

9.3 An Ordinance to Adding Chapter 8 entitled, “Advisory Commissions,” to the City of Ithaca Municipal Code

WHEREAS, in 2011, the City of Ithaca contracted with an outside consulting firm to evaluate the city’s organizational structure as it relates to performance measurement and efficiencies; and

WHEREAS, in February of 2012, the Common Council convened at a retreat to look at the report’s recommendations in greater depth and develop and prioritize a work plan; and

WHEREAS, one of the report’s recommendations regarding the Board of Public Works was expanded to consider a comprehensive analysis of all boards and committees and was assigned to the now-defunct Government Performance and Accountability Committee; and

WHEREAS, on May 4, 2016, the Common Council unanimously passed a resolution establishing a Boards and Committees Restructuring Working Group (the “Working Group”) to gather input from existing boards and committees, and the public, on possible models for restructuring, and to propose to the City Administration Committee a realigned structure for the City’s boards and committees; and

WHEREAS, the Working Group has engaged in diligent analysis, received input from the existing boards and committees and public, and developed a new advisory commission structure as set forth in this Ordinance; and now, therefore

ORDINANCE 2017-

BE IT ENACTED 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 current boards and committees organizational structure is confusing to the public and challenging for citizens to understand how to participate.
2. The Comprehensive Plan includes the following public participation goals, which will be better realized by the Advisory Commission structure herein adopted:
 - a. All members of the community will know of and have opportunities to participate in governing and decision-making processes of interest to them.
 - b. The City’s active outreach to the community will support high-quality public participation.
 - c. All members of the community will feel confident that their voices will be taken seriously and given respect in City decision-making processes that are important to them.

- d. All members of the community will know how to access information about decisions being made and what information is informing those decisions, and all this information will be easily accessible to the public
3. As a result of limited City staff resources coupled with a large number of boards and committees, many boards and committees lack regular administrative and support staff, limiting their effectiveness.
4. Many issues that come before Common Council lack a corresponding board or committee to vet the issues, gather public input, and develop recommendations for Common Council.
5. Under the current boards and committees structure, there is overlap between several boards and committees causing inefficiencies, wasted resources, and breakdowns in communication. The practice of appointing liaisons from one board or committee to another only partially addresses these breakdowns.
6. The recruitment, application, and appointment process necessary to fill all positions in the current boards and committees structure is cumbersome, time consuming, and leads to long vacancies on the boards and committees.
7. It is, therefore, desirable to create four “umbrella” Advisory Commissions with thirty-six appointed voting members that will replace twelve existing boards, commissions, and committees.

Section 2. Creation of Chapter 8, “Advisory Commissions.”

The City of Ithaca Municipal Code is hereby amended to add a new Chapter 8, entitled “Advisory Commissions.” Such Chapter shall read as follows:

Chapter 8 – Advisory Commissions

Article I – Purpose, Establishment, and General Provisions

§ 8-1. Purpose.

The purpose of this Chapter is to establish Advisory Commissions that shall provide the City of Ithaca, City of Ithaca Common Council and committees thereof, and the City of Ithaca’s quasi-judicial boards with research, public input, and analysis and other assistance as necessary in the subject areas impacting the City of Ithaca to which each Advisory Commission is tasked.

§ 8-2. Establishment.

The Common Council of the City Ithaca hereby establishes the Public Safety and Information Commission; Community Life Commission; Mobility, Accessibility, and Transportation Commission; and Parks, Recreation, and Natural Resources Commission. These Commissions shall be collectively known as the Advisory Commissions. The Advisory Commissions serve the City of Ithaca, the City of Ithaca Common Council and committees thereof, and the City of Ithaca’s quasi-judicial

boards. The Advisory Commissions serve solely in an advisory capacity and, absent approval of the Common Council, may take no action binding the City, its officers, or employees.

§ 8-3. Duties.

The general duties of the Advisory Commissions, in addition to those specific duties of each Advisory Commission set forth in this Chapter, are as follows:

- A. To draft and update as necessary a work plan in consultation with the Advisory Commission's Common Council liaisons and City staff designees.
- B. To draft and vote on advisory resolutions or summary statements on matters before the Common Council, committees thereof, or the City's quasi-judicial boards.
- C. To receive public input on, and facilitate public discussion of, matters before Common Council, committees thereof, or the City's quasi-judicial boards.
- D. To conduct research on matters before the Common Council, committees thereof, or the City's quasi-judicial boards.
- E. To research and make recommendations regarding City processes and policies.
- F. To hold regular meetings as set forth in this Article.
- G. To maintain records of proceedings.

§ 8-4. Membership.

- A. Membership and appointment. Each Advisory Commission shall consist of nine voting members who shall be appointed as follows:
 - (1) Voting members. Each Advisory Commission shall have nine voting members, comprised of one Chairperson and eight Commissioners.
 - (2) Chairperson. The Mayor, with approval of the Common Council, shall appoint one voting Chairperson to each Advisory Commission. The Chairperson shall preside over the Advisory Commission and set the Advisory Commission's meeting agendas in consultation with designated City staff and the Common Council liaisons.
 - (3) Commissioners. The Mayor, with approval of the Common Council, shall appoint eight voting Commissioners to each Advisory Commission.
 - (4) Common Council liaisons. The Mayor shall appoint two non-voting Common Council liaisons to each Advisory Commission, neither of which

should, if feasible, be the committee chair for any standing committee of the Common Council.

- (5) Advisors. Each Advisory Commission may appoint up to ten non-voting advisors who have expertise in one or more subject matter areas addressed by the Advisory Commission. Any such appointed advisor shall serve as a resource to the Advisory Commission and may participate in meetings, subcommittees, or working groups as permitted by the Advisory Commission's rules and procedures in their discussion of agenda items as to which the appointed advisor has expertise to offer. Subject to renewal by the Advisory Commission to which the advisor serves, such advisors' terms shall expire one year after appointment, unless earlier terminated by that Commission.

B. Residency.

- (1) No more than two commissioners may reside outside the City of Ithaca. When appointing a non-resident commissioner, the Mayor shall strive to appoint non-resident commissioners with demonstrable ties to or interests in the City, including, but not limited to, ownership of real property in the City, ownership of a business that is located in the City or conducts business in the City, employment in the City, membership on the board of a not-for-profit organization located in the City or serving the City, or other significant volunteer work in the City.

- (2) The Chairperson must reside in the City of Ithaca.

- C. Terms of office. Terms of office for the voting members of the Advisory Commissions shall be two years, except that of the initial appointments, four shall expire on December 31, 2018 and five shall expire on December 31, 2019.

- D. Vacancies. Vacancies on the Advisory Commissions shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by expiration of term of office shall be filled only for the remainder of the unexpired term. Applications to fill the vacancy of an expiring term that have been submitted by October 31 of the year in which the term expires, or on such other date as the Common Council may deem appropriate, shall be considered for appointment to the subsequent term. In the event that a vacancy arises for reasons other than the expiration of the term, applications to fill the vacancy that have been submitted by April 30 shall be considered for appointment to the vacancy effective no later than July 1 and applications that have been submitted by October 31 shall be considered for appointment to the vacancy effective no later than January 1 of the following year.

§ 8-5. Meetings.

Each Advisory Commission shall hold regular meetings once each month. Each Advisory Commission's Chairperson, or at least three Commissioners, may call special meetings as required to conduct the business of the Advisory Commission. All regular and special meetings of the Commission shall be open to the public.

§ 8-6. Agenda.

All meetings of the Advisory Commissions shall have an agenda which shall be available to the public before the meeting.

§ 8-7. Quorum.

The Advisory Commissions shall not conduct public business without the presence of a quorum, which shall be five voting members.

§ 8-8. Records.

Each Advisory Commission shall keep a record, which shall be open to the public view, of its resolutions, proceedings and actions. The vote or failure to vote of each voting member shall be recorded. The concurring affirmative vote of a majority of the full voting membership shall constitute approval of the adoption of any resolution, motion or other action of the Advisory Commission.

§ 8-9. Promulgation of rules and procedures; working groups.

- A. The Common Council may by resolution adopt such rules and procedures of the Advisory Commissions as required to conduct the business of the Advisory Commissions and which are not inconsistent with the provisions of this Chapter.
- B. Each Advisory Commission, with approval of Common Council, may adopt supplemental rules and procedures as required to conduct its business, which are not inconsistent with the provisions of this Chapter, and which are not inconsistent with all other rules and procedures applicable to the Advisory Commission adopted by the Common Council.
- C. Each Advisory Commission shall have the authority to create, and to dissolve, *ad hoc* working groups that are generally limited in purpose and scope to a particular issue or topic and that exist only for a limited duration of time. When forming a working group, the Advisory Commission shall appoint the majority of the working group's membership from the advisors serving the Advisory Commission that is forming the working group. No such working group may exist for more than one year from the date of the working group's formation, or from the date of the working group's most recent renewal, unless the Commission which formed the working group renews the working group by a majority vote.

Article II – Public Safety and Information Commission

§ 8-10. Purpose.

The purpose of the Public Safety and Information Commission is to provide the Common Council, appropriate committees thereof, the City's quasi-judicial boards, and City staff with advisory research, public input, and analysis for matters related to the Ithaca Fire Department, Ithaca Police Department, emergency preparedness, public information and communication, drug abuse, gorge safety, the Ithaca Commons, noise, and special events.

§ 8-11. Duties.

The duties of the Public Safety and Information Commission shall include, as needed, the following:

- A. To advise on issues related to policing, fire protection, emergency response.
- B. To advise on emergency preparedness plans, documents, and policies.
- C. To advise on issues of public access to information and City communication with the public.
- D. To advise on issues related to substance abuse.
- E. To advise on issues related to gorge safety.
- F. 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.
- G. To advise on issues of public health, peace, welfare, and good order with respect to noise and the regulation of noise under Chapter 240 of the City Code.
- H. To advise on issues related to special events, assemblies, and parades in the City of Ithaca, including such events considered in Chapter 132 of the City Code.
- I. To serve as a means of engaging in community outreach and receiving community input on the above-described subject matter in a manner consistent with the diversity, accessibility, and sustainability goals of the City and in conjunction with all appropriate Commissions, as necessary, to achieve such goals.

Article III – Community Life Commission

§ 8-12. Purpose.

The purpose of the Community Life Commission is to provide the Common Council, appropriate committees thereof, the City's quasi-judicial boards, and City staff with advisory research, public input, and analysis for matters related to community livability, arts and culture, diversity, community youth and youth development,

seniors and aging, refugees and immigrants, college students, LGBTQIA+ issues, housing, sustainability, food and food systems, and environmental remediation.

§ 8-13. Duties.

The duties of the Community Life Commission shall include, as needed, the following:

- A. To advise on issues related to art and public art in Ithaca, including public art displays, programs, and exhibitions.
- B. To advise on issues related to rental housing, including the accessibility, affordability, and quality of rental housing, tenant's rights, and such other matters considered by Chapter 258 of the City Code.
- C. To advise on issues relevant to Ithaca's youth and youth development, including rendering such advice and assistance to the Ithaca Youth Bureau regarding its operation and programs.
- D. To advise on issues impacting Ithaca's most vulnerable communities, including refugee, immigrant, and elderly communities.
- E. To advise on issues related to the college and graduate student populations of, and the administrations of, local institutions of higher education, including Cornell University, Ithaca College, and Tompkins Cortland Community College.
- F. To advise on issues of concern to Ithaca's lesbian, gay, bi-sexual, transgender, and queer communities, including fostering a sense of inclusion for all persons regardless of gender, gender identity or expression, or sexual orientation.
- G. To advise on issues relevant to diversity and the importance of diversity in Ithaca, including fostering a sense of inclusion for all persons regardless of actual or perceived age, creed, color, disability, domestic violence victim status, ethnicity, familial status, gender, gender identity or expression, height, immigration or citizenship status, marital status, military status, national origin, predisposing genetic characteristics, race, religion, sex, sexual orientation, socioeconomic status, or weight.
- H. To advise on issues of sustainability, food and food systems, and environmental remediation and contamination.
- I. To serve as a means of engaging in community outreach and receiving community input on the above-described subject matter in a manner consistent with the diversity, accessibility, and sustainability goals of the City and in conjunction with all appropriate Commissions, as necessary, to achieve such goals.

Article IV – Mobility, Accessibility, and Transportation Commission

§ 8-14. Purpose.

The purpose of the Mobility, Accessibility, and Transportation Commission is to provide the Common Council, appropriate committees thereof, the City's quasi-judicial boards, and City staff with advisory research, public input, and analysis for matters related to mobility, accessibility, and transportation, including but not limited to bicycles, pedestrians, sidewalks, parking, traffic calming and management, public transit, multiuse trails, taxis, and accessibility for persons with disabilities.

§ 8-15. Duties.

The duties of the Mobility, Accessibility, and Transportation Commission shall include, as needed, the following:

- A. To advise on issues related to bicycle and pedestrian access and infrastructure.
- B. To advise on issues related to obstacles to equal rights, access, and privileges of persons with disabilities.
- C. To advise on issues related to parking, parking garages, residential parking permits, traffic calming, and traffic management.
- D. To advise on issues related to all forms of public transit within, into, and from the City of Ithaca and the surrounding area.
- E. To advise on issues related to sidewalks, sidewalk maintenance, the sidewalk improvement districts, and multiuse trails.
- F. To advise on issues related to taxi, limousine, and livery services and all other forms of private vehicular transportation for hire.
- G. To serve as a means of engaging in community outreach and receiving community input on the above-described subject matter in a manner consistent with the diversity, accessibility, and sustainability goals of the City and in conjunction with all appropriate Commissions, as necessary, to achieve such goals.

§ 8-16. Common Council Liaison.

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.

Article V – Parks, Recreation, and Natural Resources Commission

§ 8-17. Purpose.

The purpose of the Parks, Recreation, and Natural Resources Commission is to provide the Common Council, appropriate committees thereof, the City's quasi-judicial boards, and City staff with advisory research, public input, and analysis for matters related to parks, recreation, natural areas, trees, waterways and waterfront, boating, docks, the City of Ithaca Cemetery, and the Newman Municipal Golf Course.

§ 8-18. Duties.

The duties of the Parks, Recreation, and Natural Resources Commission shall include, as needed, the following:

- A. To advise on issues affecting the City of Ithaca's parks and open spaces, including the City of Ithaca Cemetery and the Newman Municipal Golf Course, and on the public use of, and access to, such parks and open spaces for recreation and other purposes.
- B. To advise on issues related to the conservation of the designated Natural Areas of the City of Ithaca set forth in Chapter 114 of the City Code, the public use of such areas, and education about the importance and fragility of such areas.
- C. To advise on issues related to trees and shrubs, and the maintenance thereof, in the City of Ithaca, including the provisions of Chapter 306 of the City of Ithaca Municipal Code.
- D. To advise on issues related to the City of Ithaca's waterways and waterfront, marinas, docks, boats, and boating.
- E. To advise on issues affecting the preservation, development, and use of the natural and physical features and conditions of the City of Ithaca so as to enhance the long-range value of the environment to the people of the City.
- F. To advise the Planning and Development Board or City staff on environmental assessments and environmental impact statements required under Chapter 176 of the City Code for proposed actions.
- G. To serve as a means of engaging in community outreach and receiving community input on the above-described subject matter in a manner consistent with the diversity, accessibility, and sustainability goals of the City and in conjunction with all appropriate Commissions, as necessary, to achieve such goals.

Section 3. Amendments to City Code Repealing Certain Advisory Bodies.

The City of Ithaca Municipal Code is hereby amended to repeal code provisions establishing advisory bodies to the City that are replaced by the new Commissions set forth in new Chapter 8.

(a) The following Chapters of the City Code are repealed in their entirety:

Chapter 5, "Public Art Commission"

Chapter 12, "Bicycle/Pedestrian Advisory Council"

Chapter 22, "Circle Greenway Commission"

Chapter 45, "Disability Advisory Council"

Chapter 86, "Parks Commission"

Chapter 100, "Rental Housing Advisory Commission"

Chapter 112, "Shade Tree Advisory Committee"

Chapter 113, "Natural Areas Commission"

(b) The following Sections of the City Code are repealed in their entirety:

Chapter 157, Section 4, "Creation of Board; responsibilities."

Chapter 4, Section 21, "Advisory Council."

(c) The following Sections of the City Code are amended as follows:

Chapter 157, Section 3, "Definitions." The definition for "Commons Advisory Board" is removed:

~~Commons Advisory Board~~

~~That board, duly appointed by the Mayor, with approval of the Common Council, charged with various activities and/or powers relating to the Ithaca Commons by the Common Council.~~

Section 5. Additional Amendments to the City Code.

To reflect the new Advisory Commissions set forth in new Chapter 8, the City Code is further amended to repeal or amend any now-mooted reference to superseded advisory bodies. Such amendments shall read as follows:

(a) Chapter 90, Section 11 is amended as follows:

Employment prohibited in department which reports to relative's board.
Relatives of members of appointed boards shall not be employed within a department which is responsible to that board, i.e., Board of Public Works, ~~Board of Police Commissioners, Board of Fire Commissioners or~~ Planning and Development Board, **or Board of Zoning Appeals.**

(b) Chapter 114, Section 3 is amended as follows:

~~Natural Areas~~**Parks, Recreation, and Natural Resources** Commission.
The ~~Natural Areas~~**Parks, Recreation, and Natural Resources** Commission shall be the advisory body to the Board of Public Works (and Common Council, when appropriate) that shall coordinate city and public concerns about the natural areas. ~~The purposes, duties and membership of the Commission are set forth in further detail in Chapter 113, Natural Areas Commission, of this Code.~~

(c) Chapter 114, Subsection 4(B) is amended as follows:

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 ~~Natural Areas~~**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.

(d) Chapter 114, Subsection 4(C) is amended as follows:

In the event that physical change to or change in the use of any property adjacent to or within 100 feet of a designated natural area is proposed and requires nonministerial City approval of any type, the ~~Natural Areas~~**Parks, Recreation, and Natural Resources** Commission shall be notified in writing, as soon as is practical, by the involved City board or department, and shall be notified, in advance, when action may be taken on the proposal or if the nature or substance of the proposal changes.

(e) Chapter 114, Section 5 is amended as follows:

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 ~~Natural Areas~~**Parks, Recreation, and Natural Resources** Commission, and subject to the approval of the Board of Public Works.

(f) Chapter 114, Section 6 is amended as follows:

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 ~~Natural Areas~~**Parks, Recreation, and Natural Resources** Commission. If the Department of Public Works and the ~~Natural Areas~~**Parks,**

Recreation, and Natural Resources Commission cannot agree on the plan, the Board of Public Works shall make a final determination.

(g) Chapter 114, Section 8 is amended as follows:

Ranger(s).

The position of Natural Area Ranger is hereby established to advise users of regulations governing the natural areas and to demonstrate the city's intention to protect said areas and enforce the regulations. The Ranger(s) shall be provided with adequate equipment to communicate readily with law enforcement agencies. The Ranger(s) shall work under the direction of the ~~Superintendent of Public Works~~**Chief of Police** and shall consult regularly with the ~~Natural Areas~~**Public Safety and Information** Commission.

(h) The title of Chapter 157, Article I is amended as follows:

General Provisions; ~~Commons Advisory Board~~

(i) Chapter 157, Section 2 is amended as follows:

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 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.**

(j) Chapter 157, Subsection 5(A) is amended as follows:

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 ~~Commons Advisory Board~~**Board of Public Works** include:

(k) Chapter 157, Subsection 5(B) is amended as follows:

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 the ~~Commons Advisory Board~~**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 Board of Public Works on such permit application.**

(2) Review of permit requests shall include scheduling of specific time, duration, and location of the proposed use or activity. It may also include any special conditions or restrictions that should be placed on the permit. Permits will be approved by the Superintendent for a specific activity, specific date, specific time period, and specific location on the Commons.

(3) The ~~Commons Advisory Board~~ **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.

(4) When a request is approved or conditionally approved by the ~~Board~~ **Superintendent**, the issuance of a permit will be authorized subject to any conditions which have been imposed by the ~~Board~~ **Superintendent** or which may be required by the City. Permits will be issued by the Superintendent. The applicant will be notified of the ~~Board's~~ **Superintendent's** decision within five business days after a decision has been rendered.

(5) Any permit which has been reviewed and approved by either the Superintendent or the ~~Commons Advisory Board~~ **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.

(6) If a request for a permit is denied by the ~~Board~~ **Superintendent**, the applicant will be informed of the reasons therefor, in writing, within five business days of the decision.

(7) The Superintendent will be responsible for notifying appropriate City staff of permit issuance.

~~(8) A record of all Board actions will be maintained pursuant to applicable laws.~~

(l) Chapter 157, Subsection 5(C) is hereby deleted in its entirety.

(m) Chapter 157, Subsection 6(A)(6) is amended as follows:

Comply with all of the applicable conditions and guidelines as set forth by ~~the Commons Advisory Board and the City of Ithaca.~~

(n) Chapter 157, Subsection 6(A)(7) is amended as follows:

Provide a security deposit, when required by the Superintendent of Public Works, ~~or the Commons Advisory Board,~~ to cover anticipated cleaning and repair costs.

(o) Chapter 157, Subsection 7(A)(3) is amended as follows:

Requests for multiple permitted events (three or more) in a calendar year by a single user requires approval by the ~~Commons Advisory Board~~**Superintendent**. Requests for weekly recurring events will be considered by the ~~Commons Advisory Board~~**Superintendent** for Mondays, Tuesdays, and Wednesdays.

(p) Chapter 157, Subsection 7(A)(7) is amended as follows:

Sale of merchandise on the sidewalks or public thoroughfares on the Primary/Secondary Commons shall not be permitted without a valid permit, except that the sale of event-specific items and items related to, and being sold by, a not-for-profit organization, or a business located on the Primary/Secondary Commons, shall be allowed pursuant to approval and permit by the Superintendent and/or ~~Commons Advisory Board~~**Superintendent**.

(q) Chapter 157, Subsection 7(A)(13) is amended as follows:

Overnight sleeping on the Commons is prohibited except upon approval of a permit by the ~~Commons Advisory Board~~**Board of Public Works**.

(r) Chapter 157, Section 8 is amended as follows:

Amplified sound, lights and other electrical equipment.

- A. Except by special permit issued by the ~~Commons Advisory Board~~**Superintendent** or designee, no person shall operate or cause to be operated on the Ithaca Commons any boom box, tape recorder, radio or other device for electronic sound amplification in a loud, annoying or offensive manner such that noise from the device interferes with conversation or with the comfort, repose, health or safety of others. Refer to City of Ithaca Municipal Code Chapter 240, entitled "Noise," for further information.
- B. Except by special permit issued by the ~~Commons Advisory Board~~**Superintendent** or designee, no person shall operate or cause to be operated any boom box, stereo system, tape recorder, radio or other device from on or inside any building on the Ithaca Commons, the sound from which is directed outside towards the pedestrian area.
- C. The provisions of Subsections A and B above shall not apply to emergency warning devices, sirens, alarms or other devices being used solely for public safety purposes.
- 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 ~~Commons Advisory Board~~**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, ~~or member of the Commons Advisory Board~~. Requests to extend the hours of amplified sound may be made to the ~~Commons Advisory Board~~ **Board of Public Works**.

E. The use of supplemental lighting, movie and slide projectors and any other type of electrical equipment or display will be carefully reviewed by the Superintendent, City Electrician, and the ~~Commons Advisory Board~~ **Special Events Committee** so as to minimize nuisance or hazard conditions.

(s) Chapter 157, Subsection 12(D) is amended as follows:

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 ~~Commons Advisory Board~~ **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.

(t) Chapter 157, Subsection 12(E) is amended as follows:

The ~~Commons Advisory Board~~ **Superintendent** shall review each application for a business permit and shall grant such permit upon the following conditions:

(u) Chapter 157, Section 14 is amended as follows:

Newsracks.

The Downtown Ithaca Alliance shall administer the placement of newsracks on the Commons. Requests to use the newsracks will be considered in accordance with the policy approved by the ~~Commons Advisory Board~~ **Board of Public Works**.

(v) Chapter 157, Section 19 is amended as follows:

Fees.

Permit and use fees will be established by the ~~Commons Advisory Board~~ **Board of Public Works or Common Council** in consultation with the ~~Board of Public Works~~. Fees may be waived or reduced by the ~~Commons Advisory Board~~ **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.

(w) Chapter 157, Subsection 20(A) is amended as follows:

Street performers and acoustical musicians may perform on the Commons between 10:00 a.m. and 9:00 p.m. Sunday through Thursday and 10:00 a.m. and 10:00 p.m. on Friday and Saturday. All street performers shall locate along the edge of the fire lane and must remain mobile at all times in case emergency vehicles require access to the area. Performance equipment and materials may not be left unattended. Street performers must move to a different location every 45 minutes. The ~~Commons Advisory Board~~**Superintendent** reserves the right to designate specific areas for street performers.

(x) Chapter 157, Subsection 20(B) is amended as follows:

The use of amplified sound or fire during a performance is only allowed by permit from the ~~Commons Advisory Board~~**Superintendent**. Loud-natured acoustical instruments such as horns, drums and other percussion instruments require a noise permit from the ~~Commons Advisory Board~~**Superintendent**. Performers are responsible for monitoring and controlling the volume of sound they make and must reduce the volume upon the request of the Ithaca Police Department, City staff, or Downtown Ithaca Alliance staff, ~~or a member of the Commons Advisory Board~~.

(y) Chapter 157, Subsection 21(B)(12) is amended as follows:

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 a hearing in front of the ~~Commons Advisory Board~~**Board of Public Works** on the proposed revocation or suspension.

(z) Chapter 157, Subsection 21(B)(13) is amended as follows:

The ~~Commons Advisory Board~~**Board of Public Works** shall have the right to terminate or reinstate the agreement. Such decision shall become effective immediately.

(aa) Chapter 157, Subsection 21(D) is amended as follows:

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 ~~Commons Advisory Board~~**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 ~~Commons Advisory Board~~**Board of Public Works** may act to sustain the original decision or to revise it, with or without conditions.

(bb) Chapter 157, Subsection 22(C)(7) is amended as follows:

Lighting: lighting can be used for preparing and serving food and illuminating a menu. Decorative lighting is not permitted unless approved by the ~~Commons-Advisory Board~~ **Superintendent**. Lighting not approved by the ~~Commons-Advisory Board~~ **Superintendent** must be removed immediately.

(cc) Chapter 157, Subsection 22(C)(14) is amended as follows:

Tables: no freestanding tables. Built in, folding-down tables attached to the actual vendor cart are acceptable, provided they have been approved by the ~~Commons-Advisory Board~~ **Superintendent**.

(dd) Chapter 157, Section 23 is amended as follows:

Mobile vending locations.

The ~~Commons-Advisory Board~~ **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.

(ee) Chapter 157, Section 24 is amended as follows:

Hours of operation.

Operating hours for mobile vending carts are between 10:00 a.m. and 10:00 p.m. Carts must be removed from the Primary Commons between the hours of 10:00 p.m. and 9:00 a.m. Vendors who wish to operate outside regular hours must obtain permission from the ~~Commons-Advisory Board~~ **Superintendent**.

(ff) Chapter 157, Subsection 25(A) is amended as follows:

The Superintendent may issue agreements for mobile vending on the Primary Commons pursuant to the Mobile Vending Map, which is approved by the ~~Commons-Advisory Board~~ **Board of Public Works** annually. The Superintendent may refuse to issue an agreement:

(gg) Chapter 157, Subsection 27(C) is amended as follows:

Vending hours are from 10:00 a.m. to 10:00 p.m. unless special permission is granted by the ~~Commons-Advisory Board~~ **Superintendent**.

(hh) Chapter 157, Subsection 27(F) is amended as follows:

All vendors must maintain the submitted list of items for sale and prices throughout the agreement period unless special permission is granted by the Superintendent or the ~~Commons-Advisory Board~~ **Superintendent**.

(ii) Chapter 157, Subsection 28(B) is amended as follows:

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 a hearing on the proposed revocation or suspension before the ~~Commons Advisory Board~~**Board of Public Works** no sooner than 10 days after requesting such a hearing, in writing. Grounds for termination include, but are not limited to:

(jj) Chapter 157, Subsection 28(C) is amended as follows:

The ~~Commons Advisory Board~~**Board of Public Works** shall have the right to terminate or reinstate the agreement. Such decision shall become effective immediately.

(kk) Chapter 157, Section 31 is amended as follows:

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 ~~Commons Advisory Board~~**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 ~~Commons Advisory Board~~**Board of Public Works** may act to sustain the original decision or to revise it, with or without conditions.

(ll) Chapter 157, Section 32 is amended as follows:

Limited waivers and exceptions.

The ~~Commons Advisory Board~~**Superintendent** is authorized to grant limited waivers and exceptions to the provisions of this chapter, as appropriate and for temporary periods not to exceed one week in duration. Such waivers and exceptions shall be subject to any appropriate review by the Superintendent, the Fire Department, or the Police Department, **or other affected department**.

(mm) Chapter 170, Subsection 5(A) is amended as follows:

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 ~~Commons Advisory Board~~**Board of Public Works** or its designee, subject to the provisions of Chapter 157, Commons, of this Code.

(nn) Chapter 170, Subsection 6(C) is amended as follows:

The placement of public art upon City-owned property is regulated by Chapter 58, ~~Article III, Public Art~~**Community Life** Commission, of this Code, rather than by this chapter.

(oo) Chapter 170, Subsection 12(A)(1) is amended as follows:

For property that is part of the Ithaca Commons: the ~~Commons Advisory Board~~**Board of Public Works**, pursuant to Chapter 157 of this Code;

(pp) Chapter 170, Subsection 12(B) is amended as follows:

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

(qq) Chapter 176, Subsection 3(J) is amended as follows:

The City of Ithaca ~~Conservation Advisory Council~~**Parks, Recreation, and Natural Resources Commission** has no specific responsibility for implementing the Environmental Quality Review Ordinance, except that its input and assistance shall be solicited for all actions for which a short or long environmental assessment form has been prepared and for all action for which a positive declaration is made or a draft environmental impact statement is prepared.

(rr) Chapter 176, Subsection 6(A)(4)(d) is amended as follows:

Any City agency receiving or filling out an environmental assessment form shall, within five days, provide a copy of the document to the Chairperson of the ~~Conservation Advisory Council~~**Parks, Recreation, and Natural Resources Commission** and to the Common Council liaisons to the ~~Conservation Advisory Council~~**Parks, Recreation, and Natural Resources Commission** for their comments and recommendations.

(ss) Chapter 181, Subsection 3(C)(1) is amended as follows:

An annual fee shall be assessed to each premises which has a master fire alarm box which interconnects the building fire alarm system with the municipal fire alarm system. This fee shall be the reasonable and expected costs associated with the maintenance of the municipal fire alarm system, as developed through the program budget accounting system. This cost will be divided by the number of master fire alarm boxes connected to the system, as documented by the Fire Chief. The fee for a master box connection shall be calculated each year and approved by the ~~Board of Fire Commissioners~~**Fire Chief**. Upon approval, the Fire Chief shall send notices of such charge and the locations of each master box to the City Chamberlain, but not sooner than March 1 of each year.

(tt) Chapter 181, Subsection 3(B)(3) is amended as follows:

The ~~Board of Fire Commissioners of the City~~**Common Council** shall have the power to make such additional rules, regulations, conditions and restrictions not inconsistent herewith as it may deem proper and desirable.

(uu) Chapter 215, Section 8 is amended as follows:

Fire departments; fire companies and volunteer fire associations.

It shall be an unlawful discriminatory practice for any fire department or fire company therein, through any member or members thereof, officers, ~~board of fire commissioners or other~~ body or office having power of appointment of volunteer firefighters, directly or indirectly, by ritualistic practice, constitutional or bylaw prescription, by tacit agreement among its members, or otherwise, to deny to any individual membership in any volunteer fire department or fire company therein, or to expel or discriminate against any volunteer member of a fire department or fire company therein, based on the actual or perceived age; creed; color; disability; ethnicity; familial status; gender; height; immigration or citizenship status; marital status; national origin; race; religion; sexual orientation; socioeconomic status; or weight of such individual.

(vv) The definition for “Decorative Banner,” set forth in Chapter 272, Section 3, is amended as follows:

DECORATIVE BANNER

Cloth banners designed for long-term use that are not intended to act as signage to advertise a specific business or the sale of a specific product. Decorative banners may, however, contain sponsor tags, if they are part of a formally approved program by the ~~Public Art~~**Community Life** Commission.

(ww) Chapter 272, Subsection 6(A)(6)(b) is amended as follows:

Upon receipt of a proposal for a mural for any property subject to the provisions of Chapter 160, Design Review, or Chapter 325, Zoning, Article VIII, Courthouse Special Use Zone, or Chapter 228, Landmarks Preservation, of this Code, or facing such property, the Director of Planning and Development or designee shall notify the Planning and Development Board, the ~~Public Art~~**Community Life** Commission, and/or the Landmarks Commission, as applicable, for their information and any appropriate action and shall so inform the applicant.

(xx) Chapter 272, Subsection 8(B) is amended as follows:

Exemptions. Temporary signs advertising an event for less than 10 days are exempt from the permit requirement, provided that the sign be removed immediately following the event. Signs temporarily advertising the sale, lease or rental of the premises upon which the sign is located, temporary political posters, and signs

denoting the architects, engineers and/or contractors placed on premises where construction, repair or renovation is in progress are also exempt from the permit requirement, as provided in § 272-6 above. Decorative cloth banners designed for long-term use, reviewed by the ~~Public Art~~**Community Life** Commission and as approved by the Building Department, are exempt from the permit time period. However, should the banner become damaged or severely worn, it must be removed immediately.

(yy) Chapter 276, Subsection 3(B)(1) is amended as follows:

The Director shall have the authority to review and act on a development proposal if the proposed project meets the description in § 276-3A but is below the thresholds described below. For such projects of limited scope, reviewed by the Director, a public hearing is not required. The Planning and Development Department shall be the lead agency in the environmental review of such projects, except for projects that meet the description in § 276-3A(2), which shall follow environmental review laws or regulations for determination of lead agency. There shall be no requisite review of the environmental assessment forms (EAF) by the ~~Conservation Advisory Council (CAC)~~**Parks, Recreation, and Natural Resources Commission** in these cases. See § 276-5C for situations when projects of limited scope will be referred to the Board for a full review. The upper thresholds for projects of limited scope are:

(zz) Chapter 276, Subsection 7(B)(4) is amended as follows:

For projects on City property, the City Forester and the ~~Shade Tree Advisory Committee~~**Parks, Recreation, and Natural Resources Commission** shall be consulted in plant species selection and planting soil specification.

(aaa) Chapter 306, Section 1 is amended as follows:

Purpose.

This chapter regulates the planting, maintenance, protection and removal of trees and shrubs on public streets, parks and other city-owned property; ~~provides for a Shade Tree Advisory Committee~~; and establishes the office of a City Forester in the Department of Public Works. This chapter also provides for the issuing of permits for the planting, maintenance, protection and removal of trees and shrubs in city-owned places.

(bbb) Chapter 306, Subsection 4(B) is amended as follows:

The City Forester, in consultation with the ~~Shade Tree Advisory Committee (STAC)~~**Parks, Recreation, and Natural Resources Commission** and the Board of Public Works, shall have the authority to implement and enforce the provisions of this chapter.

(ccc) Chapter 306, Subsection 4(C) is amended as follows:

In furtherance of the purposes of this chapter, the Board of Public Works, in consultation with the City Forester and the **STAG 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.

(ddd) Chapter 306, Subsection 5(F) is amended as follows:

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 **STAG Parks, Recreation, and Natural Resources Commission** and the Board of Public Works.

(eee) Chapter 320, Subsection 1(B)(6) is amended as follows:

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, ~~Circle Greenway, the Parks Commission and the Conservation Advisory Council~~ **Parks, Recreation, and Natural Resources Commission**, and subject to the approval of the Board of Public Works.

(fff) Chapter 320, Subsection 4(B) is amended as follows:

The Board of Public Works is authorized to grant specific, revocable exceptions to any of the above prohibitions, upon consultation with the ~~Natural Areas Commission~~ **Parks, Recreation, and Natural Resources Commission** and a finding of special circumstances. When granting such an exception, the 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.

(ggg) Chapter 320, Section 5 is amended as follows:

Ranger(s).

The position of Natural Area Ranger is hereby established to advise users of regulations governing the natural areas and to demonstrate the city's intention to protect said areas and enforce the regulations. The Ranger(s) shall be provided with adequate equipment to communicate readily with law enforcement agencies. The Ranger(s) shall work under the direction of the ~~Superintendent of Public Works~~ **Chief of Police** and shall consult regularly with the ~~Natural Areas~~ **Public Safety and Information Commission**.

(hhh) Chapter 325, Subsection 46(C)(3)(b)[2][b] is amended as follows:

Concept memo. The Planning Committee directs the Planning and Development staff to draft a memorandum explaining the concept of the proposed zoning change. The memorandum is referred to the Planning and Development Board, the **four Advisory Commissions of the City**, ~~Conservation Advisory Council~~, the City Attorney, the City Engineer, the Director of Planning and Development, and other relevant boards, commissions, or City departments, for review and comment.

(iii) Chapter 325, Subsection 46(C)(3)(b)[2][d] is amended as follows:

Amendment first draft. The Planning Committee directs the Planning and Development staff in conjunction with the City Attorney to draft the proposed change. Environmental review is initiated. If possible, the Planning Committee Chairperson reviews the draft. The draft, edited by the Chairperson, is circulated to the Attorney, the Department of Planning, Building and Economic Development, the Engineering Department, the ~~Conservation Advisory Council~~ **Parks, Recreation, and Natural Resources Commission**, the Planning and Development Board and other relevant boards, commissions or City departments.

Section 6. 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 7. 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 ___-2017 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, 2018.