

**AGENDA**  
**ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE**  
**Tuesday, September 15, 2020**  
**7:00 PM**  
<https://zoom.us/j/94393041966>

**Environmental Committee:** Karen White, Chair  
Robert O'Brien  
Renée Sutton  
Dan Unrath

**1. Jefferson Park Concerns**

Recently, a thread was posted on Canandaigua Chronicles by Jess Marino, whose son was being bullied at the Skate Park. The thread also received several comments from other members of the community voicing concerns about the safety of the park. At the request of concerned parents, Councilmember Dittmar asked that this item be added to the agenda to see what, if anything, can be done to mitigate the issue. This item was added to the agenda for further discussion.

**2. Kershaw Kayak Launch License Agreement**

Last Summer, a license agreement was drafted allowing both Canandaigua Sailboarding and Seager Marina to use the space at Kershaw Park to launch Kayaks. Although well intended, both businesses need more space to operate effectively. Canandaigua Sailboarding has proposed a different arrangement for 2021, and is offering to pay the City an annual license fee of \$4,000 to utilize space further inland of their current space allocation (see attached map). Staff believes this is a reasonable approach, and will offer a similar agreement to Seager Marina if Council supports the idea. This item was added to the agenda for further discussion.

**3. Race Track Noise Pollution**

The Land of Legends Raceway, located at 2820 CR10 is a motorsport track located in the Town of Canandaigua. Despite not being located within City limits, at the August 18<sup>th</sup> Environmental Committee meeting, some City residents report that they can hear the vehicles racing at the track and are frustrated by what they consider to be noise pollution. City Council directed Corporation Counsel to look into the issue further to see what, if anything, can be done to mitigate resident concerns. This item has been added to the agenda for continued discussion.

**4. TextMyGov**

At the July 7<sup>th</sup> Finance Committee meeting, Assistant City Manager Rob Richardson discussed software upgrades to help improve resident communication, access to information, and the efficiency of City Operations. One of those upgrades, TextMyGov, will be "live" Monday, September 14<sup>th</sup> at Noon. Rob Richardson will provide a brief overview of how the system works and answer questions for Council. This item does not require any Council action, and is intended to serve as a public launch for the platform.

**Ordinance Committee:** Renée Sutton, Chair  
Robert O'Brien  
Karen White  
Erich Dittmar

**1. Signage on Ontario St.**

Ontario County is close to completing the renovation of their building located at 70 Ontario Street. A new bump out was installed, and the County would like to post a “No Parking” sign. Previously there was a midblock crossing on Ontario St., but the County moved the crosswalk to line up with the new 911 Center and County Parking walkways. This would require the County to restripe the area and place proper signage. Staff recommends the area be designated as a “Drop-Off/15 Minute Parking” zone. To do this, City Council will need to amend the parking restriction for the north side of Ontario St. pursuant to Section 648-21 & 22.

**2. Operating Permit and Condition Assessments for Parking Garages**

Under New York law, the Secretary of State is authorized to issue rules and regulations for the administration of the State’s Uniform Fire Prevention and Building Code (Uniform Code). Local governments are charged with enforcement of the Uniform Code and are directed to adopt certain portions of the Uniform Code by local law. The Secretary of State adopted amendments to 19 NYCRR 1203.3 that required local governments to adopt code provisions regarding condition assessments and operating permits for parking garages. The City Council amended Chapter 714-28(A) via Local Law # 2020-002 to facilitate this; however, the Department of State has requested that the City include the entirety of the substantive elements of 1203.3(j) regarding parking garage condition assessments.

**3. Carry-In, Carry-Out Policy**

§519-13 entitled “Littering” of City Code establishes a Carry-In, Carry-Out Policy for all City parks, except for the City Pier. Although this has been the policy for many years and is an established best practice used in all New York State and National Parks, the question of whether it should be utilized by the City of Canandaigua comes up every so often. At the July 21<sup>st</sup> Environmental Committee meeting, a member of the community made a presentation regarding his own individual efforts to remove trash from City parks, and asked Council to consider changing the policy. The National Citizen Survey showed that 70% of residents strongly support the policy, and only 5% strongly oppose the use of Carry-In, Carry-Out in City Parks. Parks and Kershaw Beach Staff, as well as some daily users of the park, report they’ve seen less litter at Kershaw Park than ever before. Nevertheless, some within the community believe that the City should install waste receptacles in City Parks.

**4. Expanding the Historic District**

At its December 5, 2019 meeting, City Council voted down Ordinance #2019-007 (2 for, 7 opposed) which would have amended Chapter 850 of the Municipal Code to “fill holes” in the City’s Historic Districts. Nevertheless, former Councilmember David Whitcomb would like City Council to revisit the topic and reconsider. He has requested the opportunity to speak to Council, and will be at the meeting to discuss his request.

***Next Meeting: Tuesday, October 20, 2020***



CANTONVILLE FEEDER CANAL

BOOTH ST

LAKE SHORE DR

763

16

20

22

11

311

PROPOSED  
BOAT STAGING  
ZONES

EXISTING  
BOAT STAGING  
ZONE

BOOTH ST

**ORDINANCE #2020-004**

**AN ORDINANCE AMENDING CHAPTER 648  
OF THE MUNICIPAL CODE FOR A CORRECTION**

**BE IT ENACTED** by the City Council of the City of Canandaigua that:

**Sec. 1** That chapter 648, section 648-21 of the Municipal Code, is hereby amended as follows (additions in bold):

§ 648-21 Parking, Standing and Stopping Restrictions

Parking, standing and stopping restrictions shall apply on the following streets as follows:

Name of Street	Restriction
Ontario Street	<b><u>No parking, standing or stopping on the north side, except a 15-minute delivery zone from a point 800 feet to a point 940 feet east of the curbline of North Main Street easterly to the City limits.</u></b> <del>No parking on the north side from the railroad crossing easterly to the City limits</del>
Ontario Street	No parking on the south side from a point 403 feet east of the east curbline of North Main Street to a point 50 feet easterly of the east curbline of Leicester Street
Ontario Street	No parking on the south side from North Main Street to a point 300 feet east of the east curbline of North Main Street
Ontario Street	For police business only on the south side from 300 feet east of the east curbline of North Main Street to a point 80 feet easterly therefrom
<del>Ontario Street</del>	<del>No parking, standing or stopping on the north side from the east curbline of North Main Street to a point 300 feet east therefrom</del>

**Sec. 2** This ordinance shall be effective thirty (30) days following its enactment.

**ADOPTED** this 5<sup>th</sup> day of November, 2020

**ATTEST:**

\_\_\_\_\_  
Nancy C. Abdallah  
City Clerk/Treasurer

**ORDINANCE #2020-005**

**AN ORDINANCE AMENDING  
CHAPTER 714-28(A)(27) OF THE MUNICIPAL CODE  
REGARDING PARKING GARAGES  
TO CONFORM TO STATE UNIFORM CODE STANDARDS**

**WHEREAS**, City Council for the City of Canandaigua (the “City”) adopted Ordinance No. 97-21 on October 16, 1997, amended in its entirety by Ordinance No. 2007-002 on February 1, 2007, and codified as Article III entitled “Fire Standards”; and

**WHEREAS**, the New York Department of State has amended Title 19, Part 1203.3(j) of the New York Codes, Rules and Regulations relating to condition assessments for parking garages; and

**WHEREAS**, the New York State Division of Building Standards and Codes has advised City staff that the City Code must be amended to incorporate the aforementioned amendments to Title 19, Part 1203.3(j); and

**WHEREAS**, the City staff therefore recommend that Chapter 714-28(A)(27) be amended to incorporate such amendments.

**THEREFORE, BE IT ENACTED** by the City Council of the City of Canandaigua, that:

**Sec. 1** Chapter 714-28(A)(27) is hereby amended, as follows (*new language shown in italics, omitted language shown with strikethrough*):

(27) Parking garages. ~~Parking garages as defined in 19 NYCRR 1203.3(j). In addition, all such parking garages shall be subject to additional "condition assessments" as required and set forth in 19 NYCRR 1203.3(j).~~ *All parking garages as defined herein shall be subject to condition assessments.*

(a) *For the purposes of this section, the following definitions apply:*

**CONDITION ASSESSMENT**

*An on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure.*

**DETERIORATION**

*The weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component.*

### **PARKING GARAGE**

*Any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:*

- (a) buildings in which the only level used for parking or storage of motor vehicles is on grade;*
- (b) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and*
- (c) a townhouse unit with attached parking exclusively for such unit.*

### **PROFESSIONAL ENGINEER**

*An individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations.*

### **RESPONSIBLE PROFESSIONAL ENGINEER**

*The professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report.*

### **UNSAFE CONDITION**

*The conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the New York Property Maintenance Code, as amended.*

### **UNSAFE STRUCTURE**

*A structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.*

*(b) Condition assessments-general requirements. The owner or operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in paragraph (c) of this subdivision, periodic condition assessments as described in paragraph (d) of this subdivision, and such additional condition assessments as may be required under paragraph (e) of this subdivision. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Code Enforcement Officer, in accordance with the requirements of paragraph (f) of this subdivision. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.*

*(c) Initial condition assessment. Each parking garage shall undergo an initial condition assessment as follows:*

- (i) New parking garages shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure;*

(ii) Existing parking garages shall undergo an initial condition assessment as follows:

(a) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;

(b) if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and

(c) if originally constructed between January 1, 2003 and August 29, 2018, then prior to October 1, 2021.

(d) Periodic condition assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed the lesser of:

(i) three years, or

(ii) at such shorter period as may be fixed by the authority having jurisdiction in its code enforcement program.

(e) Additional condition assessments.

(i) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under paragraph (d) of this subdivision, the Code Enforcement Officer shall require the owner or operator of such parking garage to cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

(ii) If the Code Enforcement Officer becomes aware of any new or increased deterioration which, in the judgment of the Code Enforcement Officer, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under paragraph (d) of this subdivision, the Code Enforcement Officer shall require the owner or operator of such parking garage to cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Code Enforcement Officer to be appropriate.

(f) Condition assessment reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Code Enforcement Officer within such time period as fixed by the Code Enforcement Officer. Such condition

*assessment report shall be sealed and signed by the responsible professional engineer, and shall include:*

- (i) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;*
- (ii) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;*
- (iii) an evaluation and description of the unsafe conditions;*
- (iv) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;*
- (v) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;*
- (vi) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;*
- (vii) the responsible professional engineer's recommendation regarding preventative maintenance;*
- (viii) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and*
- (ix) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in his or her professional judgment.*

*(g) The Code Enforcement Officer shall review each condition assessment report. The Code Enforcement Officer shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Code Enforcement Officer shall, by Order to Remedy or such other means of enforcement as the Code Enforcement Officer may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment*

*report pursuant to paragraph (f)(ii) and (iii) of this subdivision. All repairs and remedies shall comply with the applicable provisions of the Uniform Code. Nothing in this paragraph shall limit or impair the right of the Code Enforcement Officer to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.*

*(h) The Code Enforcement Officer shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the Code Enforcement Officer with a written statement attesting to the fact that he or she has been so engaged, the Code Enforcement Officer shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Code Enforcement Officer shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.*

*(i) Nothing in this subdivision shall limit or impair the right or the obligation of the Code Enforcement Officer:*

*(i) to perform such construction inspections as are required by the stricter of the Uniform Code or this Chapter;*

*(ii) to perform such periodic fire safety and property maintenance inspections as are required by the Uniform Code or this Chapter; and/or*

*(iii) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Code Enforcement Officer by means of his or her own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.*

*(j) The use of the term "responsible professional engineer" in this subdivision shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.*

**Sec. 2** This ordinance shall be effective thirty (30) days following its enactment.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2020

ATTEST:

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Nancy C. Abdallah  
City Clerk/Treasurer