AGENDA ITEMS

<table>
<thead>
<tr>
<th>Item</th>
<th>Voting Item?</th>
<th>Presenter(s)</th>
<th>Time Allotted</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Call to Order</td>
<td></td>
<td>Chair, Deb Mohlenhoff</td>
<td>15 Mins*</td>
</tr>
<tr>
<td>1.1 Agenda Review</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.2 Review and Approval of Minutes</td>
<td>Yes</td>
<td>*Submit public comments here:</td>
<td></td>
</tr>
<tr>
<td>Approval of May 20, 2020 Minutes</td>
<td></td>
<td><a href="https://j.mp/2XUYUdW">https://j.mp/2XUYUdW</a></td>
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<td>1.3 Statements from the Public</td>
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<td>*Submitted comments will be summarized and names entered into the record.</td>
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<td>1.4 Council’s Response</td>
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<tr>
<td>2. Consent</td>
<td>No submitted Items</td>
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<tr>
<td>3. Finance, Budget and Appropriations</td>
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<tr>
<td>3.1 Agreement with NYS DOT for Elmira Rd Project</td>
<td>Yes</td>
<td>Tim Logue, Director of Engineering</td>
<td>10 Min</td>
</tr>
<tr>
<td>3.2 Update on Small Cell (4G and 5G) Facilities</td>
<td>No</td>
<td>Deb Mohlenhoff, Chair</td>
<td>5 Min</td>
</tr>
<tr>
<td>4. City Administration, Human Resources and Policy</td>
<td></td>
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<tr>
<td>4.1 Possible Dissolution of the Board of Public Works</td>
<td>No</td>
<td>Mike Thorne, Superintendent of Public Works; Ari Lavine, City Attorney</td>
<td>30 Min</td>
</tr>
<tr>
<td>5. Discussion</td>
<td>No submitted items</td>
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<td>6. Meeting Wrap-Up</td>
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<tr>
<td>6.1 Announcements</td>
<td>No</td>
<td>All</td>
<td>5 Min</td>
</tr>
<tr>
<td>6.2 Next Meeting Date: <strong>July 22, 2020</strong></td>
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<tr>
<td>6.3 Review Agenda Items for Next Meeting</td>
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<tr>
<td>6.4 Adjourn</td>
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</table>

If you have a disability that will require special arrangements to be made for you to fully participate in the meeting, please contact the City Clerk at 274-6570 at least 48 hours before the meeting.

This meeting can be viewed via livestream on: https://j.mp/2AWrkvg
3. Finance, Budget and Appropriations
   .1 Agreement with NYS DOT for Elmira Rd Project

A resolution authorizing implementation and funding in the first instance 100% of the federal aid-eligible costs and State “Marchiselli” program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the Elmira Road Overlay and Signal Replacement, P.I.N. 375592 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, on September 7, 2016, Common Council approved a Master Agreement with the New York State Department of Transportation for local sponsorship of the Project, and established Capital Project #832 for the Project in the amount of $210,600 for Preliminary Engineering/Design with the understanding that the City’s share would be approximately $24,000, and

WHEREAS, Common Council authorized an additional $968,500 in the 2018 Adopted Capital Budget and an additional $1,440,000 in the 2020 Adopted Capital Budget, in anticipation of a supplemental agreement for funding in the first instance of construction related phases of the Project, and

WHEREAS, the New York State Department of Transportation has provided a Supplemental Agreement for federal and state aid for the Project including an increase state share for Design, and funding for the Construction and Construction Inspection phases of the Project, and

WHEREAS, the City of Ithaca desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of all Phases of the Project; and

WHEREAS, the scope of the Project is a maintenance type project and therefore has been categorized as a Type II action in accordance with City Environmental Quality Review Ordinance (City Code Section 176.5 (c) (2)) and SEQR (6 NYSRR Part 617.5(c)(2)), now, therefore, the Common Council, duly convened does hereby

RESOLVE, that the Common Council hereby approves the above-subject Project; and it is hereby further

RESOLVED, that the Common Council hereby authorizes the City of Ithaca to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering/Design and Construction/Construction Support and Inspection work for the Project or portions thereof, and it is further

RESOLVED, in accordance with the funding authorizations detailed above, that the sum of $2,619,100 is hereby appropriated from the issuance of serial bonds and made available to cover the cost of participation in the above phases of the Project, and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Common Council of the City of Ithaca shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof, and it is further

RESOLVED, that the Mayor of the City of Ithaca be and is hereby authorized to execute all necessary Agreements, and the Superintendent of Public Works is hereby authorized to execute all necessary certifications or reimbursement requests for Federal Aid on behalf of the City of Ithaca with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further
RESOLVED, That this project be undertaken with the understanding that the final cost of the Project to the City of Ithaca will be roughly 5% of said portion, currently estimated at $125,480 of the $2,619,100 authorized for this portion of the project, in monies and in-kind services as managed by the Superintendent of Public Works and monitored by the City Controller, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.
To: City Administration Committee  
From: Tim Logue, Director of Engineering  
Date: June 10, 2020  
Re: Supplemental Agreement for Elmira Road Project

Please find enclosed a resolution authorizing a supplemental agreement for additional funding for Capital Project 832 to rehabilitate the pavement on the City’s portion of Route 13, Elmira Road, to make ADA improvements, and to replace the two City-owned traffic signals along that segment. No new funding authorization is required, because we budgeted for this project in 2020. The City owns Elmira Road from the south City line to about one mile to the north, approximately to the Honda dealership.

Common Council authorized the preliminary engineering and design of this project in September 2016. A first construction budget was established in the 2018 budget at $968,500 with the expectation that we would be reimbursed 80% in federal aid, and possibly with some state aid too. Much has changed since then. For one thing, the scope of the project increased significantly from a one-course mill and pave project to a two-course mill and pave project, more than doubling the asphalt to be removed and replaced. In design it was decided this was the best alternative to provide the best cost/benefit ratio for the lifecycle of the pavement. In the 2020 budget Council approved an additional $1,440,000 to augment the construction budget. I recently received the supplemental funding agreement with NYSDOT, and we have been able to secure federal and state aid to defray 95% of the cost of this project. So even though our construction budget went from almost a million dollars to approximately $2.4M, the final cost of the total project (including engineering) to the City will only be $125,480, assuming construction bids come in within budget.

The schedule for this project is to finish construction documents this summer and bid this project in the fall. However, due to the long lead time on traffic signal poles, construction will take place in 2021.
SUPPLEMENTAL AGREEMENT No. 1 to D035332 (Comptroller’s Contract No.)

This Supplemental Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at 50 Wolf Road, Albany, NY 12232, on behalf of New York State ("State");

and

City of Ithaca (the Sponsor)
Acting by and through the Mayor
with its office at 108 East Green Street, Ithaca, NY 14850.

This amends the existing Agreement between the parties in the following respects only (check applicable categories):

- Amends a previously adopted Schedule A by (check as applicable):
  - amending a project description
  - amending the contract end date
  - amending the scheduled funding by:
    - adding additional funding (check and enter the # phase(s) as applicable):
      - adding phase 3 which covers eligible costs incurred on/after ___/___/___
      - adding phase _____ which covers eligible costs incurred on/after ___/___/___
  - increasing funding for a project phase(s)
  - adding a pin extension
  - change from Non-Marchiselli to Marchiselli
  - deleting/reducing funding for a project phase(s)
  - other (___)

- Amends a previously adopted Schedule “B” (Phases, Sub-phase/Tasks, and Allocation of Responsibility)

- Amends a previously adopted Agreement by replacing the Appendix A dated January 2014 with the Appendix A dated October 2019

- Amends the text of the Agreement as follows (insert text below):
SUPPL (12/19)

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officials as of the date first above written.

SPONSOR:
By: ____________________________
Print Name: _______________________
Title: ____________________________

SPONSOR ATTORNEY:
By: ____________________________
Print Name: _______________________

STATE OF NEW YORK
COUNTY OF Tompkins

On this ______ day of ____________, 20___ before me personally came ________________________ to me known, who, being by me duly sworn did depose and say that he/she resides at ________________________; that he/she is the __________________ of the Municipal/Sponsor Corporation described in and which executed the above instrument; (except New York City) that it was executed by order of the ______________________ of said Municipal/Sponsor Corporation pursuant to a resolution which was duly adopted on __________________ and which a certified copy is attached and made a part hereof; and that he/she signed his/her name thereeto by like order.

______________________________
Notary Public

APPROVED FOR NYSDOT:

BY: ____________________________
For Commissioner of Transportation

Agency Certification: In addition to the acceptance of this contract I also certify that original copies of this signature page will be attached to all other exact copies of this contract.

Date: __________________________

APPROVED AS TO FORM:
STATE OF NEW YORK ATTORNEY GENERAL

By: ____________________________
Assistant Attorney General

COMPTROLLER'S APPROVAL:

By: ____________________________
For the New York State Comptroller
Pursuant to State Finance Law § 112
Schedule A (5/18)
Press F1 to read instructions in blank fields

**SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements**
**NYSDOT/State-Local Agreement - Schedule A for PIN 3755.92**

<table>
<thead>
<tr>
<th>OSC Municipal Contract #:</th>
<th>Contract Start Date: <strong>12/20/2016</strong></th>
<th>Contract End Date: <strong>12/31/2024</strong></th>
<th>Check, if date changed from the last Schedule A</th>
</tr>
</thead>
<tbody>
<tr>
<td>D035332</td>
<td></td>
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</tr>
</tbody>
</table>

**Purpose:**
- ☑ Original Standard Agreement
- ☐ Supplemental Schedule A No. 1

**Agreement Type:**
- ☑ Locally Administered
- Municipality/Sponsor (Contract Payee): City of Ithaca
- Other Municipality/Sponsor (if applicable):
  - ☐ State Administered
  - Municipality:
  - % of Cost share
  - Municipality:
  - % of Cost share
  - Municipality:
  - % of Cost share

**Authorized Project Phase(s) to which this Schedule applies:**
- ☑ PE/Design
- ☐ ROW Design
- ☐ ROW Acquisition
- ☑ Construction/CI/CS

**Work Type:** HWY RESURF  
**County (If different from Municipality):** Tompkins County  
**Marchiselli Eligible:** ☑ Yes  
**Project Description:** Elmira Road Overlay and Signal Replacement

**Marchiselli Allocations Approved FOR ALL PHASES**
All totals will calculate automatically.

<table>
<thead>
<tr>
<th>Check box to indicate change from last Schedule A</th>
<th>State Fiscal Year(s)</th>
<th>Project Phase</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑</td>
<td>Cumulative total for all prior SFYs</td>
<td>PE/Design</td>
<td>ROW (R &amp; RA)</td>
</tr>
<tr>
<td>☐</td>
<td>Current SFY</td>
<td>$31,650.00</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

Authorized Allocations to Date:
- $31,650.00
- $0.00
- $345,000.00
- $376,650.00

**A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES**
For each PIN Fiscal Share below, show current costs on the rows indicated as "Current." Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

<table>
<thead>
<tr>
<th>PIN Fiscal Share</th>
<th>&quot;Current&quot; or &quot;Old&quot; entry indicator</th>
<th>Federal Funding</th>
<th>Total Costs</th>
<th>FEDERAL Participating Share</th>
<th>STATE MARCHISELLI Match</th>
<th>LOCAL Matching Share</th>
<th>LOCAL DEPOSIT AMOUNT (Required only if State Administered)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3755.92.121</td>
<td>Current</td>
<td>NHPP (80%)</td>
<td>$210,600.00</td>
<td>$168,480.00</td>
<td>$31,590.00</td>
<td>$10,530.00</td>
<td>$0.00</td>
</tr>
<tr>
<td></td>
<td>Old</td>
<td>NHPP (80%)</td>
<td>$210,600.00</td>
<td>$168,480.00</td>
<td>$17,700.00</td>
<td>$24,420.00</td>
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<tr>
<td>3755.92.321</td>
<td>Current</td>
<td>NHPP (80%)</td>
<td>$2,299,000.00</td>
<td>$1,839,200.00</td>
<td>$344,850.00</td>
<td>$114,950.00</td>
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<tr>
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<td>Old</td>
<td>NHPP (80%)</td>
<td>$0.00</td>
<td>$0.00</td>
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<td>$0.00</td>
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</tbody>
</table>

**TOTAL CURRENT COSTS:**
- $2,509,600.00
- $2,007,680.00
- $376,440.00
- $125,480.00
- $0.00
### B. Summary of Other (including Non-allocated MARCHISELLI) Participating Costs FOR ALL PHASES

For each PIN Fiscal Share, show current costs on the rows indicated as "Current." Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

<table>
<thead>
<tr>
<th>Other PIN Fiscal Shares</th>
<th>'Current' or 'Old' entry indicator</th>
<th>Funding Source</th>
<th>TOTAL</th>
<th>Other FEDERAL</th>
<th>Other STATE</th>
<th>Other LOCAL</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Current</td>
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</table>

**TOTAL CURRENT COSTS:**

<table>
<thead>
<tr>
<th>TOTAL</th>
<th>OTHER FEDERAL</th>
<th>OTHER STATE</th>
<th>OTHER LOCAL</th>
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<tbody>
<tr>
<td>$ 0.00</td>
<td>$ 0.00</td>
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</table>

### C. Local Deposit(s) from Section A:

- Additional Local Deposit(s) $0.00
- Total Local Deposit(s) $0.00

### D. Total Project Costs

All totals will calculate automatically.

<table>
<thead>
<tr>
<th>Total FEDERAL Cost</th>
<th>Total STATE MARCHISELLI Cost</th>
<th>Total OTHER STATE Cost</th>
<th>Total LOCAL Cost</th>
<th>Total ALL SOURCES Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,007,680.00</td>
<td>$376,440.00</td>
<td>$ 0.00</td>
<td>$125,480.00</td>
<td>$2,509,600.00</td>
</tr>
</tbody>
</table>

### E. Point of Contact for Questions Regarding this Schedule A (Must be completed)

Name: Janet Hutton for Rich Sawczak, P.E.
Phone No: 315-426-3241

See Agreement (or Supplemental Agreement Cover) for required contract signatures.
June 11, 2020
To: Common Council
From: City Attorney’s Office
Re: Board of Public Works (BPW or Board) Transition

In response to the current COVID-19 pandemic, the mayor requested suggestions from department heads as to how to better manage the City in the wake of limited staff and reduced financial resources. The Superintendent of Public Works identified dissolution of the Board of Public Works as a potential means to reduce demands on staff time and improve the efficiency of City government functions.

The Board of Public Works is an entity created by the Charter and is comprised of board members appointed by the mayor. The Board currently has oversight and decision-making authority over a variety of matters pertaining to City property, public works functions and facilities including but not limited to, parks, water, sewer, sidewalks, and streets. The Board hears and decides appeals regarding individual water and sewer bills or other public works impacts on private property. The Board also serves as an adviser to Common Council and establishes standards and practices for the Department of Public Works.

Although the Board’s authority and powers are broad, the scope of its authority is limited by and derives from the Common Council. Many of BPW’s core functions have been delegated to staff, and often regular voting matters are recommendations based on significant staff time and study. While the Board is often a useful public forum concerning public works functions, many of its responsibilities can be included in other aspects of City government or become staff level determinations with adequate opportunities for public comment, input and redress of grievances. Staff believes that Common Council and its standing committees are capable venues for meaningful public discourse about public works projects and functions.

The attached draft local law and ordinance would amend the Charter and Code to vest the policy making, financial decisions, and ultimate authority over City public works functions, facilities and property solely with Common Council, and distribute some administrative and executive functions of the BPW to the Mayor, Superintendent and/or other staff designees as appropriate. The attached chart summarizes BPW’s current scope and the proposals for redistribution in the legislation.

These changes are governed by Municipal Home Rule Law Section 23 (f) as they curtail the power of the mayor in eliminating the mayor’s authority to appoint the Board of Public Works. If passed by Common Council, the local law would be subject to mandatory referendum, requiring the local law to be submitted for approval by the electorate in the general election (November 3, 2020) no less than 60 days after Council’s adoption of the law. Given these time frames, staff wished to give Council a few full Council cycles to consider, discuss and formalize the look of City operations going forward, and especially in light of the grim position in which the City finds itself as a result of the COVID-19 pandemic.

"An Equal Opportunity Employer with a commitment to workforce diversification."
<table>
<thead>
<tr>
<th>Task</th>
<th>Common Council or City Administration Committee</th>
<th>Mayor or Superintendent</th>
<th>Common Council</th>
<th>Superintendent</th>
<th>Mayor or other Department heads as specified</th>
<th>Common Council</th>
<th>Mayor or Superintendent or other Department heads as specified</th>
<th>Common Council</th>
<th>Superintendent or Mayor</th>
<th>Other things covered in legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fees and penalties - water and sewer rates, penalties for violations</td>
<td>Public Hearings</td>
<td>Written Appeals</td>
<td>Fees and penalties - water and sewer rates, penalties for violations</td>
<td>Standard setting; approval of plans or variations from specifications</td>
<td>Tickets / non compliance enforcement</td>
<td>Fees tied to existing rates that are ministerial in calculation or that can be updated by cpi</td>
<td>Execution of agreements</td>
<td>Policy re: City owned land or facilities</td>
<td>Temporary or minor uses of City property or facilities</td>
<td>Reservations of rights</td>
</tr>
<tr>
<td>Fines Schedule; approval of plans or variations from specifications</td>
<td></td>
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**Ordinance Section 2:** Existing Contracts/Agreements w/ reference to BPW, shall be interpreted to mean the Superintendent of Public Works if an executive/administrative functions or Common Council if a quasijudicial function.

**Ordinance Section 3:** BPW approved rate structures are hereby approved by the Common Council, and will be updated from time to time by Council.

**Ordinance Section 4:** Adoption of Part III of BPW legislation.

**Ordinance Section 5:** Borough may maintain and operate a stormwater fee and credit program for the purpose of managing stormwater and reducing flooding in the Borough.

**Ordinance Section 6:** Borough may adopt a stormwater fee and credit program for the purpose of managing stormwater and reducing flooding in the Borough.

**Ordinance Section 7:** Borough may establish and maintain a stormwater management program to protect water quality and the public health and safety.
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<td>157-26 CA may offer reduced permit fee for not for profit offering employment opportunities for youth or persons w/ disabilities.</td>
<td>170-10 appeal to Supt of fair market appraisal for use of city property</td>
<td>262-41 (ordinance 348-5) time to time determine and fix the rates for water service connection and consumption, sewer rental fees, special fees and charges for hydrant service and shall establish such zones and periods of payment as may be desirable.</td>
<td>LL C 73.1 - SID set rules &amp; regs for materials and building standards</td>
<td>LL C 73.1 - SID set rules &amp; regs for water for building construction - supt may set the rate on formula within</td>
<td>LL C 69 - parks</td>
<td>157-10 Mayor, ipd, &amp; Supt may approve extension of noise permit hrs</td>
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<td>164-30 backyard chickens, if no compliance &amp; city has to remove, city charges property owner &amp; assess against property - appeal of that bill to CA</td>
<td>170-10 appeal to Supt of fair market appraisal for use of city property</td>
<td>262-42 (ordinance 348-6) rules &amp; regs for water &amp; sewer &amp; rates</td>
<td>LL C 76 - Rubbish, weeds removal - Supt can set rules &amp; regs</td>
<td>LL C 77 - Supt restoration of street</td>
<td>LL C 70 - cemetery</td>
<td>170-5 Commons permits Supt; licenses or leases under a year of non parkland property Supt, Mayor &amp; Atty</td>
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<td>178-3 snow removal ticket appeals to CA - no hearing requirement (maybe Supt instead7); 178-7 hearing before CA when City intends to correct the ticket and bills property owner.</td>
<td>178-10 appeal to Supt of fair market appraisal for use of city property</td>
<td>262-43 (ordinance 348-7) rates for outside city</td>
<td>LL C 77 - Supt restoration of street</td>
<td>LL C 71 - streets, bridges, sidewalks</td>
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<td>170-12 temp merchandise displays may be approved by Supt</td>
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<td>237-7 newscrack removal - public hearing before CA - could this be an appeal?</td>
<td>178-10 appeal to Supt of fair market appraisal for use of city property</td>
<td>262-43 (dupe of ordinance 348-17) sets fees for tapping into street main</td>
<td>LL C 79 Supt may authorize connections to water system &amp; charge according to CC fee authorization</td>
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<td>LL C 73.1 - SID set work plan; establish rules for snow removal on sidewalks</td>
<td>260-4 parking permit for non resident comes to Supt; hardship permit under review by Mayor w/ Supt &amp; City Attorney</td>
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<td>36 - appeal denial of use of park to City Admin</td>
<td>283-3 stormwater use fee credits changes</td>
<td>LL C83 - repairs by City staff and bonds required when public bid</td>
<td>LL C74 Public Buildings - CC delegates to Supt to update building code over public buildings</td>
<td>LL C75 Garbage</td>
<td>LL C77 - mayor permit motor vehicles &amp; temp closures of park</td>
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<td>346 -3 - appeals to CA of transportation engineer determinations w/ bus stop, taxi stands &amp; car sharing</td>
<td>157-12 Commons work site fees</td>
<td>262-38 - Supt to approve applications from parcels outside city to use water/sewer (ordinance 348-2)</td>
<td>LL C78 &amp; C80 authorize sale of water/sewer service to premises outside city</td>
<td>LL C77 use of ground under streets</td>
<td>LL C39 - Supt authorize rule making authority</td>
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<td>160-11 tree appeals come to City admin</td>
<td>36 - appeal denial of use of park to City Admin</td>
<td>262-39 - Supt authorize one service to serve multiple residences (ordinance 348-3)</td>
<td>346-10 Supt power over street permit</td>
<td>342-39 use of metered zones in supt discretion</td>
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<td>262-47 (dupe of 348-11 in ordinance) designates plumbing inspector</td>
<td>336 CC may set fees for use of parks &amp; golf course</td>
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<td>346-33 - mayor declare snow emergency and supt est snow route</td>
<td>342-37 Supt install parking meters &amp; pay stations</td>
<td>346-33 - mayor declare snow emergency and supt est snow route</td>
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<td>262-50 (dupe of ordinance 348-14) Supt may authorize variances in water main, approves plans</td>
<td>342-8 CC sets street permit fees</td>
<td>262-64 sewer main approval plans (see ordinance 348-28 which is ALMOST THE SAME BUT PROBABLY MORE RECENTLY UPDATED)</td>
<td>LL C85 - transfers between departments</td>
<td>LL C38 - transfers between departments</td>
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<td>348-43 CC sets on street parking fees annually</td>
<td>348-5-7 CC sets water rates (dupe of 262-41-43)</td>
<td>262-68 Supt may authorize ac effluent discharge into sewer w/ permit &amp; fees based on ordinary sewer rent (ordinance 348-32)</td>
<td>LL C8B - condemnation of lands</td>
<td>LL C86 - transfers between departments</td>
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<td>262-70 manhole permit (ordinance 348-34)</td>
<td>262-72 right of entry if Council terminates service (ordinance 348-36)</td>
<td>262-86,87,89,91, 102 Supt authorizes plans or variances from specs (ordinance 348-51-57)</td>
<td>263-72 CC may terminate or disconnect service to sewer (ord 348-50)</td>
<td>263-84 CC may set standards for installation of AC or refrigeration equip (ordinance 348-44)</td>
<td>157-17 DIA Newsracks - Supt comes up w/ rules on advise of CC</td>
<td>146-24 CC appoints plumbing inspector is the inspector just an employee of DPW</td>
<td>325 Supt zoning related approvals</td>
<td>137-24 CC determines mobile vending locations</td>
<td>170-12 nontemporary merchandise displays must be approved by CC</td>
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<td>285-1 Supt/Dept sets us standards for training and stockkeeping</td>
<td>Chapter 290 - Subdivisions - Supt reviews subdivision requests that pertain to DPW functions</td>
<td>342- specifications for streets and sidewalks set by Supt</td>
<td>348-2,3 water outside city limits - duplicative of LL above (262-39,40)</td>
<td>260-6 CC establishes permit parking areas, delegates to Supt to promulgate rules &amp; reg</td>
<td>348-10 fees set by DPW (262-46)</td>
<td>290-24 CC authority to relocate whether improvement to park is needed</td>
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<td>346 - vehicles and traffic - CC overall authority delegate to Supt for regs</td>
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<td>290-28 CC may authorize providing sidewalks, curbs, etc upon petition by adjacent property owners of subdivision</td>
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<td>306 CC Trees &amp; Shrubs and forester</td>
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<td>342-2 CC authorizes new street names</td>
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<td>348-48-49 set rates for water usages due to sprinklers, hydrants, etc and for meter install and heading</td>
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Local Law No. ___-2020

A local law entitled “Amendment of the City Charter and Code to Dissolve the Board of Public Works.”

WHEREAS for nearly a decade, the City of Ithaca has been examining different methods to improve efficiency of its processes, with such efforts culminating in the restructuring of the City’s advisory commissions and boards in 2017; and

WHEREAS in light of the COVID-19 pandemic, which has forced the City to perform its governmental functions with fewer staff and reduced financial resources, the mayor solicited feedback from department heads as to how to further improve efficiencies in City government; and

WHEREAS the Superintendent of Public Works strongly believes that dissolution of the Board of Public Works is one way to make City functions more efficient and reduce demands on staff; and

WHEREAS although the Board of Public Works has jurisdiction over a variety of City matters, including City property and facilities like water, sewer, streets, sidewalks, and parks, it is an unelected board, and many of its functions are also performed by other arms of City government and/or could be handled on a staff level; and

WHEREAS the Board of Public Works scope of activity has substantially narrowed to the point where many of its recent meetings have been adjourned for lack of quorum and/or meeting content, and the Board of Public Works has delegated much of its authority and responsibility to staff; and

WHEREAS dissolution of the Board of Public Works requires amendment of the City Charter by local law, and various Code changes by local law (both addressed here) and a ordinance (addressed in the companion ordinance); and

WHEREAS public visibility into and participation in issues of public works is vital to Ithaca and would not go away with this transition; instead, Common Council and its standing committees would serve as a means for public input and dialogue about public works matters; now, therefore;

BE IT ENACTED by the Common Council of the City of Ithaca as follows:

Section 1. Legislative Findings, Intent, and Purpose.
The Common Council makes the following findings of fact:

1. The Board of Public Works, an unelected board, has broad jurisdiction over several matters of City concern, primarily in the area of City property and facilities. However, its powers are derived from Common Council, an elected body with overlapping jurisdiction.
2. Much of the review Board of Public Works conducts can be done on a staff level, and items requiring a public forum (e.g., appeals, significant alterations to City facilities, or large-scale uses of City property by private entities) can be heard through committees of Common Council or Council itself. These changes will continue to afford:
   a) Members of the community with knowledge of relevant meetings and opportunities to participate in governing and decision-making processes of interest to them.
   b) Easily accessible information about decisions being made and what information is informing those decisions.

3. The recruitment, application, and appointment process necessary to fill the Board of Public Works is cumbersome, time consuming, and leads to vacancies on the Board of Public Works and can at times prevent the Board from conducting business for lack of quorum.

4. As a result of limited City staff resources coupled with difficulty having a consistent quorum, the Board of Public Works can be a meaningful hurdle to City and private development.

Based upon the above findings, the intent and purpose of this Local Law is to amend the Charter and City Code to dissolve the Board of Public Works and reassign the Board’s responsibilities to other arms of City government. Specifically, this Local Law repeals those portions of the Charter and Code that created and confer jurisdiction on the Board of Public Works, and amends additional provisions of the Charter or Code which refer to the Board of Public Works and were implemented by local law.

Section 2. Charter Amendments.

Section C-5(C) and (F) "Elective and appointive officers" is amended as follows with the remainder of the section unchanged:

(C)(1) Members of boards, councils and commissions: the six Commissioners of the Board of Public Works, the nine members of the Public Safety and Information Commission, the nine members of the Community Life Commission, the nine members of the Mobility, Accessibility, and Transportation Commission, the nine members of the Parks, Recreation, and Natural Resources Commission, the 10 members of the Workforce Diversity Advisory Committee, the three members of the Building Code Board of Appeals, the five members of the Board of Zoning Appeals, the three members of the Civil Service Commission, the nine members of the Community Police Board, the five members of the Design Review Board, the three members of the Examining Board of Electricians, the three members of the Examining Board of Plumbers, the five members of the Housing Board of Review, the five members of the Ithaca Housing Authority, the seven members of the Ithaca Landmarks Preservation Commission, the five members of the Ithaca Urban Renewal Agency, the seven members of the Planning and Development Board, and the five members of Pegasys Access.
Oversight Committee, all of whom shall be appointed by the Mayor in accordance with the provisions of the Charter or the ordinances or resolutions which create such boards, commissions or councils.

(F)(1) At the first regular Common Council meeting in January of each year, or as soon thereafter as possible, two alternates shall be appointed to each of the following boards and commissions, in the same manner as regular members are appointed:
  (a) Board of Public Works.

( ) Section C-11(B)(4) “Mayor” is amended as follows with the remainder of the section unchanged:

When authorized by the Common Council or Board of Public Works so to do, the Mayor shall execute, in behalf of the City, all deeds, contracts and other papers to be executed as the acts of the City, except as otherwise provided by the Local Finance Law.

( ) Section C-13(B) “City Attorney” is amended as follows with the remainder of the section unchanged:

The City Attorney shall prosecute and defend the actions and proceedings by and against the City and every department thereof; shall be the official legal advisor of the Mayor, the Common Council, the boards and other officers of the City; shall, when required, prepare all legal papers, contracts, deeds and other instruments for the City and the different departments thereof; shall attend the meetings of the Common Council and of the Board of Public Works; shall, when requested by the Mayor or Common Council Board of Public Works, attend to all of the proceedings under this Charter in relation to improvements, local or otherwise, and conduct the same in a legal manner; shall pass upon the legality of all bills or claims presented to the Common Council or the Board of Public Works which may be presented to the City Attorney for that purpose; and shall perform such other and professional services relating to the City as the Mayor or Common Council shall direct. It shall be the duty of the City Attorney to appear in behalf of the People in proceedings before the City Judge whenever, in the judgment of the Mayor or a majority of members of the Common Council or Board of Public Works, the interests of the City require it. If the City Attorney certifies to the Common Council that there is need for the assistance of additional counsel on questions or matters submitted to the City Attorney or if, in the judgment of the Mayor, other or additional counsel should be employed, the Common Council may authorize the Mayor to employ counsel thereon; and except upon such authorization, the City Attorney shall be the sole attorney and counselor of the City and of its various boards and departments.

( ) Section C-19(B)(1) “Financial officers” is amended as follows with the remainder of the section unchanged:
B. Powers and duties of the City Chamberlain. The City Chamberlain shall:

(1) Receive and collect all taxes, water and sewer charges and such other fees and rentals due to the City as are provided for in the City Charter or other sections of the Municipal Code or in the rules and regulations of the various departments of the City of Ithaca Board of Public Works.

( ) Section C-20(B)(2) “City Clerk” is amended as follows with the remainder of the section unchanged:

Act as Clerk for the Board of Public Works and the Common Council and keep a journal of their proceedings and a record of the minutes of every meeting. The minutes of each meeting shall be signed by the officer presiding at such meeting and by the Clerk.

( ) Section C-23(B) “Financial Administration” is amended as follows with the remainder of the section unchanged:

Prior to payment of any bill, claim or demand against the City, the Board of Public Works or the Common Council, as the case may be, shall certify that the materials, supplies or equipment have been received according to purchase order or that the work, labor or service has been rendered according to order or contract.

( ) Section C-39(A)(1) “Assessment and raising of taxes” is deleted in its entirety with the remainder of the section unchanged:

( ) Article V of the Charter shall be renamed “Public Works Functions and Facilities”

( ) Section C-58 is deleted in its entirety

( ) Section C-61 shall be renamed “Scope and authority of over Board of Public Works Functions and City Property within the City of Ithaca” and amended as follows with the remainder of the section unchanged:

A. The Board of Public works The mayor shall take charge and, subject to the limitations herein contained and the direction and review of the Common Council, shall have control of the following departments of the City government, of the property belonging thereto and of the appropriations made therefor:

…

(10) Such other departments as may be assigned to the Board under the provisions of § C-82 of this Charter and Code.
B. Construction, improvement, maintenance and operation of former airport lands. Jurisdiction for the construction, improvement, maintenance and operation of the lands formerly comprising the Ithaca Municipal Airport is hereby vested in the Board of Public Works. Said Board shall adopt regulations and establish rents for the use of such lands, but no such regulation or rent shall be effective until approved by the Common Council.\(^1\)

( ) Sections C-62 “Program for development of arts.” of the Charter is amended as follows with the remainder of the section unchanged:

B. Agreements. The Mayor, with the approval of the Common Council Board of Public Works, is hereby authorized to execute agreements with individuals or corporations permitting the erection of a theater and other facilities on former municipal airport lands as more particularly shown on a map entitled “Ithaca Municipal Airport,” dated August 26, 1957, filed in the office of the City Engineer, upon such terms as Council said Board may determine, subject to the general conditions hereinafter set forth.

C. Preliminary investigation. Before approving any proposed agreement, the Board Common Council shall investigate and determine that the proposed use conforms to the purpose for which the area is set apart, i.e., the development and establishment of a program to promote and stimulate interest and learning in the classics of the theater, films, music and graphic arts, which will be of benefit to the community as a whole.

D. General conditions. The following general conditions shall apply to and be incorporated in any agreement executed hereunder:

(1) No agreement hereunder shall extend for a period exceeding the probable useful life of the proposed facility, as determined by the Superintendent of Public Works Board of Public Works on the basis of the materials and type of construction used therein. Nothing herein contained shall prevent the Mayor Board, upon the expiration of such agreement, from negotiating a new agreement with the same applicant under such terms and conditions as the Board Common Council may deem proper, subject to the general provisions of this section so far as applicable thereto.

(2) The use or uses of the proposed facility shall be stated in the agreement, and no other or different use shall be permitted except by approval of the Superintendent of Public Works in consultation with the Mayor and City Attorney Board of Public Works.

\(^1\) C-61(B) is deleted in its entirety because the lands once designated as the Ithaca Municipal Airport are now occupied by among other features, Cass Park and Hangar Theatre, and are therefore covered by Common Council’s authority over City property and parks.
(3) No agreement nor any right thereunder shall be transferred or assigned except by permission of the Board of Public Works **Mayor in consultation with the City Attorney**. A referee's deed in foreclosure and assignment for the benefit of creditors and a conveyance or assignment by a trustee in bankruptcy and all other similar transactions shall be deemed assignments or transfers within the meaning of this.

(4) In considering the approval of any request for a change in use or for a transfer or assignment of any agreement or any rights thereunder, the Board City shall follow the same procedure and apply the same standards applicable to original applications.

( ) Section C-63 “Acquisition of property” is amended as follows:

The **Mayor or the mayor's designee, as directed and authorized by Common Council, Board of Public Works** may enter upon any lands for the purpose of survey and examination; may contract for, purchase and acquire, by grant, purchase, gift, condemnation or otherwise, in the name of the City of Ithaca all lands, water rights, easements, privileges and franchises and all other real and personal property whatsoever, either within or outside of the corporation limits of the City of Ithaca, which are necessary, in the judgment of the Common Council, Board of Public Works, for any of the purposes herein set forth and shall have the right to enter upon, take possession of and appropriate all such property and to do any and every act or thing that may be necessary to carry out the full intent and purpose of all the provisions contained in this Charter.

( ) Section C-64 “Maps and plans; indexing and availability” is amended as follows:

The **City Clerk and Superintendent of Public Works Board of Public Works** shall have charge of and keep, always subject to inspection, all maps and plans now owned or hereafter acquired by the City relating to the several departments in its charge. It shall cause to be made and kept revised a convenient index to said maps and also to the papers in its office, showing readily where each map or paper may be found.

( ) Section C-65 “Sewer and water systems” is amended as follows:

The **Common Council Board of Public Works** shall have the power to adopt and execute plans for the drainage of the City and for the extension and improvement of the present sewer and water system and for providing any additional water supply and system that may be deemed necessary.

( ) Section C-66 (A) “Water Rates” is amended as follows with the remainder of the section unchanged:

A. Imposition. The **Common Council Board of Public Works** shall from time to time fix and determine the water rates and other charges to be paid by all consumers
of water and shall provide rules and penalties for the collection thereof by the
City Chamberlain. Such water rates, penalties and other charges shall be a lien
upon the property to or for which water was furnished or service rendered and
shall be collected in the same manner provided for the collection of City taxes
and, when they remain unpaid, shall be added to the annual City tax on the
property to or for which water was furnished or service rendered.

Section C-67 (B), (C) and (E) of “Sewer rents” is amended as follows with the
remainder of the section unchanged:

B. Duty of owner. In addition to any and all fees and charges provided
by law, the owner of any parcel of real property within the City limits connected
with the sewer system of the City of Ithaca shall pay a sewer rent for the use of
such sewer system based upon the metered consumption of water to said
premises in an amount to be fixed and determined from time to time by the
Common Council Board of Public Works of the City of Ithaca. In order that
property lying outside the corporate limits of the City of Ithaca being served by its
sewage disposal system shall bear a proportionate share of the cost of such
system, the charge made for such property shall be apportioned by the Common
Council Board of Public Works in addition to the base rate charged to property
located within the City, such charge to be collected and the collection enforced
as herein provided for other sewer rental charges. For the purpose of
determining the charge to be rendered premises using the sewerage system
whereon the water used is derived in whole or in part from sources independent
of the City, the water used thereon supplied from private sources shall be
measured by a City water meter or by a meter acceptable to the Water and
Sewer Division, to be installed and maintained by the owner or occupant thereof
at his/her own cost and subject to supervision and inspection by said Water and
Sewer Division. The sewer rental charged against such property shall be
determined by the metered consumption of water used on said premises,
regardless of the source from which supplied, according to the schedule herein
and hereinafter adopted by the Common Council Board of Public Works.
Whenever the owner or occupant fails to install such meter and in cases where
the Superintendent of Public Works Board of Public Works finds it impractical
to insist upon a special meter, Common Council said Board may accept the
report of said property owner as to the amount of water used on said premises or
said Board may fix and determine the amount ordinarily consumed upon said
premises by such method as it may find practicable in the light of the conditions
and attendant circumstances of the case in order to determine the sewer rental
charge, all in accordance with corresponding rates assessed against other
similar property.

C. Collection. In the case of premises whereon the water used is
supplied by the City of Ithaca through its Board of Public Works, the sewer rental
charge herein provided shall be added to the water bills rendered to the owners,
lessees or occupants of such property and shall be paid at the time the water bill
is payable at the office of the City Chamberlain and shall be collected with and in
addition to the water charge for water service, and no part of the charge for water service shall be accepted without including therewith the sewer rental charge. Such sewer rental charge shall be subject to the same penalty provided for delinquent water bills, and it is hereby made the duty of said City Chamberlain to collect such penalty for failure to pay the sewer rental charge when due. In cases of premises whereon water used is not supplied by the City, said Board of Public Works the City Chamberlain will render quarterly to the owners, lessees or occupants of such property bills for the amount of the sewer rental charged as herein set forth. If such charge is not paid when due, it shall be subject to the same penalty as is provided for delinquent water bills, and the City Chamberlain is hereby required to collect such penalty. In the event that said bills for sewer rentals rendered for premises whereon water is not supplied by the City of Ithaca are not paid within 30 days after the rendering thereof, the City Chamberlain Board of Public Works shall certify the same, together with such penalty, and the same shall be collected and the collection thereof enforced in the same manner in all respects as City, county and state taxes, and they shall be added to said taxes subject to like penalty, costs and interest charges.

E. Authority of Common CouncilBoard. The Common Council Board of Public Works shall have the power to make and enforce such general rules and regulations, both as to public and private water supply, for the collection, rebating, refunding or adjustment of such charges for any reason, including diversion of water from the sewer system, as may be reasonably necessary to avoid injustice, to the end that all property discharging sewage in the sewer system will bear its equitable proportionate share with other property of the cost of operation, maintenance and repairs of said sewerage system or any extension, enlargement, replacement or additions to such sewer system or any part or parts thereof.

( ) Section C-68 “Creeks and watercourses” is amended as follows:

The Common Council Board of Public Works shall have power to adopt and execute plans for the purpose of controlling and regulating the flow of water in the creeks and watercourses and properly protecting them against overflow and for providing relief channels or additional watercourses and bridges for the same, as Council the Board shall deem for the best interests of the City; to alter, deepen, widen and change the direction of the channel or current of creeks or watercourses, or any of them; to increase, diminish, entirely prevent or change in any manner the customary flow of water and to cause the same to flow against or upon any other land; and to build walls, embankments or levees and, if deemed necessary or advisable, to make them of sufficient width for the construction of streets, alleys or driveways thereon. It shall take charge of and have control over all permanent public improvements now constructed along watercourses, maintain, alter, repair, improve and extend the same and widen and deepen the channel thereof; shall have charge of all bridges, culverts and sluiceways and
build, rebuild or repair the same; and shall clean and keep free from obstruction all channels, ditches and sluices thereunder.

( ) Section C-69 (A) and (B) "Parks." is amended as follows with the remainder of the section unchanged:

A. Acquisition of land for park purposes. The Common Council Board of Public Works shall have power to adopt and execute plans for the laying out, improvement and maintenance of the parks and to provide additional parks either within or without the limits of the City of Ithaca and, for such purposes, to acquire, by gift, purchase or condemnation, lands within or without the limits of the City of Ithaca and to lay out, cultivate and improve the lands so acquired.

B. Public parks. The Common Council Board of Public Works shall have the power to regulate and maintain public parks now established or hereafter laid out and established by Council the Board; to preserve, adorn and protect the same; to prohibit and prevent encroachments thereon or injury to the trees, shrubs and adornments thereof; to adopt rules and regulations governing the purposes for which the parks or any of them may be used and enjoyed; to determine the place for planting and the relative location of shade or ornamental trees in the parks; to determine the methods and manner of adornment of the parks; and in all things to have complete control and authority thereover.

( ) Section C-70 “Public cemeteries.” is amended as follows:

The Common Council Board of Public Works shall take charge and have control of all public cemeteries within the City limits, with power to preserve, adorn and protect the same; to establish such rules and regulations governing the care, maintenance, adornment and uses thereof as may be deemed necessary; to prohibit injury to or mutilation of any of the adornments or monuments therein; and to prescribe penalties for the violation thereof.

( ) Section C-71 “Streets, highways, bridges and sidewalks” is amended as follows:

Common Council The Board of Public Works shall have the power to lay out, alter, discontinue, regulate, straighten, widen, pave, curb, clean and sprinkle the streets, highways, alleys, bridges and crosswalks; to prevent the encumbering and obstruction of the same in any manner; to protect them from encroachment or injury; to construct sidewalks or cause the same to be constructed; to alter, repair, regulate, straighten, raise and lower the same; to cause the same to be kept free and clean from ice, dirt and snow; and to prevent the encumbering, encroachment upon or obstruction of the same, as hereinafter provided. Before laying out any highway requiring condemnation proceedings and before altering or discontinuing any highway, a public hearing shall be had after notice thereof has been given by publication at least once in at least two newspapers of the City of Ithaca and by mailing the same to all the owners of lands through which said
new highway is to run or adjacent to the portion of any highway that is to be altered or discontinued.

( ) Section C-72 “Street excavations.” is amended as follows:

The Superintendent of Public Works Board of Public Works shall have the power to permit excavating in any public street or place in said City upon satisfactory surety being given to the City Board that the excavation so made will be properly guarded and promptly filled and that any curbing or pavement removed shall be relaid with all convenient speed; that the City shall be held harmless from all claims, demands, suits, costs and damages that may result by reason of the excavation; that the street or public place so disturbed shall be restored to as good condition as existed before making the excavation and shall be so maintained for a period of one year without expense to the City Board; and that the excavation will be made at such time and in such manner and under such superintendence as the Superintendent of Public Works Board may prescribe in the order granting permission, in addition to the above requirements. Any expense incurred by the City Board in such superintendence, restoration or repairment shall be a lien until paid upon the premises or lot for the benefit of which the work was done, to be enforced the same as unpaid claims for the construction of sidewalks as hereinafter provided, and the City Board shall have a lawful demand against the applicant to whom such permission may have been given and may sue for and collect the same in the name of the City, which, when collected, shall be paid to the City Chamberlain and by him/her credited to the funds against which the expense is properly charged. During the progress of excavating, at least 1/2 of the street, public place or land shall be kept open and free for the passage of persons and vehicles. No person or corporation shall make any excavation in any street, lane or public ground or under sidewalks without first obtaining such permit in writing.

( ) Section C-73 (B) and portions of (C)(1) and (2)(c)(2) “Sidewalk improvement districts.” is amended as follows with the remainder of section unchanged:

B. Construction or repair of sidewalks in districts.

(1) The Superintendent of Public Works Board of Public Works shall recommend, subject to amendment and approval by the Common Council, a budget and a schedule of sidewalk construction or repair to be performed in each SID as part of the City’s budget for each fiscal year; provided, however, that the budget for the first fiscal year following the year of enactment of this section shall be recommended and approved on such schedule as deemed practicable by the Superintendent Board of Public Works and Common Council. The Superintendent of Public Works (“Superintendent”) Board shall have the authority to include in such budget all or any portion of the cost for past sidewalk construction or repair performed by the City on a property located in and subject to assessments as part of a SID, so long as said cost has not been assessed
upon the abutting property owner prior to the effective date of this section. Along with such budget and schedule of work, the Superintendent Board shall recommend to Council any adjustments it deems desirable to the assessment formula set forth in Subsection C hereof. Such budget may include the issuing of, and payment of the maturing principal of and interest on, any obligation issued pursuant to the Local Finance Law for the purpose of financing the construction or repair of sidewalks pursuant to this section.

(2) Before the budget and schedule of work required by Subsection B hereof are given final approval by the Common Council Board, the City Clerk shall give notice by publication three times in a local newspaper of a public hearing thereon on a date specified, which date shall not be less than 10 days from the first publication. Before the date of public hearing, any person may file with the City Clerk written objections to such budget or schedule of work or any part thereof, which objections shall be presented to the City Administration Committee of Common Council or such other standing committee of Common Council designated by the mayor (“Committee”) Board before action shall be taken on such budget and schedule of work. At the time so appointed or at such other time to which it may adjourn for that purpose, the Committee Board may hear the allegations of any person interested who shall have filed such objections and may take proof in relation thereto. Such allegations and proofs shall be confined to the matters stated in such written objections. The Committee Board may thereupon alter or correct any assessment as justice may require, finally approve the same and file a schedule thereof with the Common Council, which may amend and confirm the same by local law after a public hearing, and if so confirmed, the amount of each assessment as derived from the assessment formula shall be a lien upon the real property so assessed. Such assessments and, if required, any reassessments, shall be collected in the manner provided in this Charter and the City Code for the enforcement, levy, and collection of City taxes.

(3) The Superintendent Board of Public Works or Common Council may include construction or repair of sidewalk curb cuts and curb accessibility ramps in the local improvements to be made in a SID. The Superintendent Board of Public Works or Common Council shall not include construction or repair of driveway cuts or aprons, which shall remain the financial responsibility of the abutting property owner.

(4) Work performed in a SID pursuant to this section shall be deemed a local improvement, and Common Council declares and finds that the assessment formula in Subsection C assesses each property in each district in proportion to the benefit received by that property from the construction and repair of sidewalks in its respective SID, and that such assessments are necessary to defray the cost of construction and repair of sidewalk in the respective SIDs.
(5) Nothing herein shall be construed to modify or alter any power of the Common Council, Board of Public Works, or Planning and Development Board to require a property owner to bear the full cost of sidewalk construction or repair as part of the site plan review process pursuant to Chapter 276 of the City Code, regardless of whether said property is located within a SID.

C. Assessment formula.²

   (1) Definitions. As used in this section, the following terms shall have the meanings indicated:

SIDEWALK CONSTRUCTION OR REPAIR Construction or repair of any public sidewalk or footpath intended for the use of pedestrians in a City park or approximately following along the line of the public street or streets upon which the lot fronts, including but not limited to sidewalk curb cuts and curb accessibility ramps, and other actions determined by the Superintendent Board of Public Works to be necessary to the construction or repair of said sidewalk or footpath, including, but not limited to, any paving, earth work, drainage, and appurtenances; provided, however, that the construction or repair of driveway cuts, aprons, or a pedestrian mall (as that term is defined in § C-89B of the Charter) is excluded.

   (2) (c) Past work reduction A lot’s assessment under this section shall be reduced as set forth herein.

[2] The lot owner must provide sufficient evidence to the Superintendent of Public Works or his or her designee of the nature and location of the past work performed, the cost of the past work, and the date the past work was substantially completed. Such evidence must be provided no later than May 1 of the year preceding the fiscal year for which the owner seeks a past work reduction; provided, however, that in the first fiscal year following the year of enactment of this section, such proof must be provided no later than the deadline, if any, established by the Board of Public Works, and if no such deadline is established, such proof must be provided no later than February 1 of that fiscal year. If the request is approved by the Superintendent of Public Works or his or her designee, the past work reduction shall automatically recur in each remaining year of the reduction period. The lot owner may appeal the determination of the Superintendent of Public Works or his or her designee to the City Administration Committee or such other standing committee of

² N.B. Only these select portions are amended with the remainder of C-73(C) unchanged.
Common Council designated by the mayor Board of Public Works at an open meeting thereafter.

( ) Section C-73.1 (A), (B)(2), (C)(1), and (D)(1) “Sidewalks not included in sidewalk improvement districts” is amended as follows with the remainder of section unchanged:

A. Authority.
   (1) The Common Council Board of Public Works shall have jurisdiction over the construction, repair and maintenance of all sidewalks, approaches and street driveways abutting any of the streets, highways, alleys and public places in the City and shall have power to delegate to the Superintendent of Public Works the authority to make rules and regulations with respect thereto, relating to materials, grade, location, manner and method of construction, dimensions and all other matters in connection therewith, not inconsistent with the provisions of this section.

   (2) The Common Council Board of Public Works shall have the power to make rules and regulations regarding the removal of ice, snow, and other obstructions from sidewalks and to require the area, if any, between the sidewalk and curb to be kept in a safe condition and the grass on such area, if any, to be properly mowed.

B. Duties of owner.

   (2) The construction and repair of such sidewalks, approaches, and street driveways shall be only upon application, in writing, to the Superintendent of Public Works, without expense to the City and in conformity with the rules and regulations of the Department of Public Works Board.

C. Failure to comply.

   (1) The Superintendent of Public Works, by notice, given personally or by mail, may require the owner of any land adjoining a sidewalk, approach or street driveway to construct or repair such sidewalk, approach or street driveway in conformity with rules and regulations of the Department of Public Works Board. In such notice, the Superintendent shall fix a reasonable deadline for the completion of such work, which deadline shall not be less than 60 days after the date of the notice. Upon the failure of the owner to complete such construction or repair within the time limit, the Superintendent of Public Works may cause such sidewalk, approach or street driveway to be constructed or repaired, either by contract or by the Department of Public Works, at the expense of the owner, to be collected as set forth in Subsection E.

D. Uniform sidewalk improvements; construction of new sidewalks on a street or part thereof.
(1) On petition of interested property owners or on its own motion, the Common Council Board of Public Works may direct that new sidewalks and street driveways be laid on any street or part thereof pursuant to plans and specifications prepared and adopted by it. Before determining to make such improvement, Council or any committee of Common Council the Board shall hold a public hearing on such proposed improvement upon not less than five days' notice, given personally or by mail or by publication in the official newspaper. After such public hearing, Council the Board may determine to make such improvement, either by contract or by delegation to the property owner(s), or by the City, under the direction of the Superintendent of Public Works.

( ) Section C-74 “Public buildings.” is amended as follows:

The Common Council Board of Public Works shall have supervision over all public buildings now opened by the City or hereafter acquired by it and shall provide for their heating and lighting; superintend the making of repairs and all alterations thereto; supervise the construction of all such buildings that may be required for City purposes; and procure necessary equipment, with a general supervision and control over all matters pertaining to such buildings and equipment and with such authority, hereby delegates yet retains oversight over such supervision to the Superintendent of Public Works. The above powers of superintendence shall not be deemed to apply to that portion of said public buildings and equipment exclusively in the Fire Department service.

( ) Section C-75 “Collection and disposal of garbage” is amended as follows:

The Common Council Board of Public Works is empowered to take charge and have control of the collection and disposal of garbage in the City of Ithaca and to adopt rules and regulations governing the collection thereof.

( ) Section C-76 “Removal of rubbish, weeds and vegetation” is amended as follows:

A. The Superintendent Board of Public Works as vested by Common Council shall have power, by rules and regulations, to require the owners of private property within the City of Ithaca to cut, trim or remove brush, grass, rubbish or weeds and, upon default, may cause such grass, brush, rubbish, weeds or other materials to be cut, trimmed or removed, and the expense thereof shall be a charge against the owner of said land, provided that at least five days' prior notice, to be given in such manner as the Superintendent Board may determine, shall have been given to such owner requiring compliance with such rules and regulations. Such rules and regulations may designate an officer or employee of the Board for the purpose of carrying into effect the provisions thereof.

B. Any expense incurred by the City Board pursuant to the provisions of this section or Chapter 331, Garbage, Rubbish and Refuse, shall be collected in
the following manner: Such expense shall be a lien upon the property to or for
which such services were furnished or rendered and shall be collected in the
same manner provided for the collection of City taxes and, when they remain
unpaid, shall be added to the annual City tax on the property to or for which
such services were rendered.

( ) Section C-77 “Use of ground under streets for water pipes” is amended as follows:

The Common Council Board of Public Works and all acting under its authority
shall have the right to use the ground or soil under any street or highway in the
City for the purpose of introducing water into and through any and all portions of
the City, and such right shall be continuous for the purpose of repairing and
relaying water pipes. Said Board The Superintendent shall cause the surface of
such street, highway or road to be restored to its normal condition.

( ) Section C-78 “Sale of water to premises outside City” is amended as follows:

Common Council may Board of Public works may, on behalf of the City, grant
to a corporation or individual outside of the City the right to make connections
with the water mains for the purpose of drawing water therefrom and shall fix the
prices and conditions therefor; but Council the Board shall not sell or permit
such use of water if or when thereby the supply or pressure for the City or its
inhabitants will be insufficient and may discontinue or terminate such sale or use
at any time.

( ) Section C-79 “Water system” is amended as follows:

Common Council has the authority to The Board of Public Works may, in
behalf of the City, construct, acquire, purchase, lease, maintain, operate, lay,
relay, repair and acquire the right to use in, on, under or along lands, easements
or rights in lands acquired by the City of Ithaca, within or without its corporate
limits, or in, on, under or along highways, streets, roads, parks or other public
places, within or without its corporate limits, water mains and pipes, hydrants,
standpipes, reservoirs, dams, pumping stations and other appurtenances for the
water system; and the Superintendent of Public Works may said Board of
Public Works may, in behalf of the City, grant the right to make connections with
such water system and draw water therefrom, either within or without its
 corporate limits, and shall fix and charge the prices and conditions as set by
Common Council therefor; and in determining such prices in any particular
area, It Common Council may take into consideration the amortization of the
cost of such general water system and any extensions thereof in such area.

( ) Section C-80 “Sale of sewer use to premises outside City” is amended as follows:

Common Council The Board of Public Works may also in behalf of the City sell
to a corporation or individual outside of the City the right to make connections
with and use the sewers of the City and shall fix the prices, terms and conditions
therefor; but no such right shall be granted or continued if or when thereby the
sewers of the City, or any of them, will be or become insufficient for the purposes
of the City and its inhabitants.

( ) Section C-81 “Lighting of streets and public places” is amended as follows:

The Common Council Board of Public Works shall have power to provide for
the lighting of the streets, highways, alleys, public places and municipal buildings
in the City and, for the protection and safety of the public lamps, to prevent the
same from being lighted or extinguished by persons not authorized so to do and
to provide rules and regulations concerning the same and penalties for willful
violation of the rules and regulations so prescribed or willful injury of lighting
appliances.

( ) Section C-82 “Control of other departments” is deleted in its entirety.

( ) Section C-83 “Repairs and improvements; security required for contracts” is
amended as follows:

A. The City The Board of Public Works shall have the power in all of its
departments to make repairs or improvements and perform any work
contemplated within said departments by the aid of its own employees or by
contract and shall have the power to contract for the furnishing of materials and
equipment.

B. When advertising for bids for public works or purchase contracts, the City
Board of Public Works may require security or certified checks to accompany the
bids, assuring the execution and faithful performance of the particular contract
upon which the bid is made.

( ) Section C-84 “Fiscal year designated; report of salaries and expenses” is deleted
in its entirety.

( ) Section C-85 “Transfers between departments” is amended as follows:

Each separate department shall be credited with the amount that shall be
appropriated by the Common Council therefor and charged with the expense
thereof. Moneys appropriated for maintenance or for permanent improvements in
one department may not be transferred to or used for any other purpose or in any
other department until the Board has certified to the Common Council the
transfer desired and the occasion thereof and the Common Council has
approved of such transfer. No contract shall be made or expense incurred in any
department in excess of the amount appropriated to that department and
amounts made available pursuant to the Local Finance Law, and the members of
said Board shall be personally liable for all expenses or indebtedness incurred in
excess of the appropriations by the Common Council to said Board and such amounts made available pursuant to the Local Finance Law.

Sections C-86 “Statement of receipts and disbursements” and C-87 “Audit of bills and accounts; monthly report” are deleted in their entirety.

Section C-88 “Condemnation of lands” is amended as follows:

A. Interests in lands. Whenever the Common Council Board of Public Works shall have determined to take and appropriate any lands, interests or easements deemed by it necessary in the execution of any plan or improvement adopted by Council the Board or in the execution of any part of any plan or improvement in any of the City’s departments under the control and supervision of the Board, which lands and rights shall not have been otherwise acquired, the City Board may proceed to the condemnation of the same pursuant to the provisions of the Eminent Domain Procedure Law.

B. Claims barred by condemnation proceedings. All persons upon whom or in respect to whose lands, rights or easements condemnation shall have been had are forever barred from maintaining any claim, right of action or proceeding to recover damages from the City of Ithaca by reason of the making of any improvement, alteration or extension of improvement or work done by the City Board or any of the departments under its control or of any change in the flow of any stream or current, except in the condemnation proceedings by which said lands or rights in land were acquired.

Section C-89 (A), (E), and (F) “Street and pedestrian mall improvements and assessments” is amended as follows with the remainder of the section unchanged:

A. Authorization of paving and other street work and pedestrian mall. Common Council The Board of Public Works, on its own motion or upon petition of owners of abutting property, may consider and tentatively authorize the paving, repaving, resurfacing or surface treatment of any street or portion of a street and the construction of curbs and gutters in any street or portion of a street and the construction, reconstruction of or addition to a pedestrian mall and may determine all matters relating to the type, materials and method of construction thereof. The Board Common Council or any committee of Council may hold a public hearing in regard to any such improvement and shall hold such a hearing whenever such improvement is assessable as hereinafter provided, after giving notice by publication at least once in a local newspaper not less than five days before such hearing. Any such hearing must be held before the Board and tentatively authorizes Council authorizes and appropriates funds toward such improvement. The Board The Superintendent of Public Works shall then make an estimate of the cost of such proposed improvement and file with the Common Council such estimate and a requisition for appropriation of the funds necessary for the work.
E. Assessment of cost of constructing, reconstructing or constructing an addition to a pedestrian mall. The cost of constructing, reconstructing or constructing an addition to a pedestrian mall shall be borne as follows: Not less than 15% shall be a charge against the City at large, and not more than 85% shall be a charge against properties which the Board of Public Works, subject to confirmation by the Common Council, shall determine and specify to be especially benefited, apportioned in accordance with a rate schedule to be established therefor from time to time by Common Council the Board of Public Works, to be determined on any equitable basis, including but not limited to a system of classification for purposes of establishing differential rates, which rate schedule shall be subject to confirmation by the Common Council. Before any such rate schedule is finally established, the Board of Public Works Common Council or any committee thereof shall hold at least one public hearing thereon, after giving notice by publication at least once in a local newspaper not less than five days before such hearing.

F. Manner of assessment. Upon the completion of any improvement of which all or any part of the cost is charged to abutting owners' properties as above provided, the Board Common Council shall cause to be prepared a map and a statement showing the cost thereof and the apportionment and assessment against the respective properties benefited and shall give notice by publication three times in a local newspaper of a public hearing before Common Council or any committee thereof as specified in the notice thereon on a date specified, which date shall not be less than 10 days from the first publication, at which time any person interested may appear and be heard in relation thereto. The Board Common Council or the relevant committee of Council may thereupon alter or correct any such assessment as justice may require, finally approve the same and file a schedule thereof with the Common Council, which shall confirm the same, and when so confirmed, the amount of each assessment shall be a lien upon the real property so assessed. The Council may prescribe and apportion deferred payments, make such regulations as may be deemed advisable for the payment thereof and provide for a percentage addition to any such deferred payments at a rate not exceeding 6% per annum, to be determined and fixed by said Council, together with any fees and expenses which may be incurred in connection therewith. Such assessments, percentages, fees and expenses shall be collected in the manner provided for the enforcement, levy and collection of City taxes.

( ) Section C-90 “Promulgation of rules and regulations” is amended as follows:

Common Council The Board of Public Works may (which authority includes delegation to Council committees or City staff to perform the following): make, alter and modify, publish and enforce from time to time such rules and regulations not inconsistent with the law and any other provisions of this Charter or the ordinances of the City of Ithaca as may be deemed necessary for the
conduct of all its departments, for the government of the Superintendent of Public Works and for the performance of all work authorized by it.

() Section C-91 “Penalties” is amended as follows:

A. Penalties authorized; recovery of damages. The Board of Public Works Common Council may prescribe penalties for willful or malicious acts by any person or persons whereby any of the property or rights under the control of the City Board in any of its departments shall be interfered with, impaired, obstructed or injured and may enforce the penalties and recover the actual damages sustained thereby in the manner provided in this Charter, crediting the money so recovered to the department to which it properly belongs.

C. Limitations on penalties for violation of rules and regulations; action to recover penalty. The Board Common Council may prescribe penalties, not exceeding a fine of $250 or 15 days' imprisonment, or both, for the violation of any of the rules and regulations adopted by it in any of its departments, which rules and regulations, when regularly adopted, may be enforced by action brought in the name of the City of Ithaca, and the amount so recovered shall be paid to the City Chamberlain and be credited to the department to which the moneys so recovered properly belong. No action shall be brought to recover any penalty for violation of any such rule or regulation unless a notice generally describing the same shall have been published at least once in the official newspaper of the City of Ithaca prior to such violation.

() Section C-92 “Interference with Board property or water supply to constitute misdemeanor” is renamed as follows “Interference with Board City property or water supply to constitute misdemeanor” and amended as follows:

Any act whereby any property, apparatus or appliances pertaining thereto which shall be under the power and control of the City Board of Public Works in any of its departments shall be willfully or maliciously injured, impaired or obstructed or the water supply shall be rendered less pure shall be deemed a misdemeanor, and the person or persons convicted thereof shall be punished accordingly.

Section 3. Code Amendments.

() Section 4-1 “Powers and duties of Mayor” is amended to delete subsection (B) in its entirety with the remainder of the section unchanged.

() Subsections 4-23(A)(1) and (B)(4) and (B)(5) “Planning and Development Board” are amended as follows with the remainder of the section unchanged:

(A) (1) There shall be a Planning and Development Board, also known as the "Planning Board," consisting of seven members, each of whom shall be appointed by the Mayor with the consent of Common Council. There shall be one
member from the Board of Public Works. The Mayor shall appoint one member of the Planning and Development Board to serve as Chairperson. In the absence of a Chairperson, the Planning and Development Board may designate a member to serve as Chairperson. In making such appointments, the Mayor may require Planning and Development Board members to complete training and continuing education courses in accordance with any local requirements for the training of such members. The term of office shall be three years, and the terms shall be staggered, except for the member appointed from the Board of Public Works. With respect to that member, the term of office shall be two years and shall coincide with his or her term of office as a member of the Board of Public Works.

(B)(4) Making recommendations to the Board of Public Works and the Common Council regarding the siting of major public improvements serving the city, in accordance with the comprehensive plan.

(5) Making recommendations to the Common Council and the Board of Public Works concerning the sale, purchase or use of City lands and buildings.

Amend the following subsections of Chapter 262 “Sewers and Water, Intermunicipal” with the remainder of the Chapter unchanged:

i. 262-2 Definitions.

Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

**MUNICIPAL BOARD**

*As used in this Chapter, shall refer to the Common Council of the City of Ithaca, including its designees at it may deem appropriate.*

ii. Rename Part 2 as follows: Part 2 Board of Public Works Rules and Regulations

iii. 262-38 Application for service; responsibility for charges.

All applications for the introduction or supply of water and/or sewer into any premises or for the extension of any pipe for the conveyance of water or sewage must be made, in writing, by the owner of the premises or said owner’s duly authorized agent on forms provided for that purpose at the office of the City Chamberlain. Separate buildings requiring separate meters will also require separate services even if they are on the same premises. If more than one service is desired for the same premises, a separate application shall be made for each service. The owner of such premises shall be held responsible and liable for all charges for such service and water consumption and sewer rental charges to said
premises, to be collected, in case of default of payment, in the manner provided by the rules and regulations or the provisions of the City Charter relating thereto. However, when water and/or sewer service is desired for premises in areas outside the city limits where contracts are made with the city to supply the areas with water and sewer disposal, all applications must be approved by the Superintendent Board of Public Works or its designated representative before application may be accepted at the office of the City Chamberlain.

iii. 262-39 Independent service pipes.

Each building or other premises shall be provided with a separate and independent water and sewer service from the main; provided, however, that a group of buildings under the same tenant occupancy, use and exclusive control may be served by a single principal water and sewer service upon permission and terms granted by the Superintendent of Public Works Board. Where two or more branch water service lines from the main service pipe are used for separate tenants in the same premises, each branch shall be provided by the owner with proper fittings for separate and independent meter installations in the respective branches, and each such branch shall be provided with a compression stop and waste cock ahead of the meter.

iv. 262-41 Rates and terms of payment.

A. Common Council The Board shall from time to time determine and fix the rates for water service connection and consumption, sewer rental fees, special fees and charges for hydrant service and shall establish such zones and periods of payment as may be desirable.

B. All such rates and terms of payment shall constitute a part of the rules and regulations of the Department of Public Works Board relating to water service as though fully set forth herein and shall be on file in the office of the City Chamberlain.

v. 262-42 Changes in rules, regulations and rates.

Common Council The Board reserves the right to change, by resolution, from time to time, the rules and regulations relating to the water supply and sewer system and the rates for the use of water and sewers.

vi. 262-43 Rates for service outside city limits.

The Board Common Council shall determine and fix rates for water and sewer service and water consumption outside the city limits and for service taps, repairs, etc., and for hydrant service for fire protection, which shall be included in the established schedule of rates on file in the office of
the City Chamberlain, and the collection of any charges for such service shall be as provided in § 262-44.

vii. 262-47 Inspections.

A. The inspector hereinafter named is a person duly authorized by the Superintendent Board of Public Works.

viii. 262-48 Easements.

In case the proposed waterline, drain or sewer passes through premises other than those making connection with the water and/or sewer, no connection will be made until a deed of easement, satisfactory to the Superintendent of Public Works and City Attorney Board of Public Works, shall have been secured and filed in the office of the City Clerk.

ix. 262-50 Water mains.

Except where water mains cross bridges and except when variations are specifically approved by the Superintendent of Public Works Board, all water mains connecting with the city water system must be cast-iron hub-and-spigot pipe meeting the specifications of the American Water Works Association and installed with leaded joints. All proposed plans and specifications for water mains must be approved by the Superintendent Board of Public Works and installed under the supervision and inspection of the Water and Sewer Division of the Department of Public Works.

x. 262-53 General installation and maintenance rules for service pipes.

E. Whenever leaks occur in the service pipes at any point between the main and the meter, they must be repaired immediately by the owner or agent of the premises in accordance with the previous subsections of this section. If repairs are not made within 15 days after notice of such leaks, the Superintendent of Public Works Board may shut off the water until such repairs are made.

F. The Superintendent of Public Works Board reserves the right to repair any leaking service pipe without notice and to charge the expense thereof against the owner of the premises, to be collected in the manner provided by the rules and regulations or the provisions of the City Charter relating thereto.

H. All tapping of the street mains will be made by the Water and Sewer Division, for which the applicant must pay the city, at the time of making application, such fees therefor as shall be determined from time to time by Common Council the Board. In all cases, an approved stopcock,
with well and cover, shall be put in at the curb or outer edge of the walk, and such curb box shall be set and kept visible and flush with the grade and put as near as practicable to the curb, at the property owner's expense.

xi. 262-54 Service pipes, tapping mains and connections.

A. Tapping mains. All tapping of the city water mains will be done by the Water and Sewer Division, and no other person will be allowed to make such taps. The tapping will be done at the expense of the applicant, and the fee therefor fixed as determined by the Superintendent of Public Works based on the rates fixed by Common Council Board shall be paid in advance.

B. Notice. In locations where the city forces do not dig the street or road for services, notice must be left at the office of the Water and Sewer Division on the day previous to the one on which the tapping will be required, stating the hour when the street will be open at the main and ready for tapping and giving the street number of the location and the name of the person owning or occupying the premises. In case the trench is not ready for tapping the main at the time specified, an extra charge will be made for overtime or lost time, as provided in the rates and fees determined by the Superintendent of Public Works Board.

xii. 262-55 Replacing service pipes.

Any service in which any other variety of pipe shall be placed than that specified in § 262-54 or where opportunity is neglected to replace wrought iron or steel pipe with such pipe as specified, the Superintendent of Public Works Board reserves the right to have the water shut off from said premises until such pipe has been installed in accordance with the rules.

xiii. 262-56 Standpipes and automatic sprinklers.

Standpipes or pipes for automatic suppression of fires in buildings, which fixtures are intended only for such use, will be permitted to be attached to the city water supply system, and no charge will be made for the use of water for such purposes. All such pipes must be provided with a suitable valve outside of the building, which shall be under the exclusive control of the Superintendent of Public Works Board. Also, in the case of standpipes, a valve must be provided and placed at the bottom of the standpipe and at each hose opening, which valve shall be sealed by the Water and Sewer Division. In case such seals shall be broken for the extinguishment of any fire, the party breaking the seal shall immediately thereafter notify the Water and Sewer Division, and the valve shall be resealed.
xiv. 262-57 Protection from freezing.

A. Service pipes and meters in buildings shall be located in the parts thereof protected from frost but consistent with the need for access to the meter and the installation of the remote reading device.

B. In all cases where the service pipe passes through areas of basements having windows, gratings or traps open to the weather, the openings shall be closely covered and the windows and doors closed to the outside air during the cold weather. In all exposed situations, the service pipes and fixtures shall be protected at the expense of the owner, and in case such owner neglects to protect his/her service as aforesaid, the Superintendent of Public Works Board may cut off the water therefrom. It shall be the duty of the plumber to protect from frost all work done by him/her. He/she will not be released from the responsibility by having the owner of the premises or others do the work for him/her.

xv. 262-58 Meters

J. The Superintendent of Public Works Board reserves the right to attach or detach meters at any time whenever it shall deem it expedient and charge for the quantity of water measured or used. All water passing through a meter will be charged for, whether used or wasted.

xvi. 262-61 Termination of service.

In the case of fraud, misrepresentation on the part of the applicant, abuse in the use of water, violation of any of the rules and regulations relating thereto or nonpayment of rates and charges when due, in addition to the penalties specifically provided by the rules and regulations, the City Charter or ordinances, the water may be cut off without notice, and the water will not be turned on again unless satisfactory assurance shall be given that no further cause of complaint shall arise and until the payment of such fees as the Board, Superintendent of Public Works may prescribe with such fees based on the rates fixed by Common Council.

xvii. 262-62 Deficient water supply.

The Superintendent of Public Works Board reserves the right to shut off the water for alterations, extensions and repairs and to stop or restrict the supply of water whenever it may be found necessary, and the City Board shall not be held liable under any circumstances for a deficiency or failure to supply water, whether occasioned by shutting off water to make repairs, connections, extension or any other cause whatsoever.

xviii. 262-63 Water for building construction.
Common Council authorizes the Superintendent of Public Works to
The Board shall determine and fix the rates for water to be used for
building construction or repairs, the volume of water to be estimated upon
the basis of the amount required per unit of the square area or cubic
content for the various classes of construction involved. Such estimated
schedule charge for such service shall be paid in advance. In lieu of a
schedule charge for such service, a meter may be installed, in which case
a deposit shall be required as security against damage to such meter, any
surplus thereof to be applied towards the consumption charges. See the
list of current prices and fees posted at the Water Building, 510 First
Street.

xix. 262-64 Sewer mains.

A. Except when variations are specifically approved by the
Superintendent of Public Works Board, all sewer mains will be eight-
inch cement-asbestos.

C. All proposed plans and specifications for sewer mains must be
approved by the Superintendent Board of Public Works and installed
under the supervision and inspection of the Water and Sewer Division of
the Department of Public Works.

xx. 262-65 Sanitary sewer services.

E. Whenever leaks or breaks occur in the service pipes or private
sewers between the main and the building served, they must be repaired
immediately by the owner or agent of the premises in accordance with the
previous subsection of this section. If repairs are not made within 15 days
after notice of such leak or break, the Superintendent of Public Works
Board may shut off the water until such repairs are made.

F. The Superintendent of Public Works Board reserves the right to
repair any leaking service pipe without notice and to charge the expense
thereof against the owner of the premises, to be collected in the manner
provided by the rules and regulations or the provisions of the City Charter
relating thereto.

H. All wyes cut into the sewer main will be done by the Water and
Sewer Division, for which the applicant must pay the city at the time of
making application such fees therefor as shall be determined from time to
time by the Superintendent of Public Works based on staff time,
overhead, and materials Board.

xxi. 262-68 Prohibited discharge; normal discharge range.
A. No person shall discharge or cause to be discharged to any public sewer any of the following described substances, materials, waters or wastes:

(11) Any stormwater, cistern or tank overflow, cellar drain or the contents of any privy vault or cesspool or, except as otherwise provided by the Board and under a permit issued by the Superintendent of Public Works, the discharge of effluent from any air-conditioning machine or refrigeration unit. A fee as established by the Superintendent Board of Public Works based on the ordinary sewer rents will be charged for each air-conditioning or refrigeration effluent discharging into the sanitary sewer pursuant to an approved permit.

xxii. 262-70 Manholes.
No person shall raise or tamper with the cover of any sewer manhole or deposit thereon any refuse or other materials without a permit permission from the Superintendent Board of Public Works.

xxiii. 262-72 Termination of service.
The Board of Public Works Common Council shall have the right to close or disconnect from any public or private sewer any sewer constructed or used in violation of the rules and regulations pertaining thereto. The Board Superintendent of Public Works shall have the right to enter upon any public or private property for this purpose.

xxiv. 262-80 Sanitary protection.
All installations shall be made in conformance with the Plumbing Code and subject to the inspection of the Plumbing Inspector and will include the following general protective measures:

B. The discharge and the connections for the disposal of wastewater shall be in accordance with the Plumbing Code and Department of Public Works and Common Council Board of Public Works regulations regarding sanitary sewers.

xxv. 262-84 Change of rules and regulations.
Common Council The Board of Public Works reserves the right to change, by resolution, from time to time, the rules and regulations governing the installation and operation of air-conditioning and refrigeration equipment.

xxvi. 262-86 Authorization required.
No connections to any mains in the water or sewer system may be made unless such connections are authorized by the Superintendent Board of
Public Works and the plans for the water or sewer main extension are approved by the Superintendent Board of Public Works.

xxvii. 262-87 Conformance required; supervision and inspection.
All work done on water and/or sewer main extensions connecting to the Ithaca systems must conform to these specifications and must be done under the supervision and inspection of the Superintendent of Public Works of the Board of Public Works or under such inspection as may be otherwise ordered by the Board of Public Works. The term “inspector” hereinafter used will mean the duly designated representative of the Board of Public Works.

xxviii. 262-89 Excavation and preparation of trench.

G. Special foundation in poor soil. Where the bottom of the trench at subgrade is found to consist of material which is unstable to such a degree that, in the opinion of the inspector, it cannot be removed and replaced with an approved material thoroughly compacted in place to support the pipe properly, the contractor shall construct a foundation for the pipe, consisting of piling, timber or other materials, in accordance with plans approved by the Superintendent Board of Public Works.

xxix. 262-91 Materials to be used.

A. Pipe and fittings.

(1) All pipelines four inches in diameter and larger shall be bell-and-spigot, tar-coated, cement-lined, centrifugally cast pipe to meet American Water Works Association specifications, the class of pipe used to be determined by the operating pressure and conditions of the line. All fittings shall be Class D, tar-coated and long pattern, to meet American Water Works Association specifications.

(2) The use of mechanical joints and rubber joint cast-iron pipe will be allowed by approval of the Superintendent Board of Public Works.

xxx. 262-102 Materials to be used.

A. Pipe and fittings.

(1) All sewer mains shall be cement-asbestos with a minimum inside diameter of eight inches.

(2) No other specifications for concrete or cement-asbestos sewers are herein contained. The use of other materials is not prohibited and may be done under standard specifications.
Amend the following subsections of Chapter 283 “Stormwater Utility” with the remainder of the Chapter unchanged:

283-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**BOARD**

The Board of Public Works.

**STORMWATER SERVICES**

The City program for protection of stormwater quality and for the partial control and conveyance of stormwater, including, but not limited to: public education; monitoring, removing, and regulating stormwater pollutants; other activities described in the City’s New York SPDES permit; mapping; planning; regulating, reviewing and inspecting private stormwater infrastructure; operating, constructing, improving, cleaning, and maintaining the City’s Stormwater System; and any and all expenses deemed reasonably necessary to the management of stormwater within the City in the judgment of the Superintendent of Public Works, as instructed from time to time by Common Council, the Board of Public Works, including but not limited to the payment of debt principal and debt service, and the establishment of a reserve fund, to pay for these services.

283-2 Stormwater user fees

B. Equivalent residential unit.

(1) An equivalent residential unit is equal to 2,300 square feet.

(2) At least once every five years, the Superintendent shall report to the Board and Common Council regarding changes in the average impervious surface areas of residential lots.

283-3 Stormwater user fee credits.

B. Eligible practices. Credits are available for those stormwater management practices or structures enumerated in a detailed list entitled "approved stormwater user fee credits," maintained by the Superintendent, initially established by resolution of the former Board of Public Works, and
updated from time to time by additional resolution of Common Council the Board on consultation with the Superintendent. Such updates shall only be effective in conjunction with this chapter if, at least 14 days before Common Council the Board finally votes on any such update, the Superintendent provides to Common Council the Board and to the City Controller an estimate of the probable annualized budget impact of such updates upon the stormwater account maintained by the City Controller.

283-4 Stormwater account and billing.

C. Effect of nonpayment.

(3) Any uncontested portion of the stormwater user fee, with any added penalty or interest, remaining unpaid on or before November 1 of any year shall be listed as a separate item on the subsequent year’s City property tax bill. Fees which have been contested in a timely manner and which have been determined by the City Administration Committee or such other standing committee of Common Council designated by the mayor Board to be due and payable before November 1 of any year shall be similarly listed.

D. Common Council The Board shall prescribe, in its discretion, a schedule of application and/or inspection fees to be charged in connection with this chapter. Such fees shall be deposited in the stormwater account.

283-5 Appeals and reissuance of fees.

A. Any applicant aggrieved by the Superintendent's determination pursuant to §§ 283-2C(1) or 283-3E may appeal such decision to the City Administration Committee or such other standing committee of Common Council designated by the mayor (“Committee”) Board at an open meeting thereafter. Such appeal must be in writing and explain why the Superintendent's decision should be reversed. The applicant may present evidence to the Committee Board at the open meeting at which the appeal is considered, but such evidence must be limited to the matters stated in the written appeal.

283-6 Retention of existing powers.

Nothing herein shall be construed to modify or alter any power of the Common Council, Board of Public Works, Superintendent of Public Works, Planning and Development Board, or Director of Code Enforcement to require the construction, maintenance, or repair of privately maintained stormwater infrastructure at the cost of the property owner as part of site plan review or other applicable regulation.
Section 4. Severability Clause.

Severability is intended throughout and within the provisions of this Local Law. If any section, subsection, sentence, clause, phrase, or portion of this Local Law is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Local Law.

Section 5. Mandatory Referendum and Effective Date.
This Local Law shall be submitted to a referendum at the next feasible general election. This Local Law shall take effect upon the filing of the Local Law in the office of the Secretary of State, after approval by the electorate at referendum, but at no time earlier than January 1, 2021.
Ordinance No. 2020-__

An ordinance to amend the City Code to Restructure City Functions and Dissolve the Board of Public Works

WHEREAS for nearly a decade, the City of Ithaca has been examining different methods to improve efficiency of its processes, with such efforts culminating in the restructuring of the City’s advisory commissions and boards in 2017; and

WHEREAS in light of the COVID-19 pandemic, which has forced the City to perform its governmental functions with fewer staff and reduced financial resources, the mayor solicited feedback from department heads as to how to further improve efficiencies in City government; and

WHEREAS the Superintendent of Public Works strongly believes that dissolution of the Board of Public Works is one way to make City functions more efficient and reduce demands on staff; and

WHEREAS although the Board of Public Works has jurisdiction over a variety of City matters, including City property and facilities like water, sewer, streets, sidewalks, and parks, it is an unelected board, and many of its functions are also performed by other arms of City government and/or could be handled on a staff level; and

WHEREAS the Board of Public Works scope of activity has substantially narrowed to the point where many of its recent meetings have been adjourned for lack of quorum and/or meeting content, and the Board of Public Works has delegated much of its authority and responsibility to staff; and

WHEREAS dissolution of the Board of Public Works requires amendment of the City Charter by local law (addressed in the companion local law), and various Code changes by ordinance (addressed by this ordinance); and

WHEREAS public visibility into and participation in issues of public works is vital to Ithaca and would not go away with this transition; instead, Common Council and its standing committees would serve as a means for public input and dialogue about public works matters; now, therefore;

BE IT ORDAINED by the Common Council of the City of Ithaca as follows:

Section 1. Findings of Fact.
The Common Council makes the following findings of fact:

1. The Board of Public Works, an unelected board, has broad jurisdiction over several matters of City concern, primarily in the area of City property and
facilities. However, its powers are derived from Common Council, an elected body with overlapping jurisdiction.

2. Much of the review Board of Public Works conducts can be done on a staff level, and items requiring a public forum (e.g., appeals, significant alterations to City facilities, or large-scale uses of City property by private entities) can be heard through committees of Common Council or Council itself. These changes will continue to afford:
   a) Members of the community with knowledge of relevant meetings and opportunities to participate in governing and decision-making processes of interest to them.
   b) Easily accessible information about decisions being made and what information is informing those decisions.

3. The recruitment, application, and appointment process necessary to fill the Board of Public Works is cumbersome, time consuming, and leads to vacancies on the Board of Public Works and can at times prevent the Board from conducting business for lack of quorum.

4. As a result of limited City staff resources coupled with difficulty having a consistent quorum, the Board of Public Works can be a meaningful hurdle to City and private development.

5. It is, therefore, desirous to dissolve the Board of Public Works and reapportion its responsibilities and Code references to other aspects of City government.

Section 2. References to Board of Public Works in contracts or agreements

To the extent any current or existing contract or other written agreement or obligation with or on behalf of the City of Ithaca refers to or confers a remedy via the Board of Public Works, the “Board of Public Works” shall be interpreted to mean the Common Council if referring to a quasi-judicial or legislative function (e.g. hearing of an appeal or fee setting) and the Superintendent of Public Works if referring to an administrative or executive function (e.g. approval of specifications, plans or enforcement of Code provisions).

Section 3. Adoption of current Board of Public Work rate, fee and penalty structures in effect

Common Council hereby adopts all current fee, rate and penalty structures enacted by the Board of Public Works that are now in effect for the City of Ithaca. By the amendments in this ordinance and the corresponding local law, Common Council shall adopt and update the rate, fee, and penalty structures from time to time as Common Council so chooses or upon the Superintendent of Public Work’s recommendation.
Section 4. Code amendments

( ) Delete Section 8-16 “Common Council Liaison” in its entirety as follows:

One of the two Common Council Liaisons to the Mobility, Accessibility, and Transportation Commission, as set forth in Article I of this Chapter, must also be a Common Council liaison to the Board of Public Works.

( ) Amend Chapter 50 “Energy Commission” as follows with the remainder of the Chapter unchanged:

50-3 Membership

The Commission shall consist of up to 11 members appointed by the Mayor, upon the recommendation of the Board of Public Works. Two-thirds of the members shall be residents of the City of Ithaca. Membership shall be broadly representative of the various segments of the city. Members shall serve two-year terms, with no limitation on the number of terms that can be served.

50-6 Reports.

The Commission shall report regularly to Common Council the Board of Public Works. In addition, the Commission shall forward comments and recommendations to any body it deems appropriate.

( ) Amend Section 90-11 “Employment prohibited in department which reports to relative’s board” as follows:

Relatives of members of appointed boards shall not be employed within a department which is responsible to that board, i.e., but not limited to the Board of Public Works, Planning and Development Board, or Board of Zoning Appeals.

( ) Amend Chapter 114 “Natural Areas” as follows with the remainder of the Chapter unchanged:

114-3 Parks, Recreation, and Natural Resources Commission

The Parks, Recreation, and Natural Resources Commission shall be the advisory body to the Board of Public Works (and Common Council, when appropriate) and the committees of Council that shall coordinate City and public concerns about the natural areas.

114-4 Natural areas regarding new construction or rehabilitation; approval of changes to adjacent or nearby property
(B) Except for necessary emergency repairs to the water supply system at Six Mile Creek and routine maintenance of existing facilities, no significant, permanent changes shall be made in the natural areas without prior approval from the Board of Public Works or the Common Council, acting after soliciting the advice of the Parks, Recreation, and Natural Resources Commission. "Routine maintenance" refers to work carried out on a regular basis and according to standardized, general procedures set forth in the "ecologically informed guidelines" described in § 114-5 of this chapter.

114-5 Maintenance.

Ecologically informed general guidelines for Department of Public Works maintenance activities within the natural areas shall be promulgated and updated as necessary by the Department of Public Works, in consultation with the Parks, Recreation, and Natural Resources Commission, and subject to the approval of Common Council or the Board of Public Works.

114-6 Restoration.

Any significant disruption of a natural area by the City shall be restored to as natural or compatible a state as practical, on the basis of a restoration plan promulgated with the advice of the Parks, Recreation, and Natural Resources Commission. If the Department of Public Works and the Parks, Recreation, and Natural Resources Commission cannot agree on the plan, Common Council or the Board of Public Works shall make a final determination.

Amend Subsection 128-5(A) of Chapter 128 “Alcoholic Beverages” as follows:

128-5 Exceptions.

A. The provisions of this article shall not apply within the boundaries of Cass Park or Stewart Park, which areas shall be regulated by Common Council, the Board of Public Works, nor shall such prohibition apply to or within the boundaries of Treman Marina.

Amend the following subsections of Chapter 146 “Building Code Enforcement” with the remainder of the Chapter unchanged:

146-4 Administrative officers and functions.

(L) Approval by other departments. Permits requiring the approval of all or
parts of the proposed work by the Fire Chief, the Superintendent Board of Public Works, Common Council, the Board of Health or other authority shall not be issued until such approval, in writing, shall have been first obtained. This shall also apply to work subject to approval by state or federal authorities.

146-23 Examining Board of Plumbers.

(5) To review and submit to the Code Appeals Board for recommendation to Common Council the Board of Public Works fee schedules for registration, licensing, examination, fixture fees and other additions to be approved by the Code Appeals Board and Common Council the Board of Public Works, as necessary, not inconsistent with other state and local laws.

146-24 Plumbing Inspector.

A. Qualifications. The position of Plumbing Inspector is hereby continued. The Plumbing Inspector shall:

(1) Be appointed by Common Council the Board of Public Works, to act under the supervision of the Superintendent Public Works, subject to related terms of employment.

(2) Be a practical plumber.

(3) Not be engaged, either directly or indirectly, in the business of plumbing during his/her term of office.

(4) First obtain a certificate of competency from the Examining Board of Plumbers.

(5) Be a citizen and actual resident of the City of Ithaca unless waived by the Common Council Board of Public Works by a majority of its members, upon conferral with the Director of Human Resources, and if so waived be a citizen and actual resident of Tompkins County or an abutting or adjacent county.

146-31 Technical regulations.

The Examining Board of Plumbers, in conjunction with the Tompkins County Board of Health, shall establish and promulgate written, local regulations concerning the technical aspects of plumbing and plumbing systems, including water heaters and water-heating systems, not
inconsistent herewith and subject to review and approval by the Code 
Appeals Board and Common Council the Board of Public Works, as 
necessary.

( ) Amend the following subsections of Chapter 157 “Commons” with the remainder of 
the Chapter unchanged:

157-2 Purpose.
The purpose of this chapter is to regulate the use and maintenance of the Ithaca Commons so as to promote the general welfare and public use of said area. In addition to the authorities vested in the Superintendent of Public Works and Common Council the Board of Public Works set forth in this chapter, the Public Safety and Information Commission shall have the authority to advise on issues related to the use, maintenance, and design of the Ithaca Commons so as to promote the general welfare and beneficial public use of the Ithaca Commons.

157-5 Commons permits.

A. Permit classes. Commons use permits will be required for all events, activities, displays, exhibits, commercial sales and other uses of the Commons. Such use permits will be issued in accordance with the provisions of this section. General classes of permits that will be referred to the Superintendent or the Board of Public Works include:

B. Permit issuance.

(1) All requests for permits must be submitted to the Superintendent’s office. The Superintendent may ask for additional information and/or request a personal appearance before Common Council or a committee thereof the Board of Public Works for a hearing to present the details of a permit application and, if the Superintendent deems it appropriate, for a vote by the same the Board of Public Works on such permit application.

(3) The City Administration Committee or such other standing committee of Common Council designated by the mayor The Board of Public Works shall serve as an appeals board for people whose permit applications have been denied by the Superintendent or who feel that unreasonable restrictions have been placed by the Superintendent upon their permit.

(5) Any permit which has been reviewed and approved by either the Superintendent or the Board of Public Works may be revoked or amended
if it is determined that the activity for which the permit was issued is not being carried out in a manner that meets the terms of the permit.

157-7 Fees.

Permit and use fees will be established by the Board of Public Works or Common Council. Fees may be waived or reduced by the Board of Public Works or Common Council if deemed in the best interest of the community. All fees shall be paid at the time the permit is issued.

157-9 General Commons rules; signs, displays and temporary planters.

A. The following rules apply to all uses and activities on the Primary Commons:

(13) Overnight sleeping on the Commons is prohibited except upon approval of a permit by the Superintendent of Public Works, the Fire Chief and Police Chief the Board of Public Works.

157-10 Amplified sound, lights and other electrical equipment.

D. Amplified sound may be used between 11:00 a.m. and 2:00 p.m. Monday through Friday and 5:00 p.m. and 9:00 p.m. Sunday through Thursday. On Friday, amplified sound is allowed from 5:00 p.m. to 10:00 p.m., and on Saturday, amplified sound is allowed from 10:00 a.m. to 10:00 p.m. Performers are required to schedule 20 minutes of quiet time for every hour of amplified sound. Approval of a noise permit by the Superintendent or designee is required. Sound levels are subject to immediate volume reduction upon request by any City official, or staff member of the Downtown Ithaca Alliance. Failure to comply with such requests to reduce volume levels are subject to immediate permit revocation. Requests to extend the hours of amplified sound may be made to the Mayor, Superintendent of Public Works, and the Police Chief.

157-12 Work sites on the Commons.

B. Such permit shall be issued and governed by Article II, Chapter 342, of the City of Ithaca Municipal Code, and the fee for such permit shall be determined and from time to time updated by the Common Council Board of Public Works.

157-15 Dogs and other animals.
D. The permit shall not be transferable and is revocable at any time should the permit holder fail to comply fully with the terms of the permit. The permit shall be valid for the duration of the owner's lease or ownership of premises on the Commons or for a period of one year, whichever is shorter. The permit shall be renewable annually upon application to the Superintendent. The permit fee shall be set by the Board of Public Works or Common Council. No more than two permits shall be issued for each residential or commercial unit. In the case of a business that requires the presence of animals to perform the function of the business, one permit shall cover the business and all of its customers. In addition, a valid New York State dog license is required and must be presented at the time of application for the permit.

157-17 Newsracks.

The Downtown Ithaca Alliance shall administer the placement of news racks on the Commons. Requests to use the news racks will be considered in accordance with the policy approved by the Superintendent of Public Works with guidance from Common Council, Board of Public Works.

157-21 Cleaning and repairing.

B. Maintenance and snow removal guidelines.

(1) Guidelines will be developed by the Department of Public Works in accordance with best practices and, with approval from Board of Public Works, and will be updated as needed. Guidelines will be made available through the Superintendent's office and listed on the City's website.

157-22 Applications; rules of operation; permits; appeals.

B. Rules of Operation

(12) If the agreement is terminated for cause, the agreement period shall end immediately, and no refunds will be issued. Notice of proposed suspension or revocation of an agreement for outdoor dining shall be given in writing, setting forth specifically the grounds of the complaint. The applicant shall have a right to appeal to the Mayor a hearing in front of the Board of Public Works on the proposed revocation or suspension.
D. Appeals for denied agreements. Any person or group that has been denied an agreement for outdoor dining on the Ithaca Commons may appeal such decision to the Mayor the Board of Public Works. Such appeal shall be submitted, in writing, to the Superintendent's office within 10 days from the date of denial. The Mayor Board of Public Works may act to sustain the original decision or to revise it, with or without conditions.

157-24 Mobile vending locations.

Common Council The Board of Public Works is authorized to determine appropriate locations where vending shall take place. The Superintendent's office shall maintain and make available to the public a map of approved vending locations.

157-26 Agreements.

A. The Superintendent may issue agreements for mobile vending on the Primary Commons pursuant to the Mobile Vending Map, which is approved by the Common Council from time to time. Board of Public Works annually. The Superintendent may refuse to issue an agreement:

B. Application requirements.

(1) Completed applications for vending agreements with corresponding fees shall be received and considered by the Superintendent. Fees include, but may not be limited to, application fee, security deposit, and use fee. The fees have been established in accordance with Chapter 170 of the City of Ithaca Municipal Code, entitled "Use of Real City Property." Notwithstanding the foregoing, City Administration Committee or such other standing committee of Common Council designated by the mayor the Board of Public Works may, in its discretion, offer a reduced permit fee for not-for-profit organizations offering employment opportunities for youth or persons with disabilities.

157-29 Suspension or revocation of agreement.

B. If the agreement is terminated for cause, the agreement period shall end immediately, and no refunds will be issued. Notice of proposed suspension or revocation of an agreement for mobile vending shall be given in writing, setting forth specifically the grounds of the complaint. The vendor shall have a right to appeal a hearing on the proposed revocation or suspension to before the Mayor Board of Public Works no sooner than 10 days after requesting such a hearing, in writing within 10 days of the notice of proposed suspension or
revocation. Grounds for termination include, but are not limited to:

C. The Mayor Board of Public Works shall have the right to terminate or reinstate the agreement. Such decision shall become effective immediately.

157-32 Appeals for denied agreements.

Any person or group that has been denied an agreement to vend on the Commons may appeal such decision to the Mayor Board of Public Works. Such appeal shall be submitted, in writing, to the Mayor’s Superintendent’s office within 10 days from the date of denial. The Mayor Board of Public Works may act to sustain the original decision or to revise it, with or without conditions.

( ) Amend the following subsections of Article IV “Backyard Chickens” within Chapter 164 “Dogs and Other Animals;” the remainder of the Chapter is unchanged:

164-30 Remedies not exclusive

B. Any notice required by this section shall be served in person or by mail to the address on the registration form and the address appearing on the City tax roll, requiring such person, within a time specified in such notice but in no event less than 30 days from the service or mailing thereof, to comply with this chapter and to abate the nuisance and, as appropriate, to remove the chickens. Such notice shall also state that the property owner may contest the finding of the City Clerk by making a written appeal to the Mayor request to have a hearing on the matter held at the next regularly scheduled meeting of the Board of Public Works.

C. Any appeal request for such a hearing must be mailed and postmarked or personally delivered to the City Clerk within 14 days of the service or mailing of notice, and any such written appeal request for a hearing shall automatically stay further enforcement concerning the alleged violation pending the Mayor’s decision on appeals such hearing. The decision of the Mayor Board of Public Works, by majority vote, shall be binding, subject to any further judicial review available to either the City or the property owner.

D. Upon the failure of a registrant or property owner to comply with the notice of violation of this chapter (or, alternatively, to request a hearing as aforesaid within the time limit stated in such notice, or upon the Mayor’s determination a Board of Public Works’ determination, after such a hearing, that a violation exists), the City Clerk shall refer the matter, by memorandum, to the Superintendent of Public Works, who shall cause such premises to be put in such condition as will comply and shall charge the cost thereof to the owner of said premises, including a charge of 50% for supervision and administration. The minimum charge to the property owner for such work shall be $50.
E. The City Chamberlain shall promptly present to the owner of any parcel so corrected a bill rendered for such services, as certified by the Superintendent of Public Works. If not paid within 30 days, the cost thereof shall be assessed against the property, added to its tax and become a lien thereon, collectible in the same manner as delinquent City taxes. Appeals from this section shall only be permitted if written notice of appeal is received by the Ithaca City Clerk within 45 days after the mailing of the bill from the Chamberlain, and such appeals shall be taken to the City Administration Committee or such other standing committee of Common Council designated by the mayor Board of Public Works.

( ) Amend the following subsections of Chapter 170 “Use of City Property” with the remainder of the Chapter unchanged:

170-5 Authority to grant approval for use of City property; no entitlement to approval.

A. The authority to grant approval for a permit for a use located on the Primary or Secondary Ithaca Commons (for outdoor dining, mobile vending, events, exhibits, freestanding signs and temporary planters) is and shall be vested in the Superintendent of Public Works Board of Public Works or its designee, subject to the provisions of Chapter 157, Commons, of this Code.

D. The authority to grant approval for a lease for use of City property is and shall be vested in the Common Council, except that for non-intensive or non-commercial uses the Mayor, in consultation with the Superintendent Board of Public Works and the City Attorney is hereby authorized to enter into nonrenewable leases for a term not to exceed one year, of non-park property not currently used or needed for other City purposes, consistent with the provisions of § 20, Subdivision 2-a, of the General City Law of New York State.

F. The authority to grant approval for a license for any other use of or encroachment upon City real property (except for an encroachment upon parkland, or any large-scale use of City real property that is commercial or is an intensive use in nature or as otherwise specified herein) or for a temporary easement (not exceeding one year) is and shall be vested with the Mayor, in consultation with the Superintendent of Public Works and the City Attorney in the Board of Public Works. No such license or temporary easement shall be issued without a determination from the Superintendent of Public Works and Director of Planning that the property is not currently used or needed for other City purposes, and a majority vote to approve or authorize the same, by the Board of Public Works.

I. The authority to grant approval for a minor easement for an encroachment upon City real property (except for an encroachment upon parkland) caused by a structural element of a privately owned building.
with such encroachment having been in existence and encroaching on City property for many years, does not interfere with the City’s use of its property, and where an easement is required for purposes of securing financing for the encroaching building is vested in the Mayor, in consultation with the Superintendent of Public Works and the City Attorney. Any easement granted under this provision of the Chapter must be limited to the portion of the encroachment needed for the structural integrity of the encroaching building, and include language that if the structure is demolished or substantially renovated to make the encroachment no longer necessary, the easement shall be extinguished. Notwithstanding the foregoing, in the Mayor’s discretion, in consultation with the Superintendent of Public Works and City Attorney, the Mayor may require Common Council authorization prior to approval of the easement.

170-7 Application procedure.

E. The Superintendent and the Director of Planning, shall determine whether the requested encroachment or use interferes with any public works functions or other City needs, and whether any conditions should be attached to any granting of an easement, license or lease.

G. The Superintendent and the City Clerk shall provide a copy of any easement, lease, license or permit application, together with any attachments, the Department Head's determinations regarding interference with public works functions or other City needs, and any recommended conditions, to the City Attorney, for review.

I. An application may be denied by staff on the basis of a public works, public safety, environmental or legal concern, or if the proposed use would not be in the public interest or would interfere with a current or impending City use. In that case, the applicant shall be notified in writing of the denial and the reasons therefor, and of the right to resubmit a modified application or to appeal the denial.

J. If an application for a license or temporary easement is not denied by staff, the City Attorney shall prepare a proposed resolution to grant the license, including a description of any conditions to be associated with the license, for consideration by the Board of Public Works, and the Superintendent shall cause the resolution to be placed on the agenda of the next meeting of the Board at which time allows for such consideration.

L. An appeal of a staff denial of an application for a lease, license, easement or permit shall be in writing, must include copies of the application (and any attachments) and the denial notice, and the grounds for the appeal, and shall be submitted to the Mayor within 15 days of the applicant's receipt of such denial. If the Mayor grants the appeal, the application shall be remitted to the
Superintendent of Public Works Board of Public Works or the Common Council, as appropriate per this chapter, for consideration. In any case, as noted above, whether to grant such application shall be in the sole discretion of the City.

170-9 Form and terms of all licenses and permits.

B. The City, through the Mayor or Superintendent, specifically reserves the right to revoke any permit or license if conditions warrant. Each license is revocable by the City in the event of an emergency, or upon no more than three months' notice (or such other period as is specified in the license or permit) to the licensee or permittee or upon failure of the licensee or permittee to comply with any term in the license or permit. Sufficient reasons to revoke a license or permit include but are not limited to insufficient maintenance by the licensee or permittee such that the encroachment or permitted use is rendered unsafe; or changes in the use of streets or sidewalks such that the encroachment or use has been rendered a public nuisance. The Superintendent shall notice the owner of the encroachment or permittee of the decision to revoke the license or permit and shall fix a reasonable time for removal of the encroachment or use, by the licensee or permittee, that is appropriate to the reason for the removal. Any person aggrieved by a decision of the Superintendent may file an appeal with the Mayor Board of Public Works, within 15 days of the receipt of the removal notice. The revocation notice shall include notification to the encroachment owner of the right to appeal and the time limitation for commencing an appeal.

170-10 Fees for permits, licenses and easements; duration of licenses; appraisal and appeal processes.

A. Application and renewal fees. A schedule of application and (where relevant) renewal fees for the easements, licenses and permits described in and regulated by this chapter shall be established and modified from time to time by Common Council the Board of Public Works, by resolution, except that the application fee for a sign permit shall be established pursuant to Chapter 272 of this Code. Such application fees shall be nonrefundable. A renewal fee shall be required only if the expenditure of additional, nonnegligible City staff time or resources is required in connection with the renewal. Until such schedule is initially established by Common Council the Board of Public Works, the application and renewal fees for the uses regulated herein, that were in place immediately prior to the amendment of this chapter (and of Chapters 232 and 285) on July 1, 2020 May 6, 2009, shall remain in effect.

B. Annual use fee for a license or permit; incorporation of cost of any property taxes assessed as a result of such use; procedure for appeal of appraised value. Commencing January 1, 2010, and except as otherwise provided for herein, the annual use fee for a license or permit to use City land, unless waived, shall be based upon the fair rental value of the encroached-upon
land or the type of land to be occupied pursuant to the permit, as such value is determined by the City or its approved agent, through an appraisal process conducted at least once every five years (which process shall be subject to approval of Common Council the Board of Public Works), and shall include the cost of such appraisal (which the City may, in its discretion, apportion over a period of years or a number of similar properties), and the City's cost of administering the license or permit. The City may apply the same rate (per square foot) for all properties of a similar type (e.g., any outdoor dining or mobile vending cart on the primary Ithaca Commons, or on a particular block). In the event that reappraisal does not occur in a timely manner, the fair rental value shall be presumed to remain the same as determined, by the City, for the fifth year since the previous appraisal process **plus the aforementioned costs of administering the license or permit and annual adjustments by the amount of the Consumer Price Index**, until modified by a new appraisal. The use fee for a permit for outdoor dining, mobile vending or merchandise display shall be prorated, based on the portion of the year for which the permit is granted. The annual use fee shall be due upon the initial issuance of a license or permit, and by or upon the anniversary date, in the event of a renewal. In the event that the tax-exempt status of the premises to be licensed is affected as a result of the licensed use, any property taxes assessed against the City for the premises shall be incorporated into the annual fee for the license year following the reclassification of the premises for tax purposes. Any license or permit holder shall be entitled to dispute and appeal the fair rental value as determined by the aforementioned appraisal process, by describing in writing and in detail the grounds for such dispute, which appeal shall be considered and determined by the Superintendent Board of Public Works within 45 days of its submission to the Superintendent of Public Works. Until January 1, 2010, all annual or other fees for the uses of City property regulated herein, that were in place immediately prior to the amendment of this chapter (and or Chapters 232 and 285 of this Code) on May 6, 2009, shall remain in effect.

C. Waiver or other prorating of annual use fee. The annual use fee:

(1) Shall be waived for a minor or temporary encroachment;

(2) May be waived or modified, in the sole discretion of Common Council the Board of Public Works, in certain cases, including but not necessarily limited to those where the City is not inconvenienced or constrained by the existence of the encroachment, where the encroachment has existed for a substantial period of time without objection by the City, and/or where the value of the encroached-upon land to the City appears to negligible;

170-12 Merchandise displays.

A. Permit required for use of sidewalk or street. No person shall place, suspend or cause to be placed or suspended any goods, wares or merchandise
in any public sidewalk or street in front of or alongside of his/her/its place of business, except upon written application for and approval of a permit (subject to the conditions specified in Subsection C, below) by the Superintendent of Public Works unless such use is nontemporary, which shall require approval by the Common Council following:

(1) For property that is part of the Ithaca Commons: the Board of Public Works, pursuant to Chapter 157 of this Code; [Amended 7-5-2017 by Ord. No. 2017-15]

(2) For other property:

(a) For temporary use (not to exceed four days in any six-month period): the Superintendent of Public Works or his/her designee;

(b) For nontemporary use: the Board of Public Works.

B. Factors to be considered. In considering whether to grant such approval, the Board of Public Works or the Superintendent and Common Council may, in their discretion, consult with other appropriate City officials and boards, and shall consider the following factors:

170-14 Enforcement of this Chapter; Penalties for offenses.

Any existing encroachment by a structure of less than six (6) inches into City property will not be subject to enforcement unless and until there is reconstruction of the encroaching structure.

Any person who violates any provisions of this chapter shall be punished as provided in Chapter 1, General Provisions, Article I, Penalties, of this Code.

( ) Amend the following subsections of Chapter 178 “Exterior Property Maintenance” with the remainder of the Chapter unchanged:

178-3 Standards for grounds and exterior property.

J. Sidewalks; snow and ice

(4) Whenever any sidewalk is not kept free from snow and ice as defined in Subsection J(1), the Superintendent of Public Works or his or her designee may clear the sidewalk so that it is free from snow and ice and shall notify the City Chamberlain of the expense incurred by the amount of labor equipment and materials used. The minimum charge shall be $50. The City Chamberlain shall promptly present to the owner of any parcel so cleared a bill for the removal of snow and ice, as certified by the Superintendent of Public Works. If not paid within 30 days, the cost thereof shall be assessed against the property, added to its tax and
become a lien thereon, collectible in the same manner as delinquent City taxes. Appeals from this section shall only be permitted if written notice of appeal is received by the Ithaca City Clerk within 45 days after the mailing of the bill from the Chamberlain, and such appeals shall be taken to the City Administration Committee or such other standing committee of Common Council designated by the mayor Board of Public Works.

178-7 Notification when City intends to correct violation; snow or ice and graffiti removal; hearings for contested notices or billings; failure of property owner to comply.

B. In the case of a violation of § 178-3J (i.e., failure to clear snow or ice from a sidewalk), notice of such violation or of the City’s intention to remedy the violation shall not be required prior to the clearing of such snow or ice by direction of the Superintendent of Public Works, as provided for in § 178-3J(4); in that case, the bill for such clearing from the City Chamberlain as provided for in said subsection shall constitute notice of the violation and shall also state that the property owner may contest the billing by making a written request for a hearing before the Board of Public Works City Administration Committee or such other standing committee of Common Council designated by the mayor in the manner provided for below.

C. Any other notice required by this section shall be served in person or by mail to the address appearing on the City tax roll, requiring such person, within a time specified in such notice but in no event less than five days from the service or mailing thereof, to comply with this chapter and to cause the grass, brush or solid waste to be cut back or removed or, if graffiti, to have the same removed so as to comply with this chapter. In the event that graffiti removal is ordered during the winter months, then, upon receipt of a written request from the property owner or agent within the time specified in the notice for removal, the Director of Planning and Development or designee may, in his or her discretion extend the compliance period. Such notice shall also state that the property owner may contest the finding of the Director of Planning and Development or designee by making a written request to have a hearing on the matter held at the next regularly scheduled meeting of the City Administration Committee or such other standing committee of Common Council designated by the mayor Board of Public Works.

D. Any request for such a hearing must be mailed and postmarked or personally delivered to the Director of Planning and Development or designee within the five-day compliance period (or, in the case where the City has billed the property owner for removal of snow or ice from a sidewalk, within five days of the mailing of such bill), and any such written request for a hearing shall automatically stay further enforcement
concerning the alleged violation pending such hearing. The decision of the City Administration Committee or such other standing committee of Common Council designated by the mayor Board of Public Works, by majority vote, shall be binding, subject to any further judicial review available to either the City or the property owner.

E. Upon the failure of a property owner to comply with the requirements of § 178-3J of this chapter, or with the notice of violation of any other provision of this chapter (or, alternatively, to request a hearing as aforesaid within the time limit stated in such notice, or upon a Board of Public Works' determination by the City Administration Committee or such other standing committee of Common Council designated by the mayor, after such a hearing, that a violation exists), the Director of Planning and Development or designee shall refer the matter, by memorandum, to the Superintendent of Public Works, who shall cause such premises to be put in such condition as will comply and shall charge the cost thereof to the owner of said premises, including a charge of 50% for supervision and administration. The minimum charge to the property owner for such work shall be $50. Bills rendered for such services shall be handled in the manner prescribed by § 178-3J of the Code.

( ) Amend the following subsections of Chapter 179 “Fill, Excavation and Stockpiling” with the remainder of the Chapter unchanged.

179-4 Public works projects.

The Superintendent of Public Works Board of Public Works shall not be required to obtain a permit pursuant to this chapter for the deposit or removal of fill but shall ensure that, in connection with every project of the Department of Public Works in which more than 50 cubic yards of fill are deposited on or removed from any parcel, the project is designed and carried out in a manner which promotes and protects the objectives and policies behind the chapter.

179-9 Permit required.

No person shall deposit on any parcel more than 50 cubic yards of fill or other materials for sale or resale, except in connection with a public work on the property, without a permit to be granted by the Director of Planning and Development or his/her designee. The Superintendent of Public Works Board of Public Works shall not be required to obtain a permit pursuant to this chapter for the deposit of fill or other materials for sale or resale but shall ensure that, in connection with every project of the Department of Public Works in which more than 50 cubic yards of fill or other materials are deposited for sale or resale, the project is designed and carried out in a manner which promotes and protects the objectives and policies behind this chapter.
Amend the following subsections of Chapter 196 “Garbage and Refuse” with the remainder of the Chapter unchanged:

196-1 Definitions.

For the purposes of this chapter, the following terms shall have the meanings stated in this section:

BOARD The Board of Public Works.

196-10 Containers for recyclable materials.

The Finance Department The Board is authorized to establish an appropriate mechanism for selling or facilitating the sale of waste containers for recyclable materials that meet the requirements of this chapter.

196-11 Additional regulations.

The Superintendent of Public Works The Board shall have authority to adopt whatever regulations are consistent with this chapter and to continue to enforce

Amend the following subsection of Chapter 210 “Housing Standards” within Part 2 “Mobile Homes and Mobile Home Parks” with the remainder of the Chapter unchanged:

210-68 Garbage and refuse.

Each mobile home park shall make provisions for sanitary equipment to prevent littering of the grounds and premises with rubbish, garbage and refuse. Each mobile home shall have containers with tightly fitting covers. Regular disposal for all rubbish, trash and garbage shall be provided at least weekly by the park developer in accordance with the rules and regulations of the Department of Public Works and Common Council.

Amend the following subsection of Chapter 237 “Newsracks” with the remainder of the subsection and Chapter unchanged:

237-7 Removal.

D. Hearings. Any hearings held herein shall be conducted by the City Administration Committee or such other standing committee of Common Council designated by the mayor (“Committee”) Board of Public Works at its regularly scheduled meetings upon demand therefor in writing by the owner of the newsrack or his/her agent. Such hearings shall be held no less than 10 days after demand therefor. The owner of the newsrack shall be entitled to be represented by an attorney and present witnesses and evidence as is deemed appropriate by said owner. Formal rules of evidence shall not be required;
however, the owner of the newsrack shall be accorded due process of law in all respects. The decision of a majority of the **Committee** full Board of Public Works shall be the final decision for purposes of administrative proceedings.

( ) Amend the following subsections Chapter 260 “Residential Parking Permit System” with the remainder unchanged:

260-3 Designation of permit parking areas; rules and regulations.

A. **Common Council** The Board of Public Works of the City of Ithaca may designate residential parking permit areas in accordance with this chapter. Such areas shall be designated only within the residential parking permit zone, and shall exclude any streets located within the boundaries of the Cornell University campus.

B. The **Superintendent** Board of Public Works shall establish rules and regulations for the designation of residential parking permit areas and the issuance and use of residential parking permits in **accordance with this chapter and direction from Common Council**.

C. Permit requirements established pursuant to this section shall be in effect during all or a portion of the following times: from Monday to Friday between 9:00 a.m. and 5:00 p.m.

D. No less than 20% of the parking spaces within the residential parking permit zone shall be available to nonresidents.

E. Short-term parking of no less than 120 minutes in duration shall be available in the residential parking permit zone.

F. The fee for a residential parking permit shall be $45 per year. All such fees shall be credited to the general fund of the City.

§ 260-4 Exemptions.

A. Motor vehicles registered pursuant to § 404-a of the Vehicle and Traffic Law shall be exempt from any permit requirement established pursuant to this chapter.

B. A resident may apply to the **Superintendent of Public Works** Board of Public Works for a permit not otherwise available pursuant to the aforementioned rules and regulations in the following circumstances:

   (1) Where a home health care provider provides home health care to a resident and regularly drives to the resident's home.

   (2) Where a resident has a short-term health emergency.
(3) Where residents living on a street within the residential parking permit zone without on-street parking wish to purchase a permit for on-street parking on a street where permits are required.

(4) Such other instances of hardship (excluding self-created hardship) as the **Mayor in consultation with the Superintendent of Public Works and City Attorney** Board of Public Works in its discretion determines sufficient for issuance of additional residential parking permits.

260-5 Penalties for offenses.

A. No person shall park a vehicle nor allow a vehicle to be parked in an area which has been designated a residential parking permit area by the Board of Public Works, and at times when parking is prohibited in such residential parking permit area pursuant to regulations established by the **Superintendent Board** of Public Works, unless the vehicle shall have affixed to the bottom rear corner of the passenger window on the driver's side of the vehicle a valid residential parking permit, or unless said vehicle is registered in accordance with § 404-a of the Vehicle and Traffic Law and the vehicle is being used for the transportation of a person with disabilities. A violation of this section shall be punishable by a fine of not more than $100; a second such violation within 18 months thereafter shall be punishable by a fine of not more than $200; a third or subsequent violation within 18 months after the first violation shall be punishable by a fine of not more than $300.

B. No resident of a residential parking permit area designated by the Board of Public Works shall permit a nonresident to use a residential parking permit issued to a resident, or aid a nonresident in any way in obtaining a residential parking permit. Violation of the terms of this section shall be punishable by a fine not to exceed $250 and/or suspension of residential parking permit privileges for a period not to exceed 12 months.

( ) Amend the following subsections of Chapter 276 “Site Plan Review” with the remainder of the Chapter unchanged:

276-7 Project review criteria.

A. General criteria:

(8) Safe and convenient pedestrian and bicycle access and circulation, including provision for bicycle parking facilities and sidewalks along public streets, unless applicant demonstrates that a sidewalk is not feasible due to site constraints. This criterion is subject to the authority of the Board of Public Works as defined in the City Charter and City Code.

D. Criteria for bicycle parking facilities.
(2) Location of bicycle parking facilities.

(a) Bicycle parking facilities should be located close to building entrances, and should be located at least as close and convenient to building entrances as the nearest nonhandicapped motor vehicle parking space. Bicycle parking facilities to be in a public right of way shall require approval by the Office of the City Engineer and the Board of Public Works.

Amend the following subsections of Chapter 285 “Streets and Sidewalks” with the remainder unchanged:

285-1 Duties of Common Council.

The Common Council shall:

A. Identify all existing brick- and masonry-paved streets and appurtenances in the City of Ithaca, including those with an asphalt overlay, and evaluate the condition of all brick and masonry streets and appurtenances.

B. Document the type of base, cushion and size of brick or masonry on each street and appurtenance and record the date of installation and known repairs.

C. Establish a system of categorizing brick and masonry streets and appurtenances and set priorities for which streets and appurtenances will be retained, for example:

   (1) Local streets and appurtenances within National Register eligible historic districts or on which National Register buildings are located.

   (2) Local streets and appurtenances in neighborhoods with local historic districts or proposed districts.

   (3) Streets and appurtenances in residential or commercial areas that have undergone considerable revitalization efforts and that retain their original integrity.

   (4) Streets and appurtenances with unique paving patterns or materials.

D. Authorize the Department of Public Works to establish stockpiling methods which conform to the following:
(1) All reasonable salvageable brick and masonry materials should be carefully removed from the site and transported to a reasonably secure storage area.

(2) All such paving materials are to be cleaned and piled in an orderly and retrievable manner, preferably on pallets, in an economically feasible fashion.

(3) Usable paving materials shall be piled according to size and recorded to ensure that an adequate accounting of these valuable resources is made.

E. Authorize the Superintendent of Public Works to Cross-train Department of Public Works personnel to repair/maintain such streets and appurtenances in order to keep the bricklaying skill within the Department.

F. Authorize the Superintendent of Public Works to require that all utility and other openings are repaired in kind with identical paving materials and replacement techniques.

G. Authorize the Superintendent of Public Works to prepare model specifications and contract documents that reflect current technologies in brick paving.

285-2 Duties of Board of Public Works.

The Board of Public Works shall:

A. Establish stockpiling methods which conform to the following:

(1) All reasonable salvageable brick and masonry materials should be carefully removed from the site and transported to a reasonably secure storage area.

(2) All such paving materials are to be cleaned and piled in an orderly and retrievable manner, preferably on pallets, in an economically feasible fashion, the methods of cleaning and stockpiling to be investigated by the Board of Public Works.

(3) Usable paving materials shall be piled according to size and recorded to ensure that an adequate accounting of these valuable resources is made.

B. Cross-train Department of Public Works personnel to repair/maintain such streets and appurtenances in order to keep the bricklaying skill within the Department.
C. Require that all utility and other openings are repaired in kind with identical paving materials and replacement techniques.

D. Prepare model specifications and contract documents that reflect current technologies in brick paving.

( ) Amend the following subsections of Chapter 290 “Subdivision of Land” with the remainder of the Chapter unchanged:

290-1 Definitions.

As used in this chapter, unless the context or subject matter requires otherwise, the following terms shall have the meanings indicated:

STREET

A way for vehicular traffic or a public thoroughfare, recognized or intended to be recognized as such by the Department Board of Public Works of the city.

290-7 General procedure.

E. Department Board of Public Works. The Board shall submit those matters within the Department Board of Public Works' jurisdiction to the Superintendent Board of Public Works for approval.

F. Approval. The owner shall obtain approval of both the Planning and Development Board and the Superintendent Board of Public Works, as required in Subsection E, of both the plan and the extent of City participation in the development.

290-11 Final approval.

D. Formal hearings; findings. Before the Planning and Development Board acts on the final plat and related matters, it shall hold a formal hearing thereon, in accordance with § 32 of the General City Law. The presence of the subdivider or authorized representative at such hearing is recommended to facilitate resolution of any issues raised that may affect the Board's decision.

(1) If the Board determines that the preparation of an

1 In this Chapter 290, the Board refers to the Planning and Development Board.
environmental impact statement on the plat is not required, the Planning and Development Board shall by resolution, within 62 days of the date of public hearing, approve, modify and approve, or disapprove such plat. [General Law § 32, Subdivision 6(d)(i)(3).] Such approval shall, however, not be deemed final until the subdivider has complied with the provisions of § 290-13 and such requirements as are prescribed by the Superintendent Board of Public Works relative to the improvement of new streets and has offered the streets to the Common Council for dedication.

(2) If the Board determines that an environmental impact statement is required, and a public hearing is held on the DEIS, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of the SEQR and CEQR. If no public hearing is held on the DEIS, the FEIS shall be filed within 45 days following the close of the public hearing on the final plat. Within 30 days of the filing of the FEIS, the Planning Board shall issue findings on such FEIS and shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of the plat. [General City Law § 32, Subdivision (6)(d)(i)(3).] Such approval shall, however, not be deemed final until the subdivider has complied with the provisions of § 290-13 and such requirements as are prescribed by the Superintendent Board of Public works relative to the improvement of new streets and has offered the streets to the Common Council for dedication.

290-13 Conditions prerequisite to approval.

A. Completion of improvements; bond. The subdivider shall complete, in accordance with the Planning and Development Board's requirements and to the satisfaction of the City Engineer and of any other official or body authorized by law to act, all the street and sanitary improvements specified in § 33 of the General City Law and not specifically waived by the Planning and Development Board or by the Superintendent Board of Public Works or, alternatively, shall file with the proper official or body a performance bond, complying with the requirements of § 33 of the General City Law and satisfactory to the City Attorney, for the completion of such improvements as are not constructed and approved by the City
Engineer, or other official or body authorized by law to act, prior to the approval of the plat.

290-24 Park, open space and recreation areas.

C. Payment in lieu of area.

(2) Such payment shall be paid to the City of Ithaca at the time of final plat approval, and no plat shall be signed by the authorized officer of the Board until such payment is made. All such payments shall be held by the City of Ithaca in a dedicated Park, Open Space and Recreation Area Improvement Fund and shall be used only for the following purposes:

(b) The improvement of a public park, open space or recreation areas which serve primarily the general neighborhood in which the plat is located, provided that the need for such improvements is established by the Planning and Development Board or by the Common Council Board of Public Works.

290-27 Requirements for streets and infrastructure

B. Any streets or infrastructure provided by the subdivider shall conform to the following requirements, and in the event that such improvements are to be offered to the City for dedication, they shall so conform before they may be accepted.

(5) Sanitary sewers. In accordance with City specifications, sanitary sewers of adequate capacity to serve the subdivision and adjacent areas shall have been installed, connecting to existing City mains. Plans for such sanitary sewers must have received the approval of the 
Superintendent Board of Public Works and of the Tompkins County Department of Health before sewer installation.

(6) Curbs and gutters. Curbs and gutters constructed in accordance with City specifications shall be required to serve all or any portion of any street in the subdivision, unless an alternate design is approved by the Planning and Development Board and the Superintendent Board of Public Works.

(7) Sidewalks. Construction of sidewalks serving all streets in the subdivision shall be required, unless that
requirement is waived by the Planning and Development Board and the Superintendent Board of Public Works. Any such sidewalks shall conform to City specifications.

(21) Streetlighting. The developer shall provide streetlighting as required by the Superintendent Board of Public Works or shall provide such ducts or other infrastructure as the Superintendent Board of Public Works shall determine will facilitate later installation of lighting facilities.

290-28 Services supplied by city.

B. The City may, at its discretion and subject to approval by the Superintendent Board of Public Works, provide the following additional improvements, if not required of the subdivider:

(1) Street trees. Planting of suitable street trees, as determined by the city, shall follow development of the individual lots.

(2) Sidewalks, curbs and gutters. Sidewalks, curbs and gutters may be obtained from the City by a petition of the owners of the abutting lots and by specific authority of the Common Council Board of Public Works. A special assessment for the construction of sidewalks, curbs and gutters shall be levied against the abutting properties in accord with §§ C-73B and C-89 of the City Charter.

( ) Amend the following subsections of Chapter 306 “Trees and Shrubs” with the remainder of the Chapter unchanged:

306-4 City Forester.

B. The City Forester, in consultation with the Parks, Recreation, and Natural Resources Commission, Superintendent of Public Works and Common Council the Board of Public Works, shall have the authority to implement and enforce the provisions of this chapter.

C. In furtherance of the purposes of this chapter, Common Council the Board of Public Works, in consultation with the City Forester and the Parks, Recreation, and Natural Resources Commission, shall have the authority to adopt rules and regulations regarding arboricultural specifications and standards of practice and such additional rules and regulations as the Board determines are necessary. These regulations shall govern the planting, maintenance, removal, fertilization, pruning and protection of trees and shrubs on public streets, parks or other City property.

306-5 Planting, maintenance and removal regulations.
F. Requests from private citizens that new street trees be planted near their property shall be accommodated in accordance with planting priorities set by the City Forester in consultation with the Parks, Recreation, and Natural Resources Commission and Common Council the Board of Public Works.

306-11 Appeals.

Should a dispute arise in the administering of this chapter, an appeal can be requested by petitioning, in writing, the City Forester. The City Forester will have five working days to reply in writing. Should this provide an unsatisfactory resolution, a second appeal can be requested by petitioning the Superintendent of Public Works. In such event, the Superintendent of Public Works shall consult with the City Forester. The Superintendent will have 10 working days from the filing of the second appeal to reply in writing. Should this also provide an unsatisfactory resolution, a third appeal can be requested by petitioning the City Administration Committee or such other standing committee of Common Council designated by the mayor (“Committee”) Board of Public Works. The Committee Board of Public Works will act upon the petition within 30 days from the date of receiving the petition.

( ) Amend the following subsections of Chapter 320 “Watershed” with the remainder of the Chapter unchanged:

320-1 Commitment to preservation and policy on use.

B. In its effort to protect and maintain these attributes, the City shall be guided by the following principles:

(5) The Natural Areas Commission shall be the advisory body to the Board of Public Works (and to the Common Council, when appropriate) about the Six Mile Creek Natural Area. The purposes, duties and membership of the Commission are set forth in further detail in Chapter 113, Natural Areas Commission, of this Code.

(6) Ecologically informed guidelines for Department of Public Works maintenance activities within the Six Mile Creek Natural Area shall be promulgated by the Department of Public Works, in consultation with the Six Mile Creek Advisory Committee, Parks, Recreation, and Natural Resources Commission, and subject to the periodic review and approval of the Common Council Board of Public Works.
320-2 Public access.

The City hereby permits public access to the Six Mile Gorge for walking and nature study between Aurora Street and the sixty-foot dam only on marked paths specified for such purposes. Access to the reservoir area above the sixty-foot dam and the surrounding shore area shall be prohibited, except by special permit from the Department of Public Works for scientific studies. No access shall be permitted from 10:00 p.m. until 4:00 a.m. in the natural areas and the restriction of 10:00 p.m. to 4:00 a.m. in the parking area at Giles Street.

320-4 Prohibited activities.

B. The Superintendent Board of Public Works is authorized to grant specific, revocable exceptions to any of the above prohibitions, upon consultation with the Parks, Recreation, and Natural Resources Commission and a finding of special circumstances. When granting such an exception, the Superintendent Board shall retain the right of the City to impose reasonable conditions intended to protect public safety, the water supply system or the natural environment or to control the City's potential liability.

( ) Amend the following subsections of Chapter 325 “Zoning” with the remainder of the chapter unchanged:

325-8 District regulations.

B. General notes pertaining to regulations.

(2) Landfilling and bulkheading plans and procedures shall be subject to approval of the Superintendent Board of Public Works.

325-20 Off Street Parking

D. General requirements.

(4) Location requirements; off-street parking areas. All required parking spaces provided pursuant to this section shall be on the same lot as the building, use or activity that they serve, or may be located off site on another lot or parcel other than the lot or parcel on which the use is located or conducted, provided that such off-site parking meets the distance and

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2 This provision appears to be a resolution implemented by Board of Public Works only [Adopted 8-14-1996 by Board of Public Works] and is therefore included here as a Code provision formally approved by Common Council.
use district limitations as established below, is not located in an R-1 or R-2 zoning district, and receives a special permit pursuant to Article III.

(c) Pedestrianway required. A pedestrianway, which in this case may be private or public, must connect the lots or parcels of both the use and the off-site parking area. The pedestrianway must meet the standards of a public sidewalk or as otherwise approved by the Superintendent Board of Public Works.

Section 5. Amendments and Formal Adoption of the remaining portions of Part III “Board of Public Works Legislation”.³

( ) Rename Part III as follows: Part III: Board of Public Works Legislation

( ) Delete in its entirety Chapter 329 “General Provisions, Board of Public Works.”

( ) Amend the following subsection of Chapter 331 “Garbage, Trash and Weeds” with the remainder of the Chapter unchanged:

331-2 Notice of violation.
The Superintendent of Public Works, in the name of the Board of Public Works, upon complaint being made to him, or upon his own motion, shall address to any owner permitting a violation of this section to exist upon his or her property a notice, in writing, served personally or by mail to the address appearing on the City tax roll, requiring such person within a time specified in such notice, but in no event less than five days from the service or mailing thereof, to comply with this section. Upon the failure of such owner to comply with such notice within the time limited therein, the Superintendent of Public Works shall cause such premises to be put in such condition as will comply and shall charge the cost thereof to the owner of said premises, including a fifty-percent charge for supervision and administration.

( ) Amend the following subsections of Chapter 336 “Parks and Recreation” with the remainder of the chapter unchanged.

336-1 Use of parks; permit application; general liability insurance.

³ Part III of the Code was adopted by the Board of Public Works 1992, but does not appear to have been formally adopted by Common Council as part of the Code. Portions of Part III have been amended and updated by Common Council since Board of Public Works initial adoption.
D. **Common Council** The Board of Public Works shall establish permit fees and insurance requirements, including policy limits.

E. If an application for the use of a park or natural area is denied by the issuing agent, applicants may appeal the decision to the **City Administration Committee of Council or such other standing committee of Common Council designated by the mayor** Board of Public Works.

336-6 Newman Golf Course.

A. Rates and rules. The rates and rules for play at the Newman Golf Course shall be as established by resolution of **Common Council, the Board of Public Works**.


C. No motor vehicles will be allowed on any grassy area within the park at any time without a permit, which may be granted by the **Superintendent Board of Public Works**. This prohibition shall not apply to vehicles owned and operated by the City of Ithaca.

336-18 Closing of park.

The **Superintendent Board of Public Works**, when necessary for the public welfare or for the improvement of the park or any portion thereof, may close the park or a portion thereof by posting proper signs at the entrance thereto or at the part to be closed.

( ) Amend the following subsections of Chapter 342 “Streets and Sidewalks” with the remainder of the Chapter unchanged:

Article I “General Provisions”

342-2 Assignment of street names. No person shall assign any name to any new street without first submitting the proposed name to **Common Council, the Board of Public Works** for its approval.

342-5 Trees and shrubs.

A. Responsibility. The **Department Board of Public Works** shall be responsible for the care and maintenance of all street trees. "Street trees" are deemed to be those located between the sidewalk and the curb. Such care and maintenance shall include the planting, spraying, trimming, removal and repair of such trees.

Article II “Construction and Other Use of Public Property”

342-6 Definitions and word usage.
A. Unless otherwise expressly stated, the following terms shall, for the purposes of this chapter, have the meanings indicated:

- **BOARD**
  The Board of Public Works of the City.
- **ENGINEER**
  The Director of Engineering Services or designee appointed by the Board.
- **FORESTER**
  The City Forester appointed by the Board.

342-8 Permit application and fee.
C. Fee. No permit shall be issued until the applicant therefor shall have first paid in cash or by other means acceptable to the City a fee as set, and amended from time to time, by resolution of the Board of Public Works.

342-10 Revocation of permit.
The Superintendent shall have the right to alter, revoke or cancel a permit at any time without cause or with cause should the permittee fail to comply with any of the terms, agreements, covenants and conditions thereof. In the event the permit is revoked or cancelled without cause, the prorated permit fee for the revoked or cancelled portion of the permit shall be refunded.

342-15 Conformance to specifications; tests.
A. Conformity required. All materials used or incorporated in any work done under the provisions of this chapter shall conform to the specifications of the Department of Public Works such specifications promulgated by the Board.

Article III “Sidewalks and Driveways”

342-18 Duty to construct and maintain sidewalks.
Upon notice from the Superintendent Board of Public Works, it shall be the duty of the owner of any property subject to § C-73.1 of the Charter to properly construct and maintain a sidewalk in front of his/her property. However, no person shall proceed with the construction, reconstruction or repair of any sidewalk without obtaining a street permit from the Superintendent or his/her authorized agent and a sidewalk survey request from the office of the Engineer. The Engineer shall supply line and grade and the specifications for the work to be performed.

342-19 Conformance to specifications.
Sidewalks and driveways shall be constructed, removed, replaced or repaired in accordance with such grades and specifications as may be determined or promulgated by the Engineer, the Board, and the permittee shall so perform the work as to meet the grade and alignment of the adjoining sidewalk and driveway and/or such established line and grade as may be determined by the Engineer Board and in accordance with the latter's directions.
342-20 Indemnification of City.
A. Agreement required. No person shall make or cause to be made an opening in a curb for the purpose of constructing a private driveway or shall construct such private driveway on City property without first filing an agreement indemnifying the City from any cost or damage by reason of such work and agreeing that such work shall be performed in conformity with the requirements of the Department Board of Public Works with reference thereto.
B. Form of street permit agreement. The agreement required in Subsection A shall be in a substantially similar form as the following, form and which may be revised from time to time to include additional terms and conditions as required by the Engineer:

Agreement

In consideration of the City of Ithaca's granting the undersigned a street permit at a fee of $........... for the temporary use or occupancy of City property for the purpose of .................... at No. .......... owned by .........., it is understood and agreed that this permit is granted upon the following terms:

1. The permit holder undersigned hereby covenants and agrees to save the City of Ithaca harmless from all costs and damages by reason of the work done under this permit, to keep all obstructions and excavations upon City property fully and properly guarded, lighted and protected at all times and to replace all material removed in a professional manner as directed by the Superintendent Board of Public Works or designee its authorized agent and to maintain all such work in a safe and proper condition for a period of three years.

2. Twelve hours prior to backfilling an excavation, the permit holder shall notify the Street Maintenance Supervisor in order to permit inspection.

3. At least one foot in depth of gravel shall be placed at the top of any trench within the confined of the roadway.

4. The work of final repair or replacement of a street surface, pavement or curb which may be damaged or removed under this permit shall be done by the City, but the cost of such repair or replacement shall be charged to and paid by the holder of the permit.

5. If the proposed work involves the construction of a driveway, the undersigned further agrees that the same shall be constructed in all respects in conformity with the requirements of the Superintendent Board of Public Works relating thereto and shall be maintained at all times in a safe condition. In the event that construction shall not fully conform to such requirements, said driveway shall be reconstructed in conformity therewith at the expense of the undersigned and, upon his/her default, may be reconstructed by the City at the expense of the undersigned.
6. If the proposed work involves the construction or renewal of a sidewalk extending over all or a major portion of the frontage of the property involved, this work must be done to the alignment and to the grade established by the City Engineer.

7. No more than half the width of a street between curbs can be opened at one time under this permit. At least half the street must be clear at all times.

Date
Signed
By
Witnessed and
Executed by
Approved
Paid
Charged
No. of permit issued

342-21 General requirements.
A. Material. Sidewalks and driveways are to be built of concrete, meeting the material specifications prescribed by the Department Board of Public Works.

C. Conformity. All sidewalks must conform to the specifications prescribed by the Superintendent Board of Public Works, and all street driveways must conform to the standards adopted by the City, unless special permission is otherwise given by the Superintendent Board of Public Works.

Article IV “Street Openings”
342-26 Changes in grade and related work.
No change in the established grades for streets, drainage and related work shall be permitted without first submitting a profile and such other data necessary for proper consideration and formal action by the Superintendent Board of Public Works.

342-33 Permanent restoration by City; fees.
All permanent restoration of paving will be done by the forces of the Department Board of Public Works at the expense of the permittee at a schedule of rates on file in the office of the City Clerk. The rates shall be as follows:

<table>
<thead>
<tr>
<th>Type of Restoration</th>
<th>Fee per Square Foot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asphalt streets</td>
<td></td>
</tr>
<tr>
<td>Asphalt base</td>
<td>$2.20</td>
</tr>
<tr>
<td>Concrete base</td>
<td>$3.35</td>
</tr>
<tr>
<td>Surface treatment (crushed stone)</td>
<td>$1.10</td>
</tr>
<tr>
<td>Brick streets (concrete base)</td>
<td>$4.00</td>
</tr>
<tr>
<td>Concrete streets</td>
<td>$3.60</td>
</tr>
<tr>
<td>Type of Restoration</td>
<td>Fee per Square Foot</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Curb and gutter, per linear foot</td>
<td>$7.75</td>
</tr>
<tr>
<td>4-inch concrete (sidewalks, etc.)</td>
<td>$1.75</td>
</tr>
<tr>
<td>6-inch concrete (driveways, etc.)</td>
<td>$2.00</td>
</tr>
</tbody>
</table>

Article V “Obstructions”

342-39 Use of street or sidewalk in building demolition or construction.

D. Use of metered zones. The use of any metered zone or area for a period of more than five days must be approved by the Superintendent Board of Public Works, which will establish the amount of reimbursement.

Article VIII “Concrete Sidewalk Specifications”

342-47 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ENGINEER

The City Engineer or other person as designated by the Superintendent Board of Public Works appointed by the Board of Public Works to oversee sidewalk construction.

( ) Amend the following subsections of Chapter 346 “Vehicles and Traffic” with the remainder of the Chapter unchanged:

Part 1 Regulations and Penalties

Article I General Provisions

346-3 Delegation of authority to regulate traffic.

M. Bus stops, taxicab stands and car-sharing locations.

(1) The Transportation Engineer is hereby authorized to establish bus stops, taxicab stands, parking locations exclusively for use by car-share vehicles, and stands for other passenger common-carrier motor vehicles on such public streets, in such places and in such number as he/she shall determine to be of the greatest benefit and convenience to the public. City Administration Committee of Common Council or such other standing committee of Common Council designated by the mayor The Board of Public Works shall be the body for appeals of the Transportation Engineer’s decisions regarding such locations or the qualifications of any applicants therefor.

346-4 Schedules; adoption of regulations.

A. The Superintendent Board of Public Works is hereby authorized to adopt, and from time to time to amend, appropriate regulations for the effective administration of the provisions of this chapter and consistent
with the authority of Common Council, provisions of General City Law, and the Vehicle and Traffic Law, § 1603. Such regulations shall be kept in the office of the Ithaca City Clerk.

B. Except as provided in § 346-3 above, Common Council delegates to the Board of Public Works the authority to adopt regulations in accordance with the provisions of General City Law, and the Vehicle and Traffic Law, § 1603.

C.B. For the purpose of maintaining an accurate record of all regulations adopted under the provisions of this chapter, there is hereby established a system of schedules, appearing as regulations of the Department Board of Public Works. Such schedules shall be deemed a part of the section to which they refer. All regulations shall be adopted with reference to the appropriate schedule as indicated in the various sections of this chapter.

Article II Traffic Regulations

346-5 Traffic control signals.

Traffic control signals shall be installed and operated at the intersection of those streets described in Schedule I of the regulations of the Department Board of Public Works.

346-6 Speed limits.
A. The maximum speed at which vehicles may proceed on or along any streets or highways within the City is hereby established at 30 miles per hour, except that the speed limit for vehicles proceeding on or along those streets or parts of streets described in Schedule II of the traffic regulations of the Department Board of Public Works shall be as indicated in said schedule. This provision shall not apply to ambulances, fire vehicles or police vehicles when on emergency trips.

B. Fifteen miles per hour is hereby established as the maximum speed at which vehicles may proceed on or along any streets or highways at or within the following parks:
(1) Stewart Park.
(2) Cass Park (except Route 89).
(3) Newman Golf Course, including Pier Road from Willow Avenue to its terminus.

346-7 School speed limits.
Pursuant to the authority granted cities by §§ 1643 and 1180(c) of the New York State Vehicle and Traffic Law, no person shall drive a vehicle at a speed in excess of that indicated in Schedule III of the traffic regulations of the Department Board of Public Works, in the school areas described in said schedule, during school days between the hours of 7:00 a.m. and 6:00 p.m.
346-8 One-way streets.
The streets or parts of streets described in Schedule IV of the traffic regulations of the Department Board of Public Works are hereby designated as one-way streets in the direction indicated.

346-9 U-turns.
No person shall make a U-turn on any of the streets or parts of streets described in Schedule V of the traffic regulations of the Department Board of Public Works or as designated by the Transportation Engineer.

346-10 Prohibited turns at intersections.
No person shall make a turn of the kind designated (left, right, all) at any of the locations described in Schedule VI of the traffic regulations of the Department Board of Public Works or as designated by the Transportation Engineer.

346-11 Prohibited right turns on red signal.
No person shall make a right turn when facing a steady red signal (stop indication) at any of the locations described in Schedule VII of the traffic regulations of the Department Board of Public Works or as designated by the Transportation Engineer.

346-12 Stop and yield intersections.
A. The intersections described in Schedule VIII of the traffic regulations of the Department Board of Public Works or as designated by the Transportation Engineer are hereby designated as stop intersections. Stop signs shall be installed as provided therein.
B. The intersections described in Schedule IX of the traffic regulations of the Department Board of Public Works or as designated by the Transportation Engineer are hereby designated as yield intersections. Yield signs shall be installed as provided therein.

346-14 Trucks excluded.
A. Trucks, commercial vehicles, tractors and tractor-trailer combinations are hereby excluded from the streets or parts of streets described in Schedule X of the traffic regulations of the Department Board of Public Works.

346-15 Truck route system.
A. A truck route system upon which all trucks, tractors and tractor-trailer combinations having a total gross weight in excess of five tons are permitted to travel and operate shall consist of all numbered New York
State highway routes through the City and the streets set forth in Schedule XI of the traffic regulations of the Department Board of Public Works.

346-19 Parking prohibited at all times.
No person shall park a vehicle at any time upon any of the streets or parts thereof described in Schedule XII of the traffic regulations of the Department Board of Public Works or as designated by the Transportation Engineer.

346-20 No stopping.
No person shall stop a vehicle upon any of the streets or parts of streets described in Schedule XIII of the traffic regulations of the Department Board of Public Works or as designated by the Transportation Engineer.

346-21 No standing.
No person shall stand a vehicle upon any of the streets or parts of streets described in Schedule XIV of the traffic regulations of the Department Board of Public Works or as designated by the Transportation Engineer.

346-22 Parking prohibited certain hours.
No person shall park a vehicle between the hours specified in Schedule XV of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said schedule of the traffic regulations of the Department Board of Public Works.

346-23 No stopping certain hours.
No person shall stop a vehicle during the times specified in Schedule XVI of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said schedule of the traffic regulations of the Department Board of Public Works.

346-24 No standing certain hours.
No person shall stand a vehicle during the times specified in Schedule XVII of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said schedule of the traffic regulations of the Department Board of Public Works.

346-25 Time limit parking.
No person shall park a vehicle for longer than the time limit shown in Schedule XVIII at any time between the hours listed in said schedule of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said schedule of the traffic regulations of the Department Board of Public Works.

346-26 Overnight parking.
Effective November 1 through April 1 of each year, no vehicle shall be parked between 7:00 p.m. and 6:00 a.m. on the odd-numbered side of a City street on even-numbered calendar days, nor on the even-numbered side of a City street on odd-numbered calendar days, except for streets or parts thereof described in Schedule XIX of the traffic regulations of the Department Board of Public Works, attached to and made a part of this chapter. For the purpose of this section, a night shall be deemed even-numbered if that portion thereof prior to midnight was part of an even-numbered day and odd-numbered if that portion thereof prior to midnight was part of an odd-numbered day. This section shall not apply to the streets repealed under §§ 346-27 and 346-28 below.

346-27 Continuous parking.
No person shall park a vehicle for longer than 24 consecutive hours upon any of the streets or parts thereof described in Schedule XX of the traffic regulations of the Department Board of Public Works, attached to and made a part of this chapter.

346-28 Curbline parking.
No person shall stop, stand or park between the curbline or edge of pavement and the sidewalk or adjacent property line of any street or highway, except the streets or parts thereof described in Schedule XXI of the traffic regulations of the Department Board of Public Works, where parking shall be limited to a period of time no more than 24 consecutive hours.

346-29 Loading zones.
The locations described in Schedule XXII of the traffic regulations of the Department Board of Public Works are hereby designated as loading zones or as designated by the Transportation Engineer.

346-30 Taxi stands.
The locations described in Schedule XXIII of the traffic regulations of the Department Board of Public Works or as designated by the Transportation Engineer are hereby designated as taxi stands.

346-31 Buses.
A. Unless otherwise provided to the contrary, no bus or common carrier, whether for hire or not, shall be operated upon, stop on or stand on any City street in the corporate limits of the City of Ithaca, nor shall such bus or common carrier pick up or discharge passengers on any such City street or curb, or any other public property, or at or within 200 feet of any City bus stop in said corporate limits of the City of Ithaca, unless a permit is obtained therefor from the Common Council of the City of Ithaca,
or its designee, the issuance of which permit shall be at the sole discretion of the Common Council of the City of Ithaca.

B. The locations described in Schedule XXIV of the traffic regulations of the Department Board of Public Works are hereby designated as bus stops.

346-32 Reserved parking for people with disabilities.
   The locations described in Schedule XXV of the traffic regulations of the Department Board of Public Works are hereby designated as reserved parking for people with disabilities, and no persons shall park therein without appropriate parking permits displayed on the vehicle, including parking permits issued pursuant to § 1203-a et seq., of the New York State Vehicle and Traffic Law.

346-33 Designation of emergency snow routes; restrictions pertaining thereto.
The Mayor is hereby authorized to declare that a snow emergency exists. The Superintendent Board of Public Works is hereby authorized to determine and to designate and declare snow emergency routes for the purpose of this section. The locations described in Schedule XXVI of the traffic regulations of the Department Board of Public Works are hereby designated as snow emergency routes. It shall be unlawful to park or stand a motor vehicle, except for the expeditious loading or unloading of passengers, upon any portion of any emergency snow route during the period of time the Mayor has declared that a snow emergency exists.

Article IV Metered Parking

346-37 Designation of parking spaces.
The Superintendent Board of Public Works shall be responsible for the installation of parking meters or pay stations in the City and is hereby directed and authorized to provide for the designation of such parking spaces in the zones designated and described in Schedule XXVII of the traffic regulations of the Department Board of Public Works.

346-38 Alternate meter parking.
Parking is hereby prohibited at each alternate metered parking space from 4:00 p.m. and 6:00 p.m. as designated and marked by the Transportation Engineer in the parking meter zones designated and described in Schedule XXVIII of the traffic regulations of the Department Board of Public Works.

346-39 Overnight parking in metered zones prohibited.
No person shall park a vehicle in any meter or pay-stationed zone for a period of time longer than 15 minutes between 2:00 a.m. and 5:00 a.m.
except for streets or parts thereof described in Schedule XXIX of the traffic regulations of the Department Board of Public Works.

346-43 Parking meter and pay-station fees.
   On-street parking fees shall be determined annually by the Common Council Board of Public Works. Such fees shall be documented on parking meters and pay stations.

Part 2 Schedules
Article VI Schedule of Traffic Regulations

346-81 Schedule XXXI: Governmental Facility Parking.
   In accordance with the New York State Vehicle and Traffic Law § 1640 (a)(22) and the authority given to the Board of Public Works in § 346-4 of the City Code, the following locations at or adjacent to a governmental facility are hereby regulated by the stated rules:

( ) Amend the following subsections of Chapter 348 “Water and Sewers” with the remainder of the chapter unchanged:

348-2 Application for service; responsibility for charges.
   All applications for the introduction or supply of water and/or sewer into any premises or for the extension of any pipe for the conveyance of water or sewage must be made, in writing, by the owner of the premises or his/her duly authorized agent on forms provided for that purpose at the office of the City Chamberlain. Separate buildings requiring separate meters will also require separate services even if they are on the same premises. If more than one service is desired for the same premises, a separate application shall be made for each service. The owner of such premises shall be held responsible and liable for all charges for such service and water consumption and sewer rental charges to said premises, to be collected, in case of default of payment, in the manner provided by the rules and regulations or the provisions of the City Charter relating thereto. However, when water and/or sewer service is desired for premises in areas outside the city limits where contracts are made with the city to supply the areas with water and sewage disposal, all applications must be approved by the Superintendent Board of Public Works or its designated representative before application may be accepted at the office of the City Chamberlain.

348-3 Independent service pipes.
   Each building or other premises shall be provided with a separate and independent water and sewer service from the main; provided, however, that a group of buildings under the same tenant occupancy, use and exclusive control may be served by a single principal water and sewer
service upon permission and terms granted by the Superintendent of Public Works Board. Where two or more branch water service lines from the main service pipe are used for separate tenants in the same premises, each branch shall be provided by the owner with proper fittings for separate and independent meter installations in the respective branches, and each such branch shall be provided with a compression stop- and waste cock ahead of the meter.

348-5 Rates and terms of payment.
   A. Common Council The Board shall from time to time determine and fix the rates for water service connection and consumption, sewer rental fees, special fees and charges for hydrant service and shall establish such zones and periods of payment as may be desirable.
   B. All such rates and terms of payment shall constitute a part of the rules and regulations of the Department of Public Works Board relating to water service as though fully set forth herein and shall be on file in the office of the City Chamberlain.

348-6 Changes in rules, regulations and rates.
   Common Council The Board reserves the right to change by resolution, from time to time, the rules and regulations relating to the water supply and sewer system and the rates for the use of water and sewer.

348-7 Rates for service outside city limits.
   Common Council The Board shall determine and fix rates for water and sewer service and consumption outside the city limits and for service taps, repairs, etc., and for hydrant service for fire protection, which shall be included in the established schedule of rates on file in the office of the City Chamberlain, and the collection of any charges for such service shall be as provided in § 348-8.

348-10 Fees for service; equipment rental.
   For all work done by city forces at a property owner’s expense, the list of current prices and fees established by the Department Board of Public Works shall be posted at the Water Building, 510 First Street. In no case will any equipment be rented without an operator.

348-11 Inspections.
   A. The inspector hereinafter named is a person duly authorized by the Superintendent Board of Public Works to perform the inspections hereinafter provided.

348-12 Easements.
   In case the proposed waterline, drain or sewer passes through premises other than those making connection with the water and/or sewer, no
connection will be made until a deed of easement, satisfactory to the
Superintendent and City Attorney, Board of Public Works, shall have been secured and filed in the office of the City Clerk.

Article II Water

348-14 Water mains.
Except where water mains cross bridges and except when variations are specifically approved by the Superintendent of Public Works Board, all water mains connecting with the city water system must be cast-iron or ductile iron. The joints may be bell-and-spigot or mechanical joint or Tyton or an approved equal. All pipe and joints must meet the applicable specifications of the American Water Works Association. All plans and specifications for water mains must be approved by the Superintendent Board of Public Works and installed under the supervision and inspection of the Department of Public Works.

348-17 General installation and maintenance rules for service pipes.

E. Whenever leaks occur in the service pipes at any point between the main and the meter, they must be repaired immediately by the owner or agent of the premises in accordance with the previous subsections of this section. If repairs are not made within 15 days after notice of such leaks, the Superintendent of Public Works may shut off the water until such repairs are made.

F. The Superintendent of Public Works Board reserves the right to repair any leaking service pipe without notice and to charge the expense thereof against the owner of the premises, to be collected in the manner provided by the rules and regulations or the provisions of the City Charter relating thereto.

H. All tapping of the street mains will be made by the Water and Sewer Division, for which the applicant must pay the city at the time of making application such fees therefor as shall be determined, from time to time, by Common Council the Board. In all cases, an approved stopcock with well and cover shall be put in at the curb or outer edge of the walk, and such curb box shall be set and kept visible and flush with the grade and put as near as practicable to the curb, at the property owner's expense.

348-18 Specific installation and maintenance rules.

A. Tapping mains. All tapping of the city water mains will be done by the Water and Sewer Division, and no other person will be allowed to make such taps. The tapping will be done at the expense of the applicant, and the fee therefor fixed as determined by the Superintendent of
Public Works based on the rates fixed by Common Council Works Board shall be paid in advance.

B. Notice. In locations where the city forces do not dig the street or road for services, notice must be left at the office of the Water and Sewer Division on the day previous to the one on which the tapping will be required, stating the hour when the street will be open at the main and ready for tapping and giving the street number of the location and the name of the person owning or occupying the premises. In case the trench is not ready for tapping the main at the time specified, an extra charge will be made for overtime or lost time, as provided in the rates and fees determined by the Superintendent of Public Works fixed by the Board.

348-19 Replacing service pipes.
For any service in which any other variety of pipe shall be placed than that specified in § 348-18 or where opportunity is neglected to replace wrought iron or steel pipe with such pipe as specified, the Superintendent of Public Works Board reserves the right to have the water shut off from said premises until such pipe has been installed in accordance with the rules.

348-20 Standpipes and automatic sprinklers.
Standpipes or pipes for automatic suppression of fires in buildings, which fixtures are intended only for such use, will be permitted to be attached to the city water supply system, and no charge will be made for the use of water for such purposes. All such pipes must be provided with a suitable valve outside of the building which shall be under the exclusive control of the Superintendent of Public Works Board. Also, in the case of standpipes, a valve must be provided, placed at the bottom of the standpipe and at each hose opening, which valve shall be sealed by the Water and Sewer Division. In case such seals shall be broken for the extinguishment of any fire, the party breaking the seal shall immediately thereafter notify the Water and Sewer Division, and the valve shall be resealed.

348-21 Protection from freezing.
C. In all exposed situations, the service pipes and fixtures shall be protected at the expense of owner; and in case he/she neglects to protect his/her service as aforesaid, the Superintendent of Public Works Board may cut off the water therefrom. It shall be the duty of the plumber to protect from frost all work done by him/her. He/she will not be released from the responsibility by having the owner of the premises or others do the work for him/her.
348-22 Meters.

J. The Superintendent of Public Works Board reserves the right to attach or detach meters at any time whenever it shall deem it expedient and to charge for the quantity of water measured or used. All water passing through a meter will be charged for, whether used or wasted.

348-25 Termination of service.

In case of fraud, misrepresentation on the part of the applicant, abuses in the use of water, violations of any of the rules and regulations relating thereto or nonpayment of rates and charges when due, in addition to the penalties specifically provided by the rules and regulations, the City Charter or ordinances, the water may be cut off without notice, and the water will not be turned on again unless satisfactory assurance shall be given that no further cause of complaint shall arise and upon the payment of such fees as the Superintendent of Public Works Board may prescribe with such fees based on the rates fixed by Common Council.

348-26 Deficient water supply.

The Superintendent of Public Works Board reserves the right to shut off the water for alterations, extensions and repairs and to stop or restrict the supply of water whenever it may be found necessary, and the City Board shall not be held liable under any circumstances for a deficiency or failure to supply water, whether occasioned by shutting off water to make repairs, connections or extensions or any other cause whatsoever.

348-27 Water for building construction.

Common Council authorizes the Superintendent of Public Works to Board shall determine and fix the rates for water to be used for building or construction or repairs, the volume of water to be estimated upon the basis of the amount required per unit of the square area or cubic content for the various classes of construction involved. Such estimated schedule charge for such service shall be paid in advance. In lieu of a schedule charge for such service, a meter may be installed, in which case a deposit shall be required as security against damage to such meter, any surplus thereof to be applied towards the consumption charges.

Article III Sewers

348-28 Sewer mains.

A. Except when variations are specifically approved by the Superintendent of Public Works Board, all sewer mains will be eight-inch SDR35 polyvinylchloride (PVC) sanitary sewer pipe.
B. All sewer mains shall be laid according to the Specifications for the Construction of Sanitary Sewers Connecting to the Sewerage System of the City of Ithaca, New York, copies of which are obtainable at the City Engineer’s office or from the Superintendent of the Water and Sewer Division of the Department of Public Works.

C. All proposed plans and specifications for sewer mains must be approved by the Superintendent of Public Works and installed under the supervision and inspection of the Water and Sewer Division of the Department of Public Works.

348-29 Sanitary sewer services.

F. Whenever leaks or breaks occur in the service pipes or private sewers between the main and the building served, they must be repaired immediately by the owner or agent of the premises in accordance with the previous subsection of this section. If repairs are not made within 15 days after notice of such leak or break, the Superintendent of Public Works Board may shut off the water until such repairs are made.

G. The Superintendent of Public Works Board reserves the right to repair any leaking service pipe without notice and charge the expense thereof against the owner of the premises, to be collected in the manner provided by the rules and regulations or the provisions of the City Charter relating thereto.

I. All Y’s cut into the sewer main will be done by the Water and Sewer Division, for which the applicant must pay the city, at the time of making application, such fees therefor as shall be determined from time to time by the Superintendent of Public Works Board based on staff time, overhead, and materials Board.

348-30 Service pipes.

I. For any service in which any other variety of pipe shall be placed than that specified in this section or where an opportunity is neglected to replace service pipes not in compliance with this section with service pipes compliant with this section, the Superintendent of Public Works Board reserves the right to have the water shut off from said premises until such service pipes have been installed in accordance with this section.

348-32 Prohibited discharge; normal discharge range.

A. No person shall discharge or cause to be discharged to any public sewer any of the following-described substances, materials, waters or wastes:

(12) Any stormwater, cistern or tank overflow, cellar drain or the contents of any privy vault or cesspool or, except as otherwise provided by the Board and under a permit issued by the Superintendent of Public Works Board, the discharge of effluent from any air-conditioning machine or refrigeration unit. A fee as
established by the Superintendent Board of Public Works based on the ordinary sewer rents will be charged for each air-conditioning or refrigeration effluent discharging into the sanitary sewer pursuant to an approved permit.

(13) Any waters or wastes containing a toxic or poisonous substance, a high chlorine demand or suspended solids in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters or the effluent of the sewage treatment plant. Such toxic substances shall be limited to the average concentrations listed hereinafter in the sewage as it arrives at the treatment plant, and at no time shall the hourly concentration at the sewage treatment plant exceed three times the average concentration. If concentrations listed are exceeded, individual establishments will be subject to control in volume and concentration by the Superintendent Board of Public Works. See the limits established or from time to time changed by the State Health Department.

348-34 Manholes.
No person shall raise or tamper with the cover of any sewer manhole or deposit thereon any refuse or other materials without a permit permission from the Superintendent Board of Public Works.

348-36 Termination of service.
The Board of Public Works Common Council shall have the right to close or disconnect from any public or private sewer any sewer constructed or used in violation of the rules and regulations pertaining thereto. The Board Superintendent of Public Works shall have the right to enter upon any public or private property for this purpose.

Article IV Air-Conditioning and Refrigeration Equipment

348-44 Sanitary protection.
All installations shall be made in conformance with the Plumbing Code and subject to the inspection of the Plumbing Inspector and will include the following general protective measures:
B. The discharge and the connections for the disposal of wastewater shall be in accordance with the Plumbing Code and Department of Public Works and Common Council Board of Public Works regulations regarding sanitary sewers.

Article VI Water Rates and Sewer Rents

348-48 Rates and rents established.
A. Pursuant to the authority contained in §§ C-66 and C-67 of the Ithaca City Charter, Common Council the Board of Public Works shall from time to time, by resolution, set water and sewer rates to meet budgeted revenue projections.

D. Common Council The Board of Public Works shall from time to time, by resolution, set rates for other water- and sewer-related services, such as but not limited to unmetered sprinkler service, unmetered water provided via suitable connections to hydrants, bulk metered water for filling spray rigs, tank trucks etc., readings and/or bills requested on other than regular reading or billing dates, curb stop shutoff or meter removal, and duplicate bills.

348-49 Terms of payment.

D. A fee as established by Common Council Board of Public Works resolution will be assessed for removing and resetting meters and turning the water off and on.

E. Meters up to and including one inch will be tested upon application of the consumer and the making of a deposit as established by Common Council Board of Public Works resolution. If the meter shall test no more than 3% fast on full or half flow, the deposit is to be forfeited to the City. If the meter tests more than 3% fast, a proportionate allowance will be made on all bills no more than six months old and the deposit returned to the consumer.

L. A fee as established by Common Council Board of Public Works resolution shall be assessed for a request to read a meter and/or produce a bill at a time other than the regularly scheduled reading and/or billing.

Article VII Water and Sewer Main Specifications

348-51 Authorization required.

No connections to any mains in the water or sewer system may be made until such connections are authorized by the Superintendent Board of Public Works and the plans for the water or sewer main extension are approved by the Superintendent Board of Public Works.

348-52 Conformance required; supervision and inspection.

All work done on water and/or sewer main extensions connecting to the Ithaca systems must conform to these specifications and must be done under the supervision and inspection of the Superintendent of Public Works or under such inspection as may be otherwise ordered by the Board of Public Works. The term
"inspector" hereinafter used will mean the duly designated representative of the Board of Public Works.

348-53 Other regulations incorporated.
The rules and regulations of the Department Board of Public Works in the preceding Articles of this chapter governing the installation and use of service lines and mains and the New York State Uniform Fire Prevention and Building Code applicable to plumbing shall be considered a part of these specifications and shall govern such conditions as are not herein specifically described.

348-54 Excavation and preparation of trench.
G. Special foundation in poor soil. Where the bottom of the trench at subgrade is found to consist of material which is unstable to such a degree that, in the opinion of the inspector, it cannot be removed and replaced with an approved material thoroughly compacted in place to support the pipe properly, the contractor shall construct a foundation for the pipe consisting of piling, timber or other materials, in accordance with plans approved by the Board Superintendent of Public Works.

348-56 Water mains.
A. Materials to be used.
(1) Pipe and fittings.
(a) All pipelines four inches in diameter and larger shall be bell-and-spigot, tar-coated, cement-lined, centrifugally cast pipe to meet American Water Works Association specifications, the class of pipe used to be determined by the operating pressure and conditions of the line. All fittings shall be Class D, tar-coated long pattern to meet American Water Works Association specifications.
(b) The use of mechanical joints and rubber-joint cast-iron pipe will be allowed by approval of the Superintendent Board of Public Works.

348-57 Sewer mains.
A. Materials to be used.
(1) Pipe and fittings.
(a) All sewer mains shall be cement-asbestos with a minimum inside diameter of eight inches.
(b) No other specifications for concrete or cement-asbestos sewers are herein contained. The use of other materials is not prohibited and may be done under standard specifications.
submitted to and approved by the Superintendent Board of Public Works.

**Section 6. Common Council adoption Board of Public Works enacted Legislation.**
Council hereby adopts the remaining and here-amended portions of Part III: Board of Public Works Legislation and any other legislation enacted solely by Board of Public Works as part of the City Code.

**Section 7. Severability Clause.**
Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 8. Effective Date.**
This ordinance shall take effect immediately and in accordance with law upon publication of notices as provided in the Ithaca City Charter, but only after the filing of Local Law ___-2020 in the office of the Secretary of State, after that Local Law’s approval by the electorate at referendum, but at no time earlier than January 1, 2021.