



Watertown City Council
Monday, May 13, 2019
7:00 p.m.

WORK SESSION AGENDA

Discussion Items:

1. Update on Thompson Park Pool
 - C&S Engineers: Dan Sweetland and John Trimble
 - Justin L. Wood, City Engineer

2. Solar Array Proposal
 - Vicky L. Murphy, Water Superintendent
 - Chris Carrick, Energy Program manager, Central NY Regional Planning and Development Board
 - Melissa Clark (Abundant Solar Energy)

3. Carry-in/Carry-out Policy for Thompson Park
 - Erin E. Gardner, Superintendent of Parks and Recreation

4. MPO Status and Update
 - Justin L. Wood, City Engineer
 - Patrick W. Keenan, Superintendent of Public Works
 - Scott Docteur, NYS DOT Director of Regional Planning and Program Management

5. Main Street West – Phase 2 Road Diet and Parking Ordinance Amendment
 - Justin L. Wood, City Engineer

6. Downtown Outdoor Dining Code Revisions
 - Michael A. Lumbis, Planning and Community Development Director
 - Geoffrey T. Urda, Planner

7. Proposed Outreach for Strategic Plan
 - Michael A. Lumbis, Planning and Community Development Director

CNY Municipal Solar Program

City of Watertown

March 20, 2019

Abundant Solar Power Inc.



Abundant Solar Power

Based in Canada and the United States

- Initiates, develops, constructs, owns and operates solar assets in Canada and the US
- Highest successful rate in Ontario Feed-In-Tariff program
 - Approx. 30 MW of Asset under Management
 - Approx. 30 MW awarded and under development
 - Approximately 100 MW awarded in September 2017 (FIT5)
 - appr. 55% share of contracts
- USSolar projects
 - 75 MW under development in NY
 - 50 MW pipeline in MD

Experienced executive team with over 50 years of combined experience in the renewable energy industry

Leading Canadian solar developer

- Focused on Commercial & Industrial solar segment
- Managing over \$50 million of development equity capital
- Total developed and completed capital value of \$180 million
- **100% subsidiary Abundant Solar Power Inc.**, office in US Rochester

Key Facts - Abundant Solar Energy

Established	2013
Headquarters	Toronto, Canada
US Offices	Rochester, US
Employees	25
Asset Management	30MW/\$100MM

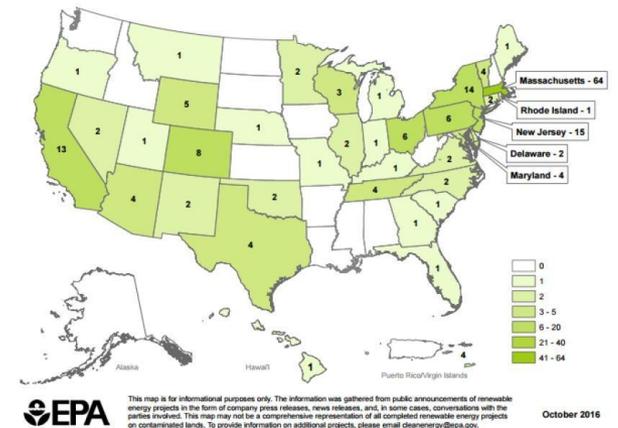


What do we do?

- We study renewable policies in the 14 States and direct investments to clean energy developments, especially on contaminated lands (38 States),
- We identify potential sites and either purchase or lease the lands,
- We gain approvals and permits from various government branches and the local utility,
- We finance the projects,
- We deliver the projects through engineering design, procurement, and construction,
- We asset manage the array, monitor its production efficiency and oversee its operation through locally contracted maintenance teams,
- We sell the energy produced to local electricity customers through integrated billing/crediting operations tied into your local utility.

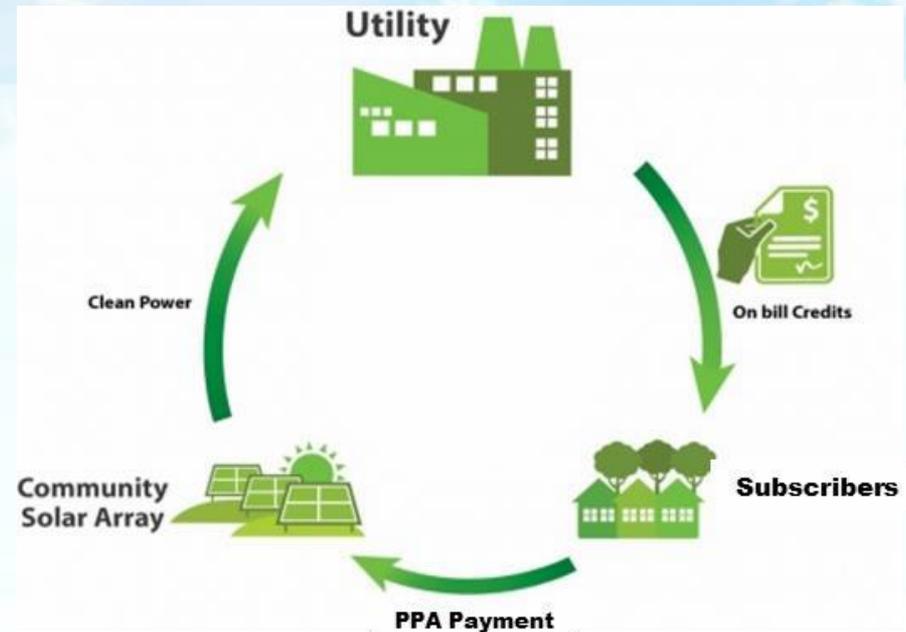


38 States have Renewable Energy Projects on Contaminated Lands



What is community solar?

- Since 2015, New York State is one of the 14 States to enact policies in support of community solar. The policy has provided access to affordable clean energy to every electricity consumer,
- Community solar is the deployment of a local solar energy generation facility that provides power to multiple subscribers depending on the size of the array,
- Anyone with an electric bill can participate in community solar.
- A Community solar array, usually has an anchor tenant, that can purchase up to 40% of the energy produced. In many cases the anchor tenant will be the town itself, or a local business. The remainder of the subscribers will be small businesses and residential users.



Community solar in the State of New York

- The PSC(Public Service Commission) and NYSERDA(New York State Energy Research and Development Authority) have created the CDGpolicy to accomplish a number of goals:
 - Toachieve a goal of 50% renewables by 2030,
 - Toreduce the cost of energy to consumers,
 - Toallow anyone who uses electricity to have a choice to use renewable power, even if they don't have a rooftop,
 - Touse private money to finance local generation of green energy.

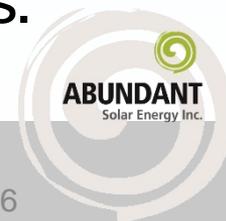
- In NY, we can build up to a 5MW array, providing energy for up to 1000 local residential subscribers.

2.5 MW, NY



Why is Abundant here today?

- CNY Regional Planning & Development Board selected Abundant to develop solar projects at 33 sites (22 Government Authorities)
 - ASP has created preliminary designs for the 33 sites, including production estimates;
 - ASP has engaged LaBella (local engineering firm) to estimate grid connection costs at each site;
 - ASP has revised cost estimates given the introduction of the 30% panel tariff in January of 2018;
 - ASP has created a value assessment of remote net metering vs CDG opportunities;
 - ASP has modeled the utility data with the NY VDER (value of distributed energy resources) regulation to assess financial feasibility;
- We are developing a solar array in your community and want to get the facts out on the table and answer your questions.



Solar Energy for your Community

- We will show you what the array will look like.
- We will outline the benefits of the array to you and your community.
- We want to assure you that solarenergy is:

- Safe
- Efficient
- Cost effective
- Clean and sustainable
- Resilient and local



Where is the array?

- City of Watertown Landfill
- The Landfill is located at 840 Pearl St, Rear Pearl St, 1109 Rear Water street. The properties span 82.47 acres in total.
 - Project #1 will be comprised of 11.26 acres of fenced area, 8.55 acres of array coverage
 - Project # 2 will be comprised of 28.53 acres of fenced area, 21.03 acres of array coverage.
- These sizes are dependent upon interconnection approvals. We have done preliminary reviews of the utility line capacities and usage.
- The arrays will produce 7MWac of electricity which is enough to power approximately 1000 homes.





PROJECT #1 SYSTEM SUMMARY

Total No. of modules = 7,671 modules
 DC out out @385 Watts = 2900 KW

PROJECT #2 SYSTEM SUMMARY

Total No. of modules = 19,173 modules
 DC out out @385 Watts = 7000 KW



820 Pearl Street, WaterTown, NY 13601
ABUNDANT SOLAR

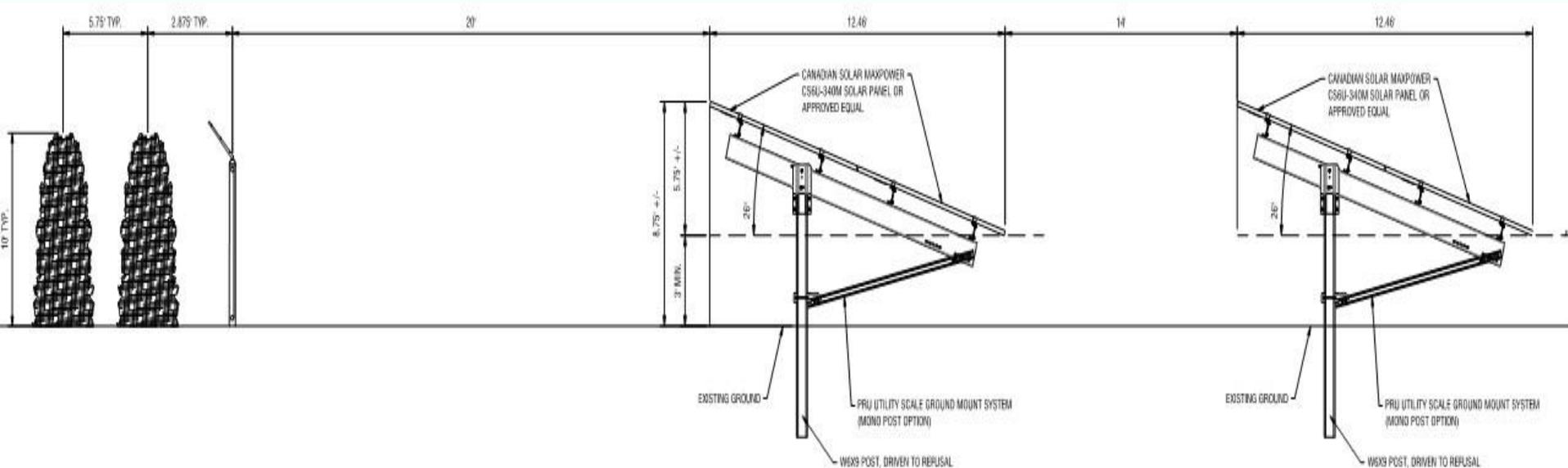
DATE: March 20, 2019
 GPS LOCATION: 43.982992, -76.879244



What the array will look like?



- The array will stand approx. 3ft off the ground and top out at 9 ft. in height.
- The array will be angled at approx. 26 degrees for optimization
- The panels will be aligned in a portrait configuration, 2 deep in height.



What the array will look like?

- The solar panels will cover significantly less than 30 acres of land as we allow for inter row spacing to prevent shading;
- The ground cover will be slow growth grass or clover mix;
- The facility will be secured with a chain link fence to protect both people and animals as well as property.

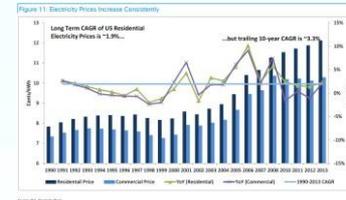
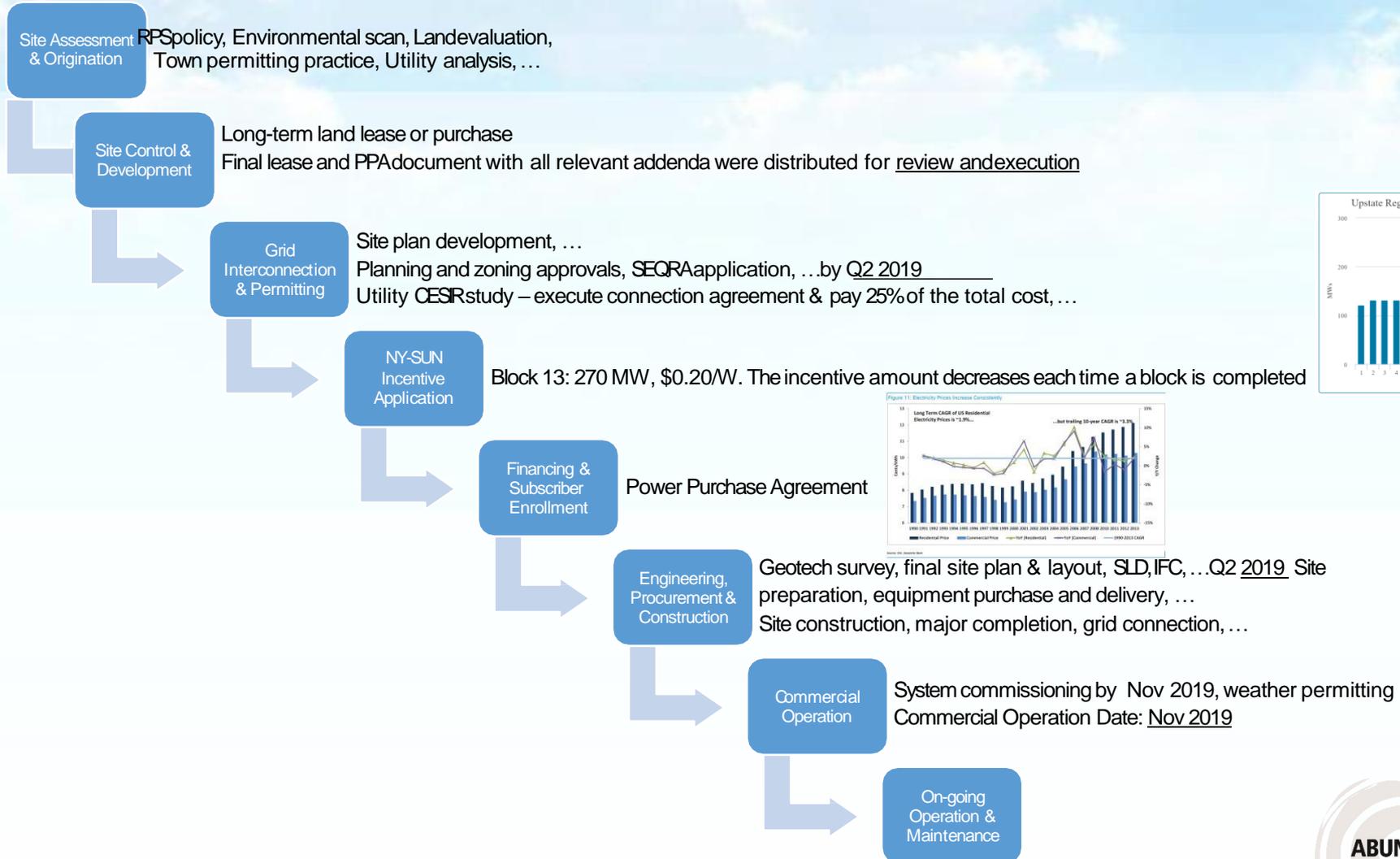


The Benefits to you and your community

- The City has asked for a commercial lease approach
 - Year 1: lease value of \$70,000 (this number includes all taxes/pilot payments to be dispersed to the taxing jurisdictions)
 - 25 years: assuming a 1% annual escalator, \$1,977,024 revenue stream
 - The Town residents in National Grid Load Zone E take the production at approx. 10% savings that will result in:
 - Year 1: est. \$111,626 (appr. 10% of TTElectricity cost)
 - 25 years: est. \$6,077,407 (appr. 10% of TTElectricity cost)
- Solar power aligns naturally with peak load requirements, especially in a hot and sunny day when everyone has their air conditioners turned up to maximum levels,
- The array will delay the need for transmission upgrade, further reducing your utility rate. We will also be upgrading your utility owned infrastructure in order to connect,
- The power produced by your local array is green and sustainable energy, contributing to the NYRenewable Portfolio Standard, and support carbon emission and climate change reduction.



The Solar Project Development Process



State Environmental Quality Review and NYSDEC Permitting

Abundant Solar has retained the services of Barton & Loguidice (B&L), D.P.C, an engineering firm located in Liverpool, New York to assist with the environmental review process.

B&L....

- is a local engineering firm with over 50 years of experience in the solid waste and landfill business.
- has a dedicated solid waste department with 18 staff along with full service environmental and facilities engineering departments.
- staff designed and performed construction oversight for the Elbridge Landfill Closure
- performs engineering services for 2/3 of the landfill facilities in NYS
- has a close relationship with NYSDEC Materials Management and Permitting Staff in Region 7

State Environmental Quality Review and NYSDEC Permitting

SEQR Timeline

- Receive Part 1 of the Environmental Assessment Form
 - Completed by Abundant Solar with B&Ls assistance
- Determine Lead Agency – Declare intent to act as Lead Agency
- Submit Letters of Intent to each Involved Agency
 - 30 day window for other Involved Agencies to request Lead Agency Status
- Complete Parts 2 and 3 of the Environmental Assessment Form
 - Request assistance/information from B&L and/or Abundant Solar as necessary
- Issue Determination of Significance

Potential Involved Agencies – NYSDEC, NYSERDA

We want to be good neighbors

- We want to be a positive contribution to your Community.
- We will employ local trades in the build and maintenance of the array.
- We will give electricity consumers a choice to use green power and to save money.
- We will offer local business to reduce their electricity bills, making doing business in the area more competitive.
- We are quiet and never have noisy parties!



Thank you

Questions & Answers

Melissa Clark

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- Melissa.clark@abundantsolarenergy.com

Richard Lu

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- Richard.lu@abundantsolarenergy.com

Jillian Blake, P.E. - Barton & Loguidice

- 315 457 5200
- jblake@bartonandloguidice.com





CITY OF WATERTOWN
ENGINEERING DEPARTMENT
MEMORANDUM

DATE: May 1, 2019

TO: Richard Finn, City Manager

FROM: Justin Wood, City Engineer

SUBJECT: Main Street West – Phase 2 Road Diet and Parking Ordinance Amendment

In the summer of 2017, the Main Street West Resurfacing Project, between Van Duzee Street and Bradley Street, was reviewed for opportunities to improve all modes of transportation, in accordance with the City's Complete Streets Initiative. The review process, conducted by the Complete Streets Committee, in coordination with the Engineering Dept, identified the excess vehicular capacity with four (4) travel lanes and Annual Average Daily Traffic (AADT) of 6,000. The recommendations produced by the review process included performing a "Road Diet", by reducing the number of travel lanes from four (4) to two (2), with a center left turn lane, 5' bicycle lanes, and 8' parking lanes on each side. This paving and restriping was conducted in a phased approach by using Bradley Street as the easterly terminus of Phase 1. Overall, the improvements have been well received by helping to reduce traffic speeds, providing bike lane accommodations, and improving ADA accessibility all while progressing the City's Complete Streets Initiative.

The remaining ¼ mile section of Main Street West, between Bradley St. and Leray St, is the subject of this memorandum to extend the "Road Diet" and complete Phase 2 improvements in this corridor. In the 500-600 Blocks of Main St West, the lanes are enormous (up to 15' wide), and the street feels like a wide open runway with four (4) travel lanes and limited parking. When traveling eastbound on Main St W. toward Leray St., the outer travel lane conflicts with parked cars, before reemerging as a right turn only lane at Court Street Bridge. This conflict forces motorists to suddenly merge with the inner lane to weave around parked cars, which can be dangerous. There have been at least two crashes in the past two years associated with lane confusion and sideswipes, which will be corrected by this restriping. Additionally, two bicycle accidents occurred in the past three years due to bicyclists using the wrong side of the road. This new configuration provides the proper infrastructure for bicyclists to use and improve safety.

The City has an opportunity to build on the success of Phase 1 by extending the new lane configuration all the way to Leray Street this spring, before the annual mainline striping is completed. This will require an amendment to the City's Parking Ordinance to prohibit parking on both sides of the street to accommodate the new lane configuration, which ultimately will improve safety and calm traffic flow through the corridor.

The proposed lane configuration will provide a single 12' travel lane in each direction, as well as right turn lanes at the major approaches to Bradley St. and Leray St, as shown in the attached drawing. The reduction from four travel lanes to two, as well as prohibition of parking on both sides, will help reduce speeds, eliminate weaving and passing maneuvers, and allow the introduction of bicycle accommodations in an area that sees little use for parking anyway.

The Black River Outfitters and the Vintage Soul Antiques shop utilize a small gravel lot on the west side of the building as the primary parking for their customers and have stated they are in agreement with the proposed plan, as is Chiappone's Tire Warehouse. Parking on the north side of the street is rarely used by the five residential properties between Edmund St. and Leray St. Each property has a dedicated driveway and parking at the rear for the homeowners to use. These property owners have been sent letters to advise them of the proposed change and the discussion taking place at the May 13th Work Session.

Action Item:

1. Provide direction on proposed parking restrictions so the striping plan can be implemented this spring, as per the attached plan to complete the Phase 2 Main Street West Complete Streets Initiative.
2. At a follow up City Council Meeting, staff will provide the Parking Ordinance Amendment for formal adoption.

Please forward this memorandum and associated ordinance to City Council for their consideration and approval.

cc: Charles Donoghue, Police Chief
Patrick Keenan, Superintendent of Public Works
Michael Lumbis, Planning and Community Development Director

Amending City Municipal Code § 293,
Vehicles and Traffic
Main Street West

BE IT ORDAINED that the City Council of the City of Watertown hereby amends the City Municipal Code § 293, Vehicles and Traffic to **add** the following:

§ 293-61. Schedule XIII. Parking Prohibited at All Times

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Main Street West	South	From Bradley St. to Leray St.
Main Street West	North	From Bradley St. to Leray St.

and,

BE IT FURTHER ORDAINED that Chapter 293 of the City Code of the City of Watertown is amended to **delete** the following:

§ 293-61. Schedule XIII. Parking Prohibited at All Times

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Main Street West	South	150 feet west from the southwest corner of the Court Street bridge intersection

and,

BE IT FURTHER ORDAINED that this amendment shall take effect as soon as it is published once in the official newspaper of the City of Watertown, or printed as the City Manager directs.

Seconded by

ACCIDENT SUMMARY 3 Yr W Main St Leray to Bradley 4/2019

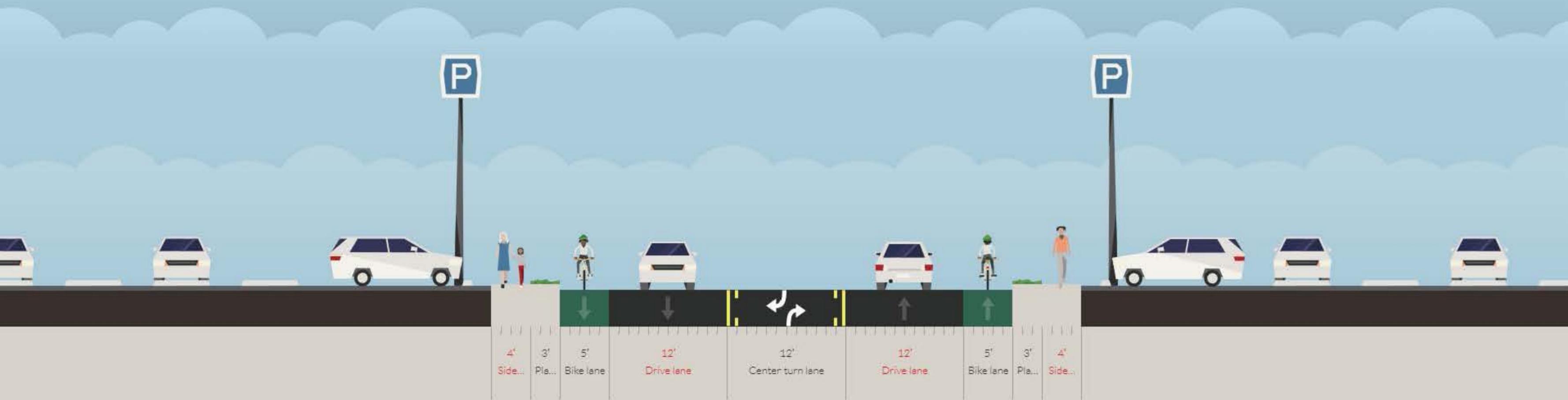
DATE	TIME	DAY	Blk/InX	V1	V2	INJ	AT FAULT ACTION
5/13/2016	1045	FRI	Court	sb LeRay	Lt Court	n	v turned left onto Wmain
9/13/2016	1949	FRI	Court	nb Court	Lt Court	y	bike wrong side of road into lt turing v1
9/23/2016	1337	FRI	Court	eb Main	wb Main	n	undetermined-v2 turning left
11/11/2016	0709	FRI	Bradley	sb Brad	wb Main	n	undetermined- v1 lt turn from bradley
1/12/2017	1746	THU	LeRay	wb Main	nb Court	y	v1 ran red light turning left onto LeRay
4/27/2017	1530	THU	500	wb Main	wb Main	n	lane usage improper/confusion
8/15/2017	1710	TUE	500	south	eb Main	Y	bike wrong side hit V1 exiting parkinglot
1/11/2018	1818	THU	LeRay	wb Main	wb Main	n	lane usage improper/confusion
12/10/2018	1249	MON	Court	eb Main	eb Main	n	v1 rear end v2

SGT Lawlee
4/16/2019



Main Street West (option 1)

60' width Add location A few seconds ago



Staff Report

May 10, 2019

To: Richard M. Finn, City Manager

From: Michael A. Lumbis, Planning and Community Development Director

Subject: **Outdoor Dining within the Downtown Core Overlay**

Last year, at several of its monthly meetings, the Advantage Watertown advisory board discussed various means of activating the public realm in downtown Watertown. One activator that received great support was to encourage more outdoor dining, and streamline the process for approving outdoor dining facilities downtown.

Staff submitted a formal report to City Council at its March 5, 2018 meeting, during which the Council expressed general support for encouraging outdoor cafés. The idea again surfaced at the June 4, 2018 meeting, at which point Council said that it would support amending the code to make it more accommodating for outdoor cafés, and directed Staff to research this idea and present a plan to implement it.

Following last summer's meeting, City Staff from Planning, Engineering and Public Works have been working together to write a new section of code to create a uniform permitting process for outdoor dining facilities within the Downtown Core Overlay that would encourage more downtown restaurants to establish outdoor seating.

While the City allows sidewalk cafés, there is no code or written policy that governs the placement of them or specific requirements for having them. Currently, a restaurateur submits a request to operate a sidewalk café to the City Manager, which includes a drawing and measurements for their outdoor dining area, and these requests have received consideration on a case-by-case basis.

The draft code attached to this report represents the product of the above process. Staff reviewed codes from several other cities and met multiple times to discuss what solutions were most appropriate for Watertown while writing the attached code. In the attachment, Article III represents the proposed addition. Minor amendments to Articles I and II are highlighted in yellow.

At this time, Staff is seeking feedback from the Council on the draft code prior to finalizing it and formally submitting it for consideration at a future Council meeting.

Chapter 265. Streets and Sidewalks

[HISTORY: Adopted by the City Council of the City of Watertown as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Garbage, rubbish and refuse — See Ch. 161.

Sewers — See Ch. 253.

Vehicles and traffic — See Ch. 293.

Subdivision regulations — See Ch. A322.

Article I. General Provisions

[Adopted as Ch. 21 of the 1949 Code]

§ 265-1. Definitions.

[Amended 12-1-1986 by L.L. No. 1-1986]

When used in this Article, the following words and terms shall have the meanings indicated, unless otherwise expressly stated:

DEPARTMENT

The Department of Public Works of the City.

SUPERINTENDENT

The Superintendent of the Department.

[1] Editor's Note: Former Sec. 21-2 of the 1949 Code, Load limits on streets, which immediately followed this definition, was deleted 12-1-1986 by L.L. No. 1-1986. For current provisions regarding vehicle weight limits, see Ch. 293, Vehicles and Traffic.

§ 265-2. Naming of streets and numbering of buildings.

[Amended 3-5-2012]

A. Publicly and privately owned streets and drives shall only be named by resolution of the City Council. Property owners may propose names on site plan or subdivision plat approval applications or through other means. All proposed names shall be checked for similarity with existing street names to reduce possible confusion during emergency responses.

B. All buildings erected or hereafter to be erected shall be numbered as directed by the City Engineer. No person owning a building shall fail to procure from the City Engineer the proper number or numbers assigned therefor, nor shall any such owner fail to place and maintain the same thereon as hereafter provided. Numbers shall be not less than 2 1/2 inches in height, of proportionate width and shall be placed and maintained in a permanent and durable manner where they can be seen at all times from the street.

§ 265-3. Closing of streets.

The Department may, when it deems it necessary for the performance of its duties, and the Chief of the Fire Department may, when necessary for fire-fighting purposes, close any street or part thereof to travel. If it shall be necessary to close a street which is being constructed, improved, rebuilt or repaired so as to permit a proper completion of such work, the Department shall post a notice or notices with the words "Street Closed" in letters of

sufficient size to be visible at a distance of 100 feet therefrom, at such place or places on said street or at the ends thereof or at the intersection of other streets leading thereto as may be necessary to give warning to the public travel thereon that such street is so closed. No person shall go or attempt to go, on foot, by animal or in any vehicle, upon any such street or part thereof so closed, except such persons as shall be engaged in work thereon.

§ 265-3.1. Official parade route.

[Added 2-4-1991]

A. All parades within the City of Watertown shall follow the official parade route as set forth below. The official route shall commence at the South parking lot at Watertown High School, where it shall exit at the intersection of Brook Drive and Washington Street. The parade will proceed north on Washington Street until it reaches the intersection of Washington and Stone Streets, when it shall turn west onto Stone Street until it reaches the Stone Street parking lot, which shall be the point of termination of the parade.

[Amended 4-4-2005]

B. In the event that a particular parade requires a special route through the City of Watertown, due to the subject matter and/or parade affiliation, then the parade organization may petition the City Manager for approval of a different route other than that of the official parade route set forth in the above subsection.

[Amended 4-20-1998]

§ 265-4. Excavations.

A. No person shall injure any street, sidewalk or sewer, cut or dig any excavation therein or remove any earth or stone therefrom without authority from the Department. Nothing herein contained shall be deemed to prevent any public service or public utility corporation or department from making necessary installations, repairs or improvements in any street, when authorized to do so and under such conditions and at such fee as may be prescribed by the Department. Excavation made in or to any street, sidewalk or sewer shall be filled in and closed in a manner satisfactory to the Department within a time specified therefor, and every 24 hours during which a defective or unsatisfactory closing or filling-in shall exist, after notice thereof by the Department to the person making the excavation or causing the same to be made, shall be deemed a separate violation hereof.

B. Any person making or causing to be made any excavation within five feet of the line of any street shall erect and maintain at all times substantial barriers at least three feet in height between the excavation and such street and shall further maintain upon such barriers during the hours of darkness lighted red lanterns to properly warn all persons of such excavation.

§ 265-5. Hindering of workmen.

No person shall unlawfully hinder or obstruct any person employed by the City in building, constructing or repairing any street.

§ 265-5.1. Entry upon lands.

[Added 12-5-2005 by L.L. No. 9-2005]

A. The City Manager or the Superintendent may direct the entry upon any lands adjacent to any of the streets of the City for the purpose of opening an existing ditch or drain, or for digging a new ditch or drain for the free passage of water for the drainage of such streets.

B. The City Manager or the Superintendent may direct the entry upon any lands adjacent to any of the waterways located in the City, including the Black River and any other streams or creeks or similar bodies of water, for purposes of entering said waterways and removing obstructions to permit the free passage of water and eliminating damage to any adjacent property.

§ 265-5.2. Compensation for damages.

[Added 12-5-2005 by L.L. No. 9-2005]

Where lands are entered upon under the provisions of § 265-5.1, the City Manager shall agree with the owner of such lands, subject to the approval of the City Council, as to the amount of damages, if any, sustained by such owner in consequence of such entry and performance of the work authorized by § 265-5.1, and the amount of such damage shall be a City charge. If the City Manager is unable to agree with such owner upon the amount of damages thus sustained, the amount thereof shall be ascertained, determined and paid in the manner such damages are so ascertained, determined and paid where rights-of-way are necessary for the construction, reconstruction, improvement or repair of City streets generally and the City Council is unable to acquire such rights-of-way by purchase.

§ 265-6. Removal of safety devices or survey stakes.

No person, without authority from the Department, shall remove, cause to be removed or in any manner interfere with any lantern, barrier, sign or guard erected for public safety or any survey stake or monument placed to locate the line of any street, sidewalk or public improvement in the City.

§ 265-7. Projections over or encroachments upon streets.

No building, fence, steps, structures or signs, except signs conforming to the provisions of this Code, or any other effective ordinance of the City, shall be allowed to project over the line of any street or encroach upon any street. The owner or person having control or custody of any such projection or encroachment shall be responsible therefor. The Police Department shall give to any such person oral or written notice requiring the removal of any such projection or encroachment within a definite time. Every 24 hours during which such projection or encroachment continues to exist after the expiration of the time fixed in such notice for its removal shall be deemed a separate and distinct violation hereof.

§ 265-8. Moving buildings over streets.

No person shall move any building in or over any street without having first secured a written permit therefor from the Superintendent and the City Engineer. Such permit shall specify the time within which such building shall be moved and the route or course to be taken. The application for any such permit shall be accompanied by an undertaking to protect the City from all loss or damage as a result of such moving.

§ 265-9. Building materials on streets.

No person shall place or cause to be placed in any street materials for building or similar purposes without having first secured a written permit therefor from the Superintendent and the City Engineer. No such permit shall be issued for a longer period than three months or authorize the obstruction of more than 1/3 of the sidewalk or more than 1/2 of the roadway. Any person acting under such permit shall cause proper barriers, red lanterns and guards to be erected about such materials in a manner sufficient to properly safeguard the public. All materials and rubbish resulting therefrom shall be removed from the street by the expiration of the term of said permit or upon the revocation thereof. The Superintendent shall have the authority to revoke any such permit at any time without notice.

[1] *Editor's Note: Former Secs. 21-12 and 21-13, dealing with sewers, which immediately followed this section, currently appear in Ch. 253. Sewers.*

§ 265-10. Permits required.

No person shall perform any of the following acts without written permission therefor from the Department and the City Engineer.

A. Build, rebuild or repair any street or part thereof.

B. Build, rebuild or repair any sewer or part thereof.

C. Build, rebuild or repair any curb or part thereof or remove the same.

D. Cause any street or sewer to be in any manner obstructed or closed.

E. Establish any outdoor dining use on any sidewalk within the Downtown Core Overlay, per Article III of this Chapter.

§ 265-11. Issuance of permits.

Any authorization or permit from the Department required by this Article may, at the designation of the Superintendent, be issued by the City Engineer.

§ 265-11.1. Snow or other obstructing substances in streets.

[Added 11-14-1960]

No person shall willfully or knowingly place quantities of snow or any other obstructing substances in such a manner as to interfere with the free, full and proper use of any road, highway, public way or place by pedestrians, motor vehicles and their operators.

§ 265-11.2. Use of City snow-dumping facility.

[Added 11-24-1986]

A. No person shall use the City snow-dumping facility without a duly authorized permit issued by the City of Watertown's Department of Public Works. Each application for a permit, if required, shall be accompanied by a check, or other form of payment acceptable to the City of Watertown in the amount set forth by the City Council in Chapter **A320** of the City Code. This fee is nonrefundable. [Amended 6-1-2009]

B. As a requirement for said permit, the applicant shall provide a certificate of liability insurance for not less than \$500,000, and, further, said policy shall name the City of Watertown as an additional named insured.

C. Penalties shall be as set forth in § **265-12** of the Municipal Code.

§ 265-12. Penalties for offenses.

[Added 12-1-1986 by L.L. No. 1-1986]

Any person, firm or corporation violating any provision of this Article shall, upon conviction, be subject to a fine of not less than \$50 nor more than \$250 or imprisonment for not more than 15 days, or both. Each day of continued violation is a separate and distinct offense.

Article II. Sidewalks

[Adopted as Ch. 22 of the 1949 Code]

§ 265-13. Definitions.

[Amended 4-30-1984; 12-1-1986 by L.L. No. 1-1986]

When used in this Article, the following words and terms shall have the meanings indicated, unless otherwise expressly stated:

AWNING

A semi-permanent, rooflike cover of canvas or other flexible fabric attached to the face of a building and completely supported thereby.

DEPARTMENT

The Department of Public Works of the City.

ROADWAY

That portion of a street improved, designated, intended or used for vehicular traffic.

SIDEWALK

That portion of a street outside of the roadway used or set aside for the use of pedestrians.

SUPERINTENDENT

The Superintendent of the Department.

§ 265-14. Responsibility for building and repairing.

No person owning or occupying any property fronting upon or abutting any street shall fail to build, rebuild or keep in repair any sidewalk in front of his said property when the Department by written notice so directs, and the same shall be built, rebuilt or repaired upon such established grade and of such materials and size as the Department may direct.

§ 265-14.1. Right-of-way construction/reconstruction.

[Added 4-1-1991]

When, in the opinion of the City Council of the City of Watertown, it becomes necessary to construct/reconstruct various street rights-of-way within the City of Watertown, such construction/reconstruction of the street rights-of-way is deemed to include adjoining sidewalks and/or locations where sidewalks would be located if actually constructed. When new streets are constructed or when existing streets are reconstructed, the following rules and regulations shall apply to construction/reconstruction of sidewalks within the street right-of-way (ROW):

A. The City Council shall have sole discretion as to whether sidewalk construction and/or reconstruction is to be included in the municipal construction/reconstruction contract of various street rights-of-way or whether such sidewalk construction and/or reconstruction is to be assessed against the adjoining property owner.

B. New street construction. In instances where new streets are constructed, the City Council shall judge whether the installation of sidewalks shall be included in the project, or assessed against the adjoining property owner, on a case-by-case basis. The City Council may mandate the construction of such sidewalks if it deems that it is warranted by pedestrian traffic. In the project presentation to the City Council, sidewalk facilities shall be shown as a component of the project for consideration by the City Council. With respect to private developments, sidewalks shall be regulated by either site plan or subdivision review.

C. Street reconstruction projects.

(1) Where existing street rights-of-way are being reconstructed, the following considerations may be considered by the City Council in determining whether the cost for sidewalk construction and/or reconstruction shall be part of the project or assessed against adjoining property owners: anticipated/actual physical damage to existing sidewalks due to any of the following:

(a) The construction or reconstruction of utilities beneath the existing sidewalks requiring the removal of existing sidewalks.

(b) The construction or reconstruction of structures and/or utilities in close proximity to existing sidewalks (for example, combination curb/sidewalks where curbing is to be replaced).

(2) Additionally, the City Council may consider the following factors in determining whether such construction and/or reconstruction of sidewalks is included in the project; and such criteria shall be presented to the City Council as part of the project presentation:

(a) Horizontal and/or vertical realignment of the sidewalk necessary to reclaim City margins or effect necessary improvements to drainage.

(b) Aesthetic considerations if, and only if, it constitutes a minor component of sidewalk replacement in conjunction with Subsection **C(1)** and **(2)(a)** above. As a rule, however, the existing sidewalk's physical condition (color, presence of cracks, etc.) shall not be a criterion for the scoping of its replacement as a component of the municipal project.

D. The decision of the City Council as to whether sidewalk construction and/or reconstruction is to be included as part of the construction/reconstruction project of street rights-of-way or whether it shall be assessed against the adjoining property owner shall be final and conclusive. In the event that the costs are assessed against the adjoining property owner, it shall be the obligation of said property owner to bear the replacement costs of the construction and/or reconstruction for a portion of the sidewalk which is on his property.

§ 265-15. (Reserved).

[1] *Editor's Note: Former § 265-15, Ice and snow removal, added 3-5-1990, was repealed 2-6-1995.*

§ 265-15.1. (Reserved).

[1] *Editor's Note: Former § 265-15.1, Unshoveled sidewalks, added 3-5-1990, was repealed 2-6-1995.*

§ 265-15.2. (Reserved).

[1] *Editor's Note: Former Removal of ice, added 3-5-1990, was repealed 2-6-1995.*

§ 265-16. (Reserved).

[1] *Editor's Note: Former Separate violations, added 3-5-1990, was repealed 2-6-1995*

§ 265-17. Doors and gates over sidewalks.

No person shall hang or cause or permit to be hung any gate or door so that the same shall swing over any sidewalk, except doors opening from places of public entertainment or assembly.

§ 265-18. Awnings over sidewalks.

[Amended 10-27-1969; 4-30-1984]

No person shall erect, hang or cause or permit to be erected or hung any awning over any sidewalk unless the rigid fixtures supporting the same are at least seven feet above the surface of such sidewalk. A canvas or other flexible fabric valance may extend no more than six inches below any rigid supporting fixture. Each and every 24 hours that any person permits an awning to remain in violation of this section, after written notice to remove the same has been given to such person or his agent by the Chief of Police, shall be deemed a separate and distinct violation of this section.

§ 265-19. Use of sidewalks.

[Amended 10-9-1967]

~~No person shall place any barrel, box, showcase, merchandise or other material or article upon any sidewalk or street, except in front of the premises occupied by such person and then only for such time as is necessary to transport the same across the sidewalk or street. Each and every hour that any person permits any violation of this section to continue after notice to remove the same has been given to such person or his agent by the Chief of Police shall be deemed a separate and distinct violation of this section. An owner or occupant of a store may expose for sale goods, wares and merchandise adjoining the outer wall of such store and within three feet thereof, provided that such space does not exceed one third (1/3) of the width of the sidewalk, upon special permit to be issued by the City Manager for temporary periods and for such special occasions as may be determined by him.~~

[Amended X-X-2019]

A. General

No person shall place any barrel, box, showcase, merchandise or other material or article upon any sidewalk or street, except in front of the premises occupied by such person and then only for such time as is necessary to transport the same across the sidewalk or street. Each and every day that any person permits any violation of this section to continue after the City provides notice to remove the same shall constitute a separate and distinct violation of this section.

Upon obtaining a License Agreement from the City Manager's Office, an owner or occupant of a store may display for sale goods, wares and merchandise adjoining the outer wall of such store and within three feet thereof, provided that said owner or occupant maintains five (5) feet of unobstructed corridor space for pedestrian traffic to ensure a continuous Pedestrian Access Route (PAR).

B. Outdoor Dining Facilities

(1) Within the Downtown Core Overlay, Outdoor Dining Facilities will require a permit pursuant to Article III of this Chapter.

(2) Outside of the Downtown Core Overlay, Outdoor Dining Facilities will require a License Agreement from the City Manager's Office.

§ 265-20. Water from buildings.

No person shall conduct or cause or permit to be conducted, from any building owned or controlled by him, any water in such a way that the same shall flow upon or over any sidewalk. No person shall erect, maintain or cause or permit to be erected or maintained any eaves or other projections upon any such building unless the same are fitted with troughs or gutters sufficient to prevent water from flowing upon any sidewalk.

§ 265-21. Sliding, coasting or skating.

No person shall slide, coast or skate upon any sidewalk in this City.

§ 265-22. Permit for building and repairing.

No person shall build, rebuild or repair any sidewalk or part thereof without written permission therefor from the Department and the City Engineer.

§ 265-23. Issuance of permits.

Any authorization or permit from the Department required by this chapter may, at the designation of the Superintendent, be issued by the City Engineer.

§ 265-24. Shrubbery and branches.

[Amended 1-28-1952]

No person shall permit shrubbery or bushes to project over or encroach upon any sidewalk, nor shall any person permit limbs or branches of any tree to encroach upon any sidewalk or to hang below six feet six inches above the surface of such sidewalk. Each and every 24 hours that any person permits any such projection or encroachment to remain in violation of this section after written notice to remove the same has been given to such person or his agent by the Chief of Police shall be deemed a separate and distinct violation of this section.

§ 265-25. Penalties for offenses.

[Added 12-1-1986 by L.L. No. 1-1986]

Any person, firm or corporation violating any provision of this Article shall, upon conviction, be subject to a fine of not less than \$50 nor more than \$250 or imprisonment for not more than 15 days, or both. Each day of continued violation is a separate and distinct offense.

Article III. Outdoor Dining within the Downtown Core Overlay

[Added X-X-2019 by L.L. No. X-X-2019]

§ 265-26. Purpose.

This article is intended to facilitate outdoor dining in order to create an active streetscape, to enhance the economic and social vitality of Public Square and to promote pedestrian activity. It is also intended to expedite the approval of such facilities within the Downtown Core Overlay, while ensuring that such dining will not significantly impair the public's use of the sidewalks and protecting adjacent residential and commercial uses from any adverse impacts from such dining.

§ 265-27. Authorization Requirement.

A restaurant wishing to establish an outdoor dining facility within the Downtown Core Overlay may apply for a permit to establish said facility under this article. Other uses of City sidewalks and/or Right-of Way (ROW) and any Restaurant outside the Downtown Core Overlay wishing to establish an outdoor dining facility on City property must apply for a License Agreement from the City Manager's Office under Section § 265-19.

§ 265-28. Administrative Permit Process.

A. An applicant for an Outdoor Dining Permit shall file an application with the City Engineer for review. The application shall include:

- (1) A completed application form;
- (2) A site plan drawing with dimensions depicting the proposed location for the outdoor dining area, including the layout of tables, chairs, barriers, umbrellas, lighting and other facilities to be located within the proposed outdoor dining area. The drawing shall also accurately depict the existing sidewalk conditions, including sidewalk width from building face to curb, location and dimensions of tree wells, locations of lamp posts, traffic and parking signs, signal poles, trash receptacles benches and other information as the City Engineer may require to assist the review and approval process;
- (3) Photos or other images of proposed furniture;
- (4) An estimated square footage calculation of the proposed outdoor dining area;
- (5) Proof of Commercial General Liability Insurance in the sum of \$2,000,000 for the general aggregate limit and \$1,000,000 for each occurrence, and also Liquor Liability Coverage, and to furnish the City Engineer,

upon executing this permit, a Certificate of the insurance company in which it carries said insurance showing that such a policy has been issued and is in force, and that the City is listed as an additional insured.

B. The City Engineering Department shall review the application to determine if the proposed dining establishment and any encroachment into the public right-of-way can be accommodated while still providing adequate space within the public right-of-way to facilitate safe circulation of pedestrian traffic.

C. The City Engineer may approve, approve with conditions, or deny the application. The restaurant shall maintain a complete copy of the approved application package at their premises.

D. Any changes to the approved plan are subject to review and approval by the City Engineer.

E. The Outdoor Dining Permit shall be valid only between May 1 and October 15 in order to avoid conflict with snow removal during the cold weather season. Short-term exceptions may receive consideration on a case-by-case basis.

F. The restaurant must renew its permit each year prior to using the sidewalk. The restaurant may do this without submitting a new application, upon providing the City with proof of all required insurance and a signed letter affirming no changes to the approved plan.

G. If an entire Dining Season (May 1 – October 15 of a single calendar year) passes without renewal or if a restaurant undergoes an ownership change, then that restaurant must re-apply for a new permit.

§ 265-29. Standards for Outdoor Dining.

A. The outdoor dining area shall be located adjacent to the restaurant's frontage. Special Exceptions may receive consideration at the discretion of the City Engineer, upon the applicant obtaining the written consent of the adjacent property owner.

B. The outdoor dining area may be open to patrons from 6:00 a.m. to 11:00 p.m. daily.

C. The restaurant must maintain a minimum unobstructed corridor space of at least five (5) feet in width for pedestrian traffic to ensure a continuous Pedestrian Access Route (PAR) across the restaurant's frontage. The PAR may run either around or through an outdoor dining area, provided that the City Engineer determines the dining area layout to be safe to sidewalk users, restaurant patrons and employees.

D. Ingress/egress between any building entryway and the PAR must meet width standards of the Americans with Disabilities Act (ADA).

F. The outdoor dining area must remain neat and clean at all times. It must be free at all times from food waste and all other garbage in order to deter animals and minimize the spread of garbage throughout downtown.

G. No food preparation may occur in the outdoor dining area.

H. All signs in the outdoor dining area must have a valid City Permit. Menus under glass shall not be considered signs for the purposes of this Article, and may be displayed.

I. Awnings must obtain a separate building permit.

J. Noise levels must adhere to a reasonable volume.

K. New York State alcohol laws govern the service and consumption of all alcohol.

L. Barriers are required around the outdoor dining area in order to delineate the dining area from the PAR. The City reserves the right to review and approve the type and design of any barrier.

M. All furniture and barriers must be temporary in nature and readily removable without damage to the surface of the Right-of-Way. There shall be no penetration of or physical attachment to sidewalk surfaces.

N. Smoking and vaping are prohibited in all outdoor dining areas within the Downtown Core Overlay.

O. The applicant must comply with reasonable conditions as the City Engineer may require.

§ 265-30. Insurance and Hold Harmless

A. The issuance of any Outdoor Dining Permit shall be conditioned upon the restaurant maintaining liability insurance and liquor liability insurance, with required limits and coverage, including for its operation within the outdoor dining area. Permission to establish and maintain the outdoor dining area shall not be construed to relieve the restaurant of liability for any negligence on the restaurant's part on account of or in connection with the outdoor dining area. A restaurant's insurance must be valid at all times, and a restaurant must notify the City of any termination or loss of insurance for any reason.

B. By accepting the authorization granted by a permit authorized by this article to establish and maintain an outdoor dining area, and by so establishing the outdoor dining area, the restaurant shall be deemed to have promised to save harmless the City of Watertown from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the outdoor dining area.

§ 265-31. Termination

The City of Watertown may terminate the authorization granted by a permit under this section whenever the City Manager determines that the City has need to use the affected public right-of-way for just cause. In such cases, the City will, by written notification, demand that the restaurant remove the outdoor dining area. The restaurant shall complete said removal by the date specified in the notice and shall accomplish the removal on its own without cost to the City. If the restaurant shall fail or neglect to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of the restaurant, and shall not be liable to the restaurant for any loss or damage to the structure of the encroachment or personal property within the encroachment area, caused by the removal.