or having any interest in the property, real or personal was a victim of the enumerated crime or violation triggering the public nuisance incident.

B. Public nuisances defined. For purposes of this Section, a public nuisance shall be deemed to exist whenever through violations of any of the following provisions resulting from separate incidents at a building, erection or place, or immediately adjacent to the building, erection or place as a result of the operation of the business, 12 or more points are accumulated within a period of six months, or 18 or more points within a period of 12 months, in accordance with the following point system. Where more than one violation occurs during a single incident, the total points for the incident shall be the highest point value assigned to any single violation. Such violations shall be proven by a preponderance of evidence, as set forth in subsection F below, before the imposition of any remedy to abate the nuisance.

(1) The following violations shall be assigned a point value of ten points:

- (a) Article 265 of the Penal Law — Firearms and Other Dangerous Weapons.
- (b) Section 47-5 of the Code of the City of Rochester — Firearms, shotguns, rifles and other dangerous weapons.
- (c) Sections and subsections 220.06(1), 220.16(1), 220.16(2), 220.16(3), 220.16(4), 220.16(5), 220.16(6), 220.16(7), 220.28, 220.31, 220.34, 220.39, 220.41, 220.43, 220.44 and 220.65 of the Penal Law — Offenses Involving the Sale or Intent to Sell Controlled Substances
- (d) Sections 221.35, 221.40, 221.45, 221.50 and 221.55 of the Penal Law — Offenses Involving the Sale of Marihuana.

(2) The following violations shall be assigned a point value of six points:

- (a) Sections and subsections 220.03, 220.06(2), (3), (4), (5), (6), (7), and (8), 220.09, 220.16(8), (9), (10), (11), (12), and (13), 220.18, 220.21, 220.25, 220.45, 220.46, 220.50, 220.55, 220.60, 220.70, 220.71, 220.72, 220.73, 220.74, 220.75 and 220.76 of the Penal Law — Controlled Substance Offenses Not Involving the Sale or Intent to Sell.
- (b) Sections ~~221.05, 221.10, 221.15~~, 221.20, 221.25 and 221.30 of the Penal Law — Marihuana Offenses Not Involving Sale.
- (c) Article 225 of the Penal Law — Gambling Offenses.

- (d) Article 230 of the Penal Law — Prostitution Offenses.
- (e) Sections and subsections 165.15(4), (6), (7), and (8), 165.40, 165.45, 165.50, 165.52, 165.54, 165.71, 165.72, and 165.73 of the Penal Law — Criminal Possession of Stolen Property.
- (f) The Alcoholic Beverage Control Law.
- (g) Sections 260.20 and 260.21 of the Penal Law — Unlawfully Dealing with a Child.
- (h) Possession, use, sale or offer for sale of any alcoholic beverage in violation of Article 18 of the Tax Law, or of any cigarette or tobacco products in violation or Article 20 of the Tax Law.
- (i) Article 178 of the Penal Law — Criminal Diversion of Prescription Medications and Prescriptions.
- (j) Section 147 of the Social Services Law — Food stamp program fraud.
- (k) Section 3383 of the Public Health Law — Imitation controlled substances.
- (l) Operating a premises without the requisite business permit in violation of § 90-33 of the City's Municipal Code.
- (m) Sections 240.36 and 240.37 of the Penal Law — Loitering in the First Degree and Loitering for the Purpose of Engaging in a Prostitution Offense.
- (n) Section 2024 of Title 7 of the United States Code — Supplemental Nutrition Assistance Program.
- (o) Suffering or permitting the premises to become disorderly, including suffering or permitting fighting.
- (p) Chapter 75 of the City's Municipal Code— Noise.
- (q) Chapter 29 of the City's Municipal Code— Amusements.
- (r) Chapter 66 of the City's Municipal Code — Junkyard Operators, Junk Dealers and Scrap Processors.
- (s) Sections of the New York State Uniform Fire Prevention and Building Code and Chapter 54 of the City's Municipal Code, as applied to places of assembly and other non-residential structures and uses, concerning occupancy requirements, capacity of means of egress and fire protection systems.

- (t) Chapter 569, Article 7 (Service Food Establishments) and Article 8 (Food and Food Establishments) of the Laws of the County of Monroe — Sanitary Code.
- (3) It shall be the responsibility of the City department or bureau with primary enforcement responsibility for each of the above-listed violations, including but not limited to the Rochester Police Department, Rochester Fire Department, Bureau of Buildings and Zoning code enforcement officers employed in the Department of Neighborhood and Business Development, and code enforcement inspectors and Bureau of Operations supervisors employed in the Department of Environmental Services, to expeditiously notify the Administrator of the Neighborhood Service Center for that portion of the City in which the subject building, erection or place is located (hereinafter, the “NSC Administrator”) of a nuisance point violation and to provide to the NSC Administrator all supporting documentation of the violation, including copies of tickets and/or arrest paperwork.
- (4) With regard to a residential property, no points, sanctions and penalties assessed under this ordinance shall be applied against the premises where an owner, lessor, lessee, mortgagee or any other person in possession or having charge of as agent or otherwise, or having any interest in the property, real or personal was a victim of the enumerated crime or violation triggering the public nuisance incident, including a victim of domestic violence, dating violence, stalking, or sexual abuse.

C. Notice of Nuisance Points.

- (1) Written Notice of Nuisance Points.
- a. Any time one of the above-identified violations occurs, the NSC Administrator, or another City employee as may be designated by the Commissioner of Neighborhood and Business Development, shall, within fifteen ~~calendar~~ business days from the date of the violation, send a notice of nuisance points to the owner of the building, erection or place. The notice shall be sent by first class mail with delivery confirmation, and shall identify the violation and the number of points assessed against the property.
- i. In calculating business days, weekends shall not be counted, nor shall any of the following City holidays: New Year’s Day; Martin Luther King Jr. Day; Presidents’ Day; Good Friday; Memorial day; Independence Day; Labor Day; Columbus Day; Veterans’ Day; Thanksgiving Day; Christmas Day.
- b. The NSC Director shall adopt a standard Notice of Nuisance Points letter to be used by every Neighborhood Service Center (“NSC”). The letter shall set forth the address where the nuisance activity took place, the specific violation, the date and time of the violation, and the number of points being assessed as a result of the violation. The letter

will also set forth the total points accrued against the property during the preceding 12 months, inclusive of those that are the subject of the notice. The letter shall be signed by the NSC Administrator or, in the NSC Administrator's absence, by his or her designee.

- c. If, at the time the Notice of Nuisance Points letter is sent, the total number of nuisance points then accrued is less than that which would be deemed a public nuisance under this Section, the notice letter shall include the following language: "If the conduct giving rise to this violation is not abated and recurs, your property is in jeopardy of being deemed a public nuisance pursuant to City Charter § 10-12B, which could result in the closure of your property. You are encouraged to contact the Neighborhood Service Center at [PHONE NUMBER] to arrange a meeting to discuss this violation and a means to prevent a nuisance from developing."

(2) Posting of Nuisance Points on Certain Residential Properties.

- a. Where the building, erection or place that is the subject of the nuisance points is a residential property or contains any residential units, and is not solely owner-occupied, the NSC Administrator shall cause a Posting of Nuisance Points to be physically posted upon the building, erection or place within the same time period set forth in subsection C(1)(a) for the sending of a notice of nuisance points to the owner of the building, erection or place.
- b. The NSC Director shall adopt a standard Posting of Nuisance Points form that shall prominently display the violation, date of incident giving rise to violation, number of points assigned for the violation and total number of points then pending against the property.

~~(2)~~(3) Waiver of Nuisance Points.

- a. Eligibility:
 - i. To be eligible for a waiver of nuisance points, no nuisance points shall have been assessed against a property during the preceding twelve months.
 - ii. A property is eligible for the waiver of nuisance points no more than one time in any twelve-month period.
 - iii. Points resulting from the following violations are not eligible for waiver:

1. Article 265 of the Penal Law — Firearms and Other Dangerous Weapons.
2. Section 47-5 of the City's Municipal Code — Firearms, shotguns, rifles and other dangerous weapons.
3. Sections of the New York State Uniform Fire Prevention and Building Code and Chapter 54 of the City's Municipal Code concerning occupancy requirements.
4. Sections 260.20 and 260.21 of the Penal Law — Unlawfully Dealing with a Child.

b. Waiver of Nuisance Points Letter.

- i. If a property to be assessed nuisance points is eligible for a waiver, then the NSC Administrator shall send, in the same mailing as the Notice of Nuisance Points Letter, a Waiver of Nuisance Points Letter.
- ii. The NSC Director shall adopt a standard Waiver of Nuisance Points letter to be used by every NSC. The Waiver of Nuisance Points letter shall inform the owner that his/her property is eligible for waiver of nuisance points, and shall direct the owner to contact the NSC within ten ~~calendar days~~ business days (as defined above in subsection C(1)(a)(i)) of the date of the Waiver of Nuisance Points Letter to schedule a waiver meeting to discuss and implement an abatement plan.

c. Abatement Plan and Waiver.

- i. If the owner timely requests and attends the waiver meeting, the owner and NSC Administrator shall negotiate in good faith to develop an appropriate written plan to abate the nuisance. If their effort succeeds, the plan shall be dated, signed by the owner and by the NSC Administrator, and shall be kept on file at the NSC. A copy of the abatement plan shall be provided to the owner.
- ii. If the owner abides by the abatement plan and no new nuisance activity occurs within the six months following the date of the

abatement plan, the points that are subject to waiver shall be cancelled as if they had never existed on the property.

- d. Records of Abatement Plans and Waivers. Each NSC shall maintain ~~for a minimum of two years~~ records of abatement plans established and waivers issued for each property in accordance with City records retention policies and applicable law.

~~(3)~~(4) Nuisance Points Advisory Board.

- a. Composition. There shall be a nine-member Nuisance Points Advisory Board (“Advisory Board”) appointed by the Mayor, comprising one resident and one business owner each from the Northeast District, East District, South District and Northwest District as such districts are defined by City Charter § 5-3, and one resident from the Center City District as that district is defined by City Zoning Code § 120-166B. The members shall not be City officers or employees at the time of their appointments. Board members shall serve a term of two years. Any member may be reappointed and, after the expiration of his or her term, each member shall hold over until a successor is appointed, if necessary. The board may appoint a Chairperson from among its members.
- b. Advisory Board Review.
 - i. Notice of Potential Nuisance.
 - 1. Where a violation takes place at a building, erection or place such that assessment of points for that violation would result in the building, erection or place being deemed a public nuisance pursuant to this Section, the NSC Administrator shall give notice of the violation to the owner, the impending assessment of points, and the fact that, upon assessment of the points, the building, erection or place will be deemed a public nuisance that is subject to the imposition of abatement actions pursuant to this Section. This Notice of Potential Nuisance shall be sent to the owner within fifteen ~~calendar days~~ business days (as defined above in subsection C(1)(a)(i)) of the violation in the same manner as a Notice of Nuisance Points.
 - 2. The NSC Director shall adopt a standard Notice of Potential Nuisance letter to be used by every NSC. The

Notice of Potential Nuisance shall inform the owner that he or she may, within ten ~~calendar days~~ business days (as defined above in subsection C(1)(a)(i)) of the date of the Notice, contact the NSC to request that the Advisory Board review the most recent violation and the points to be assessed therefor.

- ii. Review by Advisory Board. If a review is requested by an owner, the NSC Administrator shall submit to the Advisory Board a package containing all relevant reports upon which the potential assessment of nuisance points is based. The board shall review the package and any written submissions by the owner, and may allow the owner and any witnesses to offer oral statements, within a time limit to be set by the board, which time shall not exceed 30 minutes, as to why the points should not be assessed. An Advisory Board member shall not participate in any review proceeding with regard to any place that is located within a radius of 500 feet from the member's residence or with regard to which the member possesses an operational or ownership interest. The board shall review all submissions and explanations and submit a written recommendation to the NSC Administrator concerning issuance of the nuisance points. A copy of this written recommendation shall be sent by the board to the owner by first class mail with delivery confirmation. The board's function shall be advisory, and its recommendations shall not be construed to be a final decision.
 - iii. Final Determination by NSC Administrator. The NSC Administrator shall make a final determination as to the assessment of points within ten ~~calendar days~~ business days (as defined above in subsection C(1)(a)(i)) of the receipt of the recommendation of the Nuisance Points Advisory Board. The final determination shall be sent to the owner in the same manner as a Notice of Nuisance Points. A courtesy copy of the final determination shall be produced to the Advisory Board.
- c. Meetings. The Advisory Board shall meet at least once a month as long as matters are pending. A majority of the full board, of which no fewer than two are residents and two are business owners, shall constitute a quorum and shall be necessary to make a recommendation on proposed nuisance points. The board shall maintain an orderly set of records, including minutes of its meetings. The Commissioner of Neighborhood and Business Development shall provide staff support to the board, and members of the Police

Department and Law Department may also advise the board and attend board meetings.

- d. Bylaws. The Advisory Board shall prepare and adopt bylaws from time to time outlining meeting times and related procedures. The bylaws shall be submitted to the NSC Director for review and acceptance.

~~(4)~~(5) Notice of Abatement Meeting. Where a building, erection or place accrues points sufficient to be deemed a public nuisance pursuant to City Charter §10-12B, the NSC Administrator shall schedule a meeting with the building owner or the owner's authorized representative (hereinafter collectively "owner") to devise a plan to abate the nuisance. The owner shall be notified by letter of the date, time and location of the meeting. The owner shall also be notified that if he or she fails to attend the meeting, the City may immediately proceed with an administrative abatement proceeding or civil action to abate the nuisance. The NSC Director shall adopt a standard Notice of Abatement Meeting letter to be used by every NSC, which shall be sent to the owner in the same fashion as a Notice of Nuisance Points. The owner shall be allowed to adjourn and reschedule the abatement meeting no more than one time and to a date no more than fourteen ~~calendar days~~ business days (as defined above in subsection C(1)(a)(i)) after the original scheduled date.

~~(5)~~(6) Abatement Plan. If the owner attends the Abatement Meeting, he or she shall negotiate in good faith with the NSC Administrator to devise an abatement plan intended to remedy the nuisance activity. If they succeed and the owner signs a commitment to perform the agreed upon abatement plan, the City will not advance with an administrative proceeding or civil action to abate the nuisance for so long as the owner abides by the plan.

D. Concurrent Adjudication by Municipal Code Violations Bureau.

- (1) Where the NSC Administrator assesses nuisance points based upon a violation of the Rochester City Code for which a Municipal Code Violations Bureau ticket is issued, the Administrator shall request in writing that the Municipal Code Violations Bureau provide to the NSC Administrator notice of the ultimate ticket disposition.
- (2) Where the Municipal Code Violations Bureau ticket disposition indicates a dismissal on the merits, the NSC Administrator shall cancel the nuisance points stemming from the underlying violation and shall notify the owner of the same.

E. Powers of the Commissioner with Respect to Public Nuisances. In addition to the enforcement procedures established elsewhere, the Commissioner of Neighborhood and Business Development, shall be authorized:

- (1) To order the closing of the building, erection or place to the extent necessary to abate the nuisance but in no event for a period longer than one year; or
- (2) To suspend for a period not to exceed six months or revoke for a period of one year a business permit issued for such premises, and to prevent the operator from obtaining a new business permit for another location for the period of suspension or revocation; or
- (3) To suspend for a period not to exceed six months or revoke for a period of one year any occupational license or permit issued by the City related to the conduct of a business or trade at the premises, which suspension or revocation may also apply to any other locations operated by the holder for which the license or permit is required; or
- (4) To suspend for a period not to exceed six months or revoke for a period of one year eligibility to secure grants or loans from the City of Rochester; or
- (5) Any combination of the above; or
- (6) Any other remedy rationally related to the nuisance to be abated and otherwise within the authority of the Commissioner.

F. Adjudication Procedure. Where a public nuisance is deemed to exist pursuant to Subsection B of this Section, and the owner of the property fails to attend the Abatement Meeting or fails to accept and abide by an abatement plan, the Commissioner of Neighborhood and Business Development, or his or her designee, shall notify the Corporation Counsel for the City of Rochester of the nuisance activity and recommend a remedy or remedies pursuant to Subsection E of this Section to abate the nuisance. The Corporation Counsel shall decide whether to implement the remedy by means of either an administrative abatement proceeding as described below or through a civil action as authorized by City Charter § 9-21.

(1) Administrative Abatement Proceeding

- a. Notice of Abatement Hearing. The Corporation Counsel shall establish a date for a hearing at which it will be determined whether a public nuisance exists and evidence will be presented as to the remedy appropriate to abate the public nuisance. A Notice of Hearing shall be provided to the owner, lessor, lessee and mortgagee of the building, erection or place wherein the public nuisance is being conducted, maintained or permitted. The Notice of Hearing shall contain the following:

- i. The name of the owner.
 - ii. A description of the premises, including the street address.
 - iii. A statement of each and every incident during the relevant period giving rise to nuisance points, and a description of the remedy or remedies proposed to abate the public nuisance.
 - iv. The date, time and location of the hearing.
 - v. A statement that the failure to attend the hearing may constitute a default, which could result in the closure of the building, erection or place, the suspension or revocation of the owner's relevant business or occupational licenses, and/or the suspension or revocation of City grants or loans.
 - vi. A statement that no points shall be assessed against the building, erection or place for an enumerated crime or violation for which it is demonstrated that an owner, lessor, lessee, mortgagee or any other person in possession or having charge of as agent or otherwise, or having any interest in the property, real or personal was a victim, including a victim of domestic violence, dating violence, stalking, or sexual abuse.
- b. Service of Notice. The Notice of Hearing, along with a copy of the text of this Section, shall be served upon the owner, lessee and mortgagee at least thirty calendar days before the scheduled hearing, in the following manner:
- i. Owner: The owner shall be served in accordance with Article 3 of the Civil Practice Law and Rules or by means of first-class mail with delivery confirmation sent to the owner's address as it is maintained on record with the City Treasurer pursuant to City Charter §§ 6-118 and 6-119. If served by mail, service shall be deemed to be complete upon mailing. In no event shall it be necessary to file proof of service with the clerk of any court before the hearing.
 - ii. Lessee: Each lessee shall be served in accordance with Real Property Actions and Proceedings Law § 735, except it shall not be necessary to file proof of service with the clerk of any court before the hearing.

- iii. Mortgagee: A mortgagee shall be served by means of first-class mail with delivery confirmation sent to the mortgagee's last known address as shown in the property records, Service shall be complete upon mailing, and there shall be no requirement to file proof of service with the clerk of any court before the hearing.
- c. Posting of Notice of Hearing: A copy of the Notice of Hearing shall be posted on the premises at least thirty calendar days before the hearing. Mutilation or removal of the posted notice of hearing shall be punishable by a fine of not more than \$250 provided that the posted notice contains therein a notice of such penalty.
- d. Hearing procedure.
 - i. The hearing shall be conducted by an independent hearing officer appointed by the Corporation Counsel. The owner and other interested parties may be represented at the hearing by counsel. The owner and other interested parties may present evidence and call witnesses on their behalf, and may cross-examine any witnesses that testify for the City. The rules of evidence prevailing in a court of record shall not be controlling in abatement hearings. The Mayor and/or the Corporation Counsel are authorized to develop and implement other rules and regulations concerning the procedures for the abatement hearing not inconsistent with the rules here stated. Any such other rules and regulations shall be reduced to writing and shall be served on all parties along with the Notice of Hearing.
 - ii. For purposes of this Section, a conviction by a court of competent jurisdiction or an administrative bureau of the violation or crime that gives rise to the assessment of nuisance points shall not be required. Instead, to assess the points, the City shall be required to prove by a preponderance of the evidence that each element of the charged offense has occurred. However, a conviction as defined and applied in accordance with the provisions of Section 1.20 of the Criminal Procedure Law, in any court of competent jurisdiction, or a conviction or plea of guilty in the Municipal Code Violations Bureau, shall constitute conclusive proof of a point-assessable crime or violation under this Section.
 - iii. Defense of Innocence. An innocent party's interest in property shall not be forfeited. The party claiming innocence shall have the burden of proving innocence by a preponderance of the evidence.

Such innocence may be demonstrated by proof that the party (i) did not know of the conduct giving rise to nuisance; or (ii) upon learning of the conduct giving rise to the nuisance, did all that reasonably could be expected under the circumstances to terminate such use of the property. For the purposes of this subsection, ways in which a person may show that he or she did all that reasonably could be expected may include demonstrating that such person, to the extent permitted by law, (a) gave timely notice to an appropriate law enforcement agency of information that led the person to know that nuisance activity was occurring or would occur, and (b) in a timely fashion revoked or made a good faith attempt to revoke permission for those engaging in such nuisance activity to use the property. However, a person shall not be required by this subparagraph to take steps that the person reasonably believes would be likely to subject any person to physical danger. Even where a party with an interest in the property establishes his or her innocence in accordance with this subsection, still the City may impose any reasonable and legally permissible remedy to abate the nuisance so long as it does not infringe upon the innocent party's interest in the property.

- iv. Defense of Victims. In accordance with the public policy and findings calling for the protection of victims of crimes and violations in Subdivision A of this Section, a party shall be entitled to testify or present other evidence in support of a claim that nuisance points should not be assessed for a specified violation or crime wherein an owner, lessor, lessee, mortgagee or any other person in possession or having charge of as agent or otherwise, or having any interest in the property, real or personal was a victim of the enumerated violation or crime that triggered the assessment of nuisance points. The party claiming the victim defense shall have the burden of proving its factual elements by a preponderance of the evidence in order to be entitled to the removal of assessed nuisance points.
- e. Hearing Officer Report and Recommendation. Within fourteen ~~calendar~~ business days (as defined above in subsection C(1)(a)(i)) after the conclusion of the hearing, the hearing officer shall render a written report and recommendation to the Commissioner of Neighborhood and Business Development, which shall set forth factual findings based upon evidence in the record and shall state whether a public nuisance was proven by a preponderance of the evidence. In the event that a public nuisance is so proven, the hearing officer shall also render a written recommendation as to the remedy to be imposed to abate the public nuisance. The hearing

officer's written recommendation shall be served upon all interested parties in the same manner as the original Notice of Hearing.

- f. Final Determination. Within seven ~~calendar days~~ business days (as defined above in subsection C(1)(a)(i)) days after receipt of the hearing officer's report and recommendation, the Commissioner of Neighborhood and Business Development shall issue a final determination either accepting, modifying, or rejecting the hearing officer's report and recommendation. If the Commissioner determines that there is a public nuisance, based on either the recommendation of the hearing officer or the Commissioner's own assessment of the hearing record, the final determination shall articulate the remedy to be imposed and set forth a reasonable manner in which the remedy elected is expected to abate the public nuisance. No remedy shall be imposed that goes beyond the remedy or remedies previously specified in the Notice of Hearing. The final determination shall be served on all interested parties in the same manner as the Notice of Hearing. A copy of the final determination shall also be posted at the building, erection or place where a public nuisance exists or is occurring in violation of law.
- g. Closure. Where the final determination orders the closure of a building, erection or place, the closure shall become effective thirty calendar days after the posting of the final determination upon the building, erection or place, and may after that time be enforced by the Rochester Police Department. The effective date shall be specified in the final determination.
 - i. In no event shall any closing ordered under this Section be for a period of more than one year from the issuance of the Commissioner's final determination.
 - ii. A closing directed by the Commissioner pursuant to this Section shall not be deemed to constitute an act of possession, ownership or control by the City of the closed premises.
 - iii. It shall be a violation of this Section for any person to permit any other person to use or occupy any building, erection or place, or portion thereof, ordered closed by the Commissioner. Such a violation or mutilation or removal of a posted order of the Commissioner designee shall be punishable by a fine of not more than \$250 or by imprisonment not exceeding fifteen calendar days, or both, provided such posted order contains therein a notice of such penalty.

G. Additional Provisions

- (1) The Mayor, Commissioner of Neighborhood and Business Development (“Commissioner”) or NSC Director may promulgate rules, regulations, policies and procedures to carry out and give full effect to the provisions of this Section. Any such rules, regulations, policies and procedures shall be filed with the City Clerk.
- (2) The Commissioner or NSC Director shall implement a training program for NSC employees involved in the enforcement of this Section and for other City employees as needed.
- (3) If any provision of this Section or the application thereof to any person or circumstances is held invalid, the remainder of this Section and the application of such provisions to other persons and circumstances shall not be rendered invalid thereby.
- (4) The Commissioner shall prepare ~~an annual~~ quarterly reports to be submitted to City Council summarizing the actions taken under this Section and indicating the results of such action.

Section 3. This local law shall take effect upon the latter of either: a) its filing in the Office of the Secretary of State as provided by Section 27 of the NYS Municipal Home Rule Law, or b) July 1, 2018.

Strikeout indicates deleted text, new text is underlined.

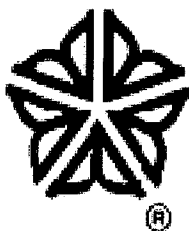
Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Lightfoot, McFadden, Patterson—6.

Nays -Councilmembers Gruber, Ortiz, Spaul - 3.

Attest

City Clerk



City of Rochester

City Clerks Office

Certified Local Law

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of a local law which was duly passed by the Council of the City of Rochester on **June 19, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 28, 2018** in accordance with the applicable provisions of law.

Local Law No. 4

Local law amending the City Charter with respect to the abatement of nuisances, as amended

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by repealing Section 3-15, Abatement of nuisances.

Section 2. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by adding to the end of Article X, Department of Neighborhood and Business Development, the following new section:

§ 10-12. Abatement of nuisances.

A. Declaration of legislative findings. The Council finds that public nuisances exist in the City of Rochester in the operation of certain establishments and the use of property in flagrant violation of certain Penal Law and Municipal Code provisions, which nuisances substantially and seriously interfere with the interest of the public in the quality of life and total community environment, commerce in the City, property values and the public health, safety and welfare. The Council further finds that the continued occurrence of such activities and violations is detrimental to the health, safety and welfare of the people of the City of Rochester and of the businesses thereof and the visitors thereto. It is the purpose of the Council to establish a means to remedy these public nuisances, which shall be in addition to the use of procedures and remedies available under other laws. The Council further finds that the remedies that may be implemented pursuant to this law are reasonable and necessary in order to protect the health and safety of the people of the

City and to promote the general welfare. The Council finds that it is the public policy of the City of Rochester to ensure that, in an emergency, all crime victims, including victims of domestic violence, dating violence, stalking, or sexual abuse ~~in an emergency~~, are able to contact police or emergency assistance without penalty under this ordinance. The Council further finds that this law is not intended to sanction, penalize or displace victims of triggering enumerated crimes or violations that are deemed public nuisances pursuant to this City Charter Section; accordingly points, sanctions and penalties assessed hereunder shall not be applied against the premises where an owner, lessor, lessee, mortgagee or any other person in possession or having charge of as agent or otherwise, or having any interest in the property, real or personal was a victim of the enumerated crime or violation triggering the public nuisance incident.

B. Public nuisances defined. For purposes of this Section, a public nuisance shall be deemed to exist whenever through violations of any of the following provisions resulting from separate incidents at a building, erection or place, or immediately adjacent to the building, erection or place as a result of the operation of the business, 12 or more points are accumulated within a period of six months, or 18 or more points within a period of 12 months, in accordance with the following point system. Where more than one violation occurs during a single incident, the total points for the incident shall be the highest point value assigned to any single violation. Such violations shall be proven by a preponderance of evidence, as set forth in subsection F below, before the imposition of any remedy to abate the nuisance.

(1) The following violations shall be assigned a point value of ten points:

- (a) Article 265 of the Penal Law — Firearms and Other Dangerous Weapons.
- (b) Section 47-5 of the Code of the City of Rochester — Firearms, shotguns, rifles and other dangerous weapons.
- (c) Sections and subsections 220.06(1), 220.16(1), 220.16(2), 220.16(3), 220.16(4), 220.16(5), 220.16(6), 220.16(7), 220.28, 220.31, 220.34, 220.39, 220.41, 220.43, 220.44 and 220.65 of the Penal Law — Offenses Involving the Sale or Intent to Sell Controlled Substances
- (d) Sections 221.35, 221.40, 221.45, 221.50 and 221.55 off the Penal Law — Offenses Involving the Sale of Marihuana.

(2) The following violations shall be assigned a point value of six points:

- (a) Sections and subsections 220.03, 220.06(2), (3), (4), (5), (6), (7), and (8), 220.09, 220.16(8), (9), (10), (11), (12), and (13), 220.18, 220.21, 220.25, 220.45, 220.46, 220.50, 220.55, 220.60, 220.70, 220.71, 220.72, 220.73, 220.74, 220.75 and 220.76 of the Penal Law — Controlled Substance Offenses Not Involving the Sale or Intent to Sell.
- (b) Sections ~~221.05, 221.10, 221.15~~, 221.20, 221.25 and 221.30 of the Penal Law — Marihuana Offenses Not Involving Sale.
- (c) Article 225 of the Penal Law — Gambling Offenses.

- (d) Article 230 of the Penal Law — Prostitution Offenses.
- (e) Sections and subsections 165.15(4), (6), (7), and (8), 165.40, 165.45, 165.50, 165.52, 165.54, 165.71, 165.72, and 165.73 of the Penal Law — Criminal Possession of Stolen Property.
- (f) The Alcoholic Beverage Control Law.
- (g) Sections 260.20 and 260.21 of the Penal Law — Unlawfully Dealing with a Child.
- (h) Possession, use, sale or offer for sale of any alcoholic beverage in violation of Article 18 of the Tax Law, or of any cigarette or tobacco products in violation of Article 20 of the Tax Law.
- (i) Article 178 of the Penal Law — Criminal Diversion of Prescription Medications and Prescriptions.
- (j) Section 147 of the Social Services Law — Food stamp program fraud.
- (k) Section 3383 of the Public Health Law — Imitation controlled substances.
- (l) Operating a premises without the requisite business permit in violation of § 90-33 of the City's Municipal Code.
- (m) Sections 240.36 and 240.37 of the Penal Law — Loitering in the First Degree and Loitering for the Purpose of Engaging in a Prostitution Offense.
- (n) Section 2024 of Title 7 of the United States Code — Supplemental Nutrition Assistance Program.
- (o) Suffering or permitting the premises to become disorderly, including suffering or permitting fighting.
- (p) Chapter 75 of the City's Municipal Code— Noise.
- (q) Chapter 29 of the City's Municipal Code— Amusements.
- (r) Chapter 66 of the City's Municipal Code — Junkyard Operators, Junk Dealers and Scrap Processors.
- (s) Sections of the New York State Uniform Fire Prevention and Building Code and Chapter 54 of the City's Municipal Code, as applied to places of assembly and other non-residential structures and uses, concerning occupancy requirements, capacity of means of egress and fire protection systems.

(t) Chapter 569, Article 7 (Service Food Establishments) and Article 8 (Food and Food Establishments) of the Laws of the County of Monroe — Sanitary Code.

- (3) It shall be the responsibility of the City department or bureau with primary enforcement responsibility for each of the above-listed violations, including but not limited to the Rochester Police Department, Rochester Fire Department, Bureau of Buildings and Zoning code enforcement officers employed in the Department of Neighborhood and Business Development, and code enforcement inspectors and Bureau of Operations supervisors employed in the Department of Environmental Services, to expeditiously notify the Administrator of the Neighborhood Service Center for that portion of the City in which the subject building, erection or place is located (hereinafter, the "NSC Administrator") of a nuisance point violation and to provide to the NSC Administrator all supporting documentation of the violation, including copies of tickets and/or arrest paperwork.
- (4) With regard to a residential property, no points, sanctions and penalties assessed under this ordinance shall be applied against the premises where an owner, lessor, lessee, mortgagee or any other person in possession or having charge of as agent or otherwise, or having any interest in the property, real or personal was a victim of the enumerated crime or violation triggering the public nuisance incident, including a victim of domestic violence, dating violence, stalking, or sexual abuse.

C. Notice of Nuisance Points.

(1) Written Notice of Nuisance Points.

- a. Any time one of the above-identified violations occurs, the NSC Administrator, or another City employee as may be designated by the Commissioner of Neighborhood and Business Development, shall, within ~~fifteen-calendar~~ business days from the date of the violation, send a notice of nuisance points to the owner of the building, erection or place. The notice shall be sent by first class mail with delivery confirmation, and shall identify the violation and the number of points assessed against the property.
- i. In calculating business days, weekends shall not be counted, nor shall any of the following City holidays: New Year's Day; Martin Luther King Jr. Day; Presidents' Day; Good Friday; Memorial day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day; Christmas Day.
- b. The NSC Director shall adopt a standard Notice of Nuisance Points letter to be used by every Neighborhood Service Center ("NSC"). The letter shall set forth the address where the nuisance activity took place, the specific violation, the date and time of the violation, and the number of points being assessed as a result of the violation. The letter

will also set forth the total points accrued against the property during the preceding 12 months, inclusive of those that are the subject of the notice. The letter shall be signed by the NSC Administrator or, in the NSC Administrator's absence, by his or her designee.

- c. If, at the time the Notice of Nuisance Points letter is sent, the total number of nuisance points then accrued is less than that which would be deemed a public nuisance under this Section, the notice letter shall include the following language: "If the conduct giving rise to this violation is not abated and recurs, your property is in jeopardy of being deemed a public nuisance pursuant to City Charter § 10-12B, which could result in the closure of your property. You are encouraged to contact the Neighborhood Service Center at [PHONE NUMBER] to arrange a meeting to discuss this violation and a means to prevent a nuisance from developing."

(2) Posting of Nuisance Points on Certain Residential Properties.

- a. Where the building, erection or place that is the subject of the nuisance points is a residential property or contains any residential units, and is not solely owner-occupied, the NSC Administrator shall cause a Posting of Nuisance Points to be physically posted upon the building, erection or place within the same time period set forth in subsection C(1)(a) for the sending of a notice of nuisance points to the owner of the building, erection or place.
- b. The NSC Director shall adopt a standard Posting of Nuisance Points form that shall prominently display the violation, date of incident giving rise to violation, number of points assigned for the violation and total number of points then pending against the property.

(2)(3) Waiver of Nuisance Points.

a. Eligibility:

- i. To be eligible for a waiver of nuisance points, no nuisance points shall have been assessed against a property during the preceding twelve months.
- ii. A property is eligible for the waiver of nuisance points no more than one time in any twelve-month period.
- iii. Points resulting from the following violations are not eligible for waiver:

1. Article 265 of the Penal Law — Firearms and Other Dangerous Weapons.
2. Section 47-5 of the City's Municipal Code — Firearms, shotguns, rifles and other dangerous weapons.
3. Sections of the New York State Uniform Fire Prevention and Building Code and Chapter 54 of the City's Municipal Code concerning occupancy requirements.
4. Sections 260.20 and 260.21 of the Penal Law — Unlawfully Dealing with a Child.

b. Waiver of Nuisance Points Letter.

- i. If a property to be assessed nuisance points is eligible for a waiver, then the NSC Administrator shall send, in the same mailing as the Notice of Nuisance Points Letter, a Waiver of Nuisance Points Letter.
- ii. The NSC Director shall adopt a standard Waiver of Nuisance Points letter to be used by every NSC. The Waiver of Nuisance Points letter shall inform the owner that his/her property is eligible for waiver of nuisance points, and shall direct the owner to contact the NSC within ten calendar days business days (as defined above in subsection C(1)(a)(i)) of the date of the Waiver of Nuisance Points Letter to schedule a waiver meeting to discuss and implement an abatement plan.

c. Abatement Plan and Waiver.

- i. If the owner timely requests and attends the waiver meeting, the owner and NSC Administrator shall negotiate in good faith to develop an appropriate written plan to abate the nuisance. If their effort succeeds, the plan shall be dated, signed by the owner and by the NSC Administrator, and shall be kept on file at the NSC. A copy of the abatement plan shall be provided to the owner.
- ii. If the owner abides by the abatement plan and no new nuisance activity occurs within the six months following the date of the

abatement plan, the points that are subject to waiver shall be cancelled as if they had never existed on the property.

- d. Records of Abatement Plans and Waivers. Each NSC shall maintain ~~for a minimum of two years~~ records of abatement plans established and waivers issued for each property in accordance with City records retention policies and applicable law.

~~(3)~~(4) Nuisance Points Advisory Board.

- a. Composition. There shall be a nine-member Nuisance Points Advisory Board ("Advisory Board") appointed by the Mayor, comprising one resident and one business owner each from the Northeast District, East District, South District and Northwest District as such districts are defined by City Charter § 5-3, and one resident from the Center City District as that district is defined by City Zoning Code § 120-166B. The members shall not be City officers or employees at the time of their appointments. Board members shall serve a term of two years. Any member may be reappointed and, after the expiration of his or her term, each member shall hold over until a successor is appointed, if necessary. The board may appoint a Chairperson from among its members.

- b. Advisory Board Review.

- i. Notice of Potential Nuisance.

- 1. Where a violation takes place at a building, erection or place such that assessment of points for that violation would result in the building, erection or place being deemed a public nuisance pursuant to this Section, the NSC Administrator shall give notice of the violation to the owner, the impending assessment of points, and the fact that, upon assessment of the points, the building, erection or place will be deemed a public nuisance that is subject to the imposition of abatement actions pursuant to this Section. This Notice of Potential Nuisance shall be sent to the owner within fifteen ~~calendar days~~ business days (as defined above in subsection C(1)(a)(i)) of the violation in the same manner as a Notice of Nuisance Points.
 - 2. The NSC Director shall adopt a standard Notice of Potential Nuisance letter to be used by every NSC. The

Notice of Potential Nuisance shall inform the owner that he or she may, within ten ~~calendar days~~ business days (as defined above in subsection C(1)(a)(i)) of the date of the Notice, contact the NSC to request that the Advisory Board review the most recent violation and the points to be assessed therefor.

- ii. Review by Advisory Board. If a review is requested by an owner, the NSC Administrator shall submit to the Advisory Board a package containing all relevant reports upon which the potential assessment of nuisance points is based. The board shall review the package and any written submissions by the owner, and may allow the owner and any witnesses to offer oral statements, within a time limit to be set by the board, which time shall not exceed 30 minutes, as to why the points should not be assessed. An Advisory Board member shall not participate in any review proceeding with regard to any place that is located within a radius of 500 feet from the member's residence or with regard to which the member possesses an operational or ownership interest. The board shall review all submissions and explanations and submit a written recommendation to the NSC Administrator concerning issuance of the nuisance points. A copy of this written recommendation shall be sent by the board to the owner by first class mail with delivery confirmation. The board's function shall be advisory, and its recommendations shall not be construed to be a final decision.
 - iii. Final Determination by NSC Administrator. The NSC Administrator shall make a final determination as to the assessment of points within ten ~~calendar days~~ business days (as defined above in subsection C(1)(a)(i)) of the receipt of the recommendation of the Nuisance Points Advisory Board. The final determination shall be sent to the owner in the same manner as a Notice of Nuisance Points. A courtesy copy of the final determination shall be produced to the Advisory Board.
- c. Meetings. The Advisory Board shall meet at least once a month as long as matters are pending. A majority of the full board, of which no fewer than two are residents and two are business owners, shall constitute a quorum and shall be necessary to make a recommendation on proposed nuisance points. The board shall maintain an orderly set of records, including minutes of its meetings. The Commissioner of Neighborhood and Business Development shall provide staff support to the board, and members of the Police

Department and Law Department may also advise the board and attend board meetings.

- d. Bylaws. The Advisory Board shall prepare and adopt bylaws from time to time outlining meeting times and related procedures. The bylaws shall be submitted to the NSC Director for review and acceptance.

~~(4)~~(5) Notice of Abatement Meeting. Where a building, erection or place accrues points sufficient to be deemed a public nuisance pursuant to City Charter §10-12B, the NSC Administrator shall schedule a meeting with the building owner or the owner's authorized representative (hereinafter collectively "owner") to devise a plan to abate the nuisance. The owner shall be notified by letter of the date, time and location of the meeting. The owner shall also be notified that if he or she fails to attend the meeting, the City may immediately proceed with an administrative abatement proceeding or civil action to abate the nuisance. The NSC Director shall adopt a standard Notice of Abatement Meeting letter to be used by every NSC, which shall be sent to the owner in the same fashion as a Notice of Nuisance Points. The owner shall be allowed to adjourn and reschedule the abatement meeting no more than one time and to a date no more than fourteen ~~calendar days~~ business days (as defined above in subsection C(1)(a)(i)) after the original scheduled date.

~~(5)~~(6) Abatement Plan. If the owner attends the Abatement Meeting, he or she shall negotiate in good faith with the NSC Administrator to devise an abatement plan intended to remedy the nuisance activity. If they succeed and the owner signs a commitment to perform the agreed upon abatement plan, the City will not advance with an administrative proceeding or civil action to abate the nuisance for so long as the owner abides by the plan.

D. Concurrent Adjudication by Municipal Code Violations Bureau.

- (1) Where the NSC Administrator assesses nuisance points based upon a violation of the Rochester City Code for which a Municipal Code Violations Bureau ticket is issued, the Administrator shall request in writing that the Municipal Code Violations Bureau provide to the NSC Administrator notice of the ultimate ticket disposition.
- (2) Where the Municipal Code Violations Bureau ticket disposition indicates a dismissal on the merits, the NSC Administrator shall cancel the nuisance points stemming from the underlying violation and shall notify the owner of the same.

E. Powers of the Commissioner with Respect to Public Nuisances. In addition to the enforcement procedures established elsewhere, the Commissioner of Neighborhood and Business Development, shall be authorized:

- (1) To order the closing of the building, erection or place to the extent necessary to abate the nuisance but in no event for a period longer than one year; or
- (2) To suspend for a period not to exceed six months or revoke for a period of one year a business permit issued for such premises, and to prevent the operator from obtaining a new business permit for another location for the period of suspension or revocation; or
- (3) To suspend for a period not to exceed six months or revoke for a period of one year any occupational license or permit issued by the City related to the conduct of a business or trade at the premises, which suspension or revocation may also apply to any other locations operated by the holder for which the license or permit is required; or
- (4) To suspend for a period not to exceed six months or revoke for a period of one year eligibility to secure grants or loans from the City of Rochester; or
- (5) Any combination of the above; or
- (6) Any other remedy rationally related to the nuisance to be abated and otherwise within the authority of the Commissioner.

F. Adjudication Procedure. Where a public nuisance is deemed to exist pursuant to Subsection B of this Section, and the owner of the property fails to attend the Abatement Meeting or fails to accept and abide by an abatement plan, the Commissioner of Neighborhood and Business Development, or his or her designee, shall notify the Corporation Counsel for the City of Rochester of the nuisance activity and recommend a remedy or remedies pursuant to Subsection E of this Section to abate the nuisance. The Corporation Counsel shall decide whether to implement the remedy by means of either an administrative abatement proceeding as described below or through a civil action as authorized by City Charter § 9-21.

(1) Administrative Abatement Proceeding

- a. Notice of Abatement Hearing. The Corporation Counsel shall establish a date for a hearing at which it will be determined whether a public nuisance exists and evidence will be presented as to the remedy appropriate to abate the public nuisance. A Notice of Hearing shall be provided to the owner, lessor, lessee and mortgagee of the building, erection or place wherein the public nuisance is being conducted, maintained or permitted. The Notice of Hearing shall contain the following:

- i. The name of the owner.
 - ii. A description of the premises, including the street address.
 - iii. A statement of each and every incident during the relevant period giving rise to nuisance points, and a description of the remedy or remedies proposed to abate the public nuisance.
 - iv. The date, time and location of the hearing.
 - v. A statement that the failure to attend the hearing may constitute a default, which could result in the closure of the building, erection or place, the suspension or revocation of the owner's relevant business or occupational licenses, and/or the suspension or revocation of City grants or loans.
 - vi. A statement that no points shall be assessed against the building, erection or place for an enumerated crime or violation for which it is demonstrated that an owner, lessor, lessee, mortgagee or any other person in possession or having charge of as agent or otherwise, or having any interest in the property, real or personal was a victim, including a victim of domestic violence, dating violence, stalking, or sexual abuse.
- b. Service of Notice. The Notice of Hearing, along with a copy of the text of this Section, shall be served upon the owner, lessee and mortgagee at least thirty calendar days before the scheduled hearing, in the following manner:
- i. Owner: The owner shall be served in accordance with Article 3 of the Civil Practice Law and Rules or by means of first-class mail with delivery confirmation sent to the owner's address as it is maintained on record with the City Treasurer pursuant to City Charter §§ 6-118 and 6-119. If served by mail, service shall be deemed to be complete upon mailing. In no event shall it be necessary to file proof of service with the clerk of any court before the hearing.
 - ii. Lessee: Each lessee shall be served in accordance with Real Property Actions and Proceedings Law § 735, except it shall not be necessary to file proof of service with the clerk of any court before the hearing.

- iii. Mortgagee: A mortgagee shall be served by means of first-class mail with delivery confirmation sent to the mortgagee's last known address as shown in the property records, Service shall be complete upon mailing, and there shall be no requirement to file proof of service with the clerk of any court before the hearing.
- c. Posting of Notice of Hearing: A copy of the Notice of Hearing shall be posted on the premises at least thirty calendar days before the hearing. Mutilation or removal of the posted notice of hearing shall be punishable by a fine of not more than \$250 provided that the posted notice contains therein a notice of such penalty.
- d. Hearing procedure.
 - i. The hearing shall be conducted by an independent hearing officer appointed by the Corporation Counsel. The owner and other interested parties may be represented at the hearing by counsel. The owner and other interested parties may present evidence and call witnesses on their behalf, and may cross-examine any witnesses that testify for the City. The rules of evidence prevailing in a court of record shall not be controlling in abatement hearings. The Mayor and/or the Corporation Counsel are authorized to develop and implement other rules and regulations concerning the procedures for the abatement hearing not inconsistent with the rules here stated. Any such other rules and regulations shall be reduced to writing and shall be served on all parties along with the Notice of Hearing.
 - ii. For purposes of this Section, a conviction by a court of competent jurisdiction or an administrative bureau of the violation or crime that gives rise to the assessment of nuisance points shall not be required. Instead, to assess the points, the City shall be required to prove by a preponderance of the evidence that each element of the charged offense has occurred. However, a conviction as defined and applied in accordance with the provisions of Section 1.20 of the Criminal Procedure Law, in any court of competent jurisdiction, or a conviction or plea of guilty in the Municipal Code Violations Bureau, shall constitute conclusive proof of a point-assessable crime or violation under this Section.
 - iii. Defense of Innocence. An innocent party's interest in property shall not be forfeited. The party claiming innocence shall have the burden of proving innocence by a preponderance of the evidence.

Such innocence may be demonstrated by proof that the party (i) did not know of the conduct giving rise to nuisance; or (ii) upon learning of the conduct giving rise to the nuisance, did all that reasonably could be expected under the circumstances to terminate such use of the property. For the purposes of this subsection, ways in which a person may show that he or she did all that reasonably could be expected may include demonstrating that such person, to the extent permitted by law, (a) gave timely notice to an appropriate law enforcement agency of information that led the person to know that nuisance activity was occurring or would occur, and (b) in a timely fashion revoked or made a good faith attempt to revoke permission for those engaging in such nuisance activity to use the property. However, a person shall not be required by this subparagraph to take steps that the person reasonably believes would be likely to subject any person to physical danger. Even where a party with an interest in the property establishes his or her innocence in accordance with this subsection, still the City may impose any reasonable and legally permissible remedy to abate the nuisance so long as it does not infringe upon the innocent party's interest in the property.

- iv. Defense of Victims. In accordance with the public policy and findings calling for the protection of victims of crimes and violations in Subdivision A of this Section, a party shall be entitled to testify or present other evidence in support of a claim that nuisance points should not be assessed for a specified violation or crime wherein an owner, lessor, lessee, mortgagee or any other person in possession or having charge of as agent or otherwise, or having any interest in the property, real or personal was a victim of the enumerated violation or crime that triggered the assessment of nuisance points. The party claiming the victim defense shall have the burden of proving its factual elements by a preponderance of the evidence in order to be entitled to the removal of assessed nuisance points.
- e. Hearing Officer Report and Recommendation. Within fourteen ~~calendar~~ business days (as defined above in subsection C(1)(a)(i)) after the conclusion of the hearing, the hearing officer shall render a written report and recommendation to the Commissioner of Neighborhood and Business Development, which shall set forth factual findings based upon evidence in the record and shall state whether a public nuisance was proven by a preponderance of the evidence. In the event that a public nuisance is so proven, the hearing officer shall also render a written recommendation as to the remedy to be imposed to abate the public nuisance. The hearing

officer's written recommendation shall be served upon all interested parties in the same manner as the original Notice of Hearing.

- f. Final Determination. Within seven ~~calendar days~~ business days (as defined above in subsection C(1)(a)(i)) days after receipt of the hearing officer's report and recommendation, the Commissioner of Neighborhood and Business Development shall issue a final determination either accepting, modifying, or rejecting the hearing officer's report and recommendation. If the Commissioner determines that there is a public nuisance, based on either the recommendation of the hearing officer or the Commissioner's own assessment of the hearing record, the final determination shall articulate the remedy to be imposed and set forth a reasonable manner in which the remedy elected is expected to abate the public nuisance. No remedy shall be imposed that goes beyond the remedy or remedies previously specified in the Notice of Hearing. The final determination shall be served on all interested parties in the same manner as the Notice of Hearing. A copy of the final determination shall also be posted at the building, erection or place where a public nuisance exists or is occurring in violation of law.
- g. Closure. Where the final determination orders the closure of a building, erection or place, the closure shall become effective thirty calendar days after the posting of the final determination upon the building, erection or place, and may after that time be enforced by the Rochester Police Department. The effective date shall be specified in the final determination.
 - i. In no event shall any closing ordered under this Section be for a period of more than one year from the issuance of the Commissioner's final determination.
 - ii. A closing directed by the Commissioner pursuant to this Section shall not be deemed to constitute an act of possession, ownership or control by the City of the closed premises.
 - iii. It shall be a violation of this Section for any person to permit any other person to use or occupy any building, erection or place, or portion thereof, ordered closed by the Commissioner. Such a violation or mutilation or removal of a posted order of the Commissioner designee shall be punishable by a fine of not more than \$250 or by imprisonment not exceeding fifteen calendar days, or both, provided such posted order contains therein a notice of such penalty.

G. Additional Provisions

- (1) The Mayor, Commissioner of Neighborhood and Business Development ("Commissioner") or NSC Director may promulgate rules, regulations, policies and procedures to carry out and give full effect to the provisions of this Section. Any such rules, regulations, policies and procedures shall be filed with the City Clerk.
- (2) The Commissioner or NSC Director shall implement a training program for NSC employees involved in the enforcement of this Section and for other City employees as needed.
- (3) If any provision of this Section or the application thereof to any person or circumstances is held invalid, the remainder of this Section and the application of such provisions to other persons and circumstances shall not be rendered invalid thereby.
- (4) The Commissioner shall prepare ~~an annual~~ quarterly reports to be submitted to City Council summarizing the actions taken under this Section and indicating the results of such action.

Section 3. This local law shall take effect upon the latter of either: a) its filing in the Office of the Secretary of State as provided by Section 27 of the NYS Municipal Home Rule Law, or b) July 1, 2018.


Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Lightfoot, McFadden, Patterson-6.

Nays - Councilmembers Gruber, Ortiz, Spaul - 3.

Attest



City Clerk