

**City Clerk's Department
BUFFALO**

April 21, 2021

HON. BYRON W. BROWN
MAYOR OF BUFFALO

DEAR SIR:

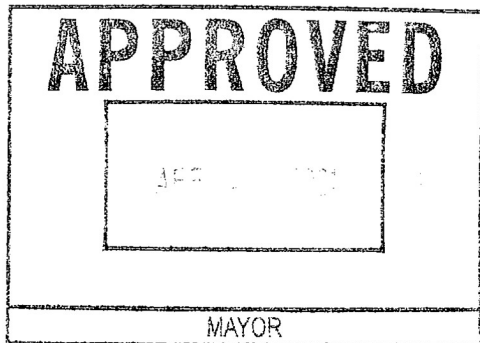
Pursuant to the provisions of Section 3-19 of the Charter, I present herewith the attached resolution item.

PASSED April 13, 2021

21-488

Wyatt – Ord Amendment Ch 479 Speed Regulations

Tianna M. Marks
City Clerk



FILED
CITY CLERK
2021 AUG 30 PM 2:15



The City of Buffalo Common Council

1413 City Hall
Buffalo, NY 14202

Meeting: 04/13/21 02:00 PM
Department: Common Council
Category: Ordinances
Prepared By: Malcolm Aaron Ertha
Initiator: Malcolm Aaron Ertha
Sponsors: University District Council Member Rasheed N.C. Wyatt
DOC ID: 13981 C

ADOPTED

AGENDA ITEM 21-488

Wyatt - Ord Amendment Ch 479 Speed Regulation

**That §479 of the Code of the City of Buffalo be amended to read as follows:
Section 479-14. Speed Regulations.**

4. Reduce speed at intersections, railroad crossings, corners, school zones – posted areas reduce speed to 15 miles per hour:

- A. At street intersections not protected by traffic lights, at railroad crossings and while turning corners, no vehicles shall be operated except at a rate of speed sufficiently reduced to prevent accidents and danger to other vehicles and pedestrians. Whenever any portion, intersection, grade or curve of any public highway in said city is considered dangerous by the Commissioner of Police because of heavy traffic, or any necessary work of repairing or improving such public highway, or the necessary installation, repair or maintenance of public drains, pipes, mains or facilities lawfully installed therein or peculiar physical conditions, he is authorized to erect or place conspicuous signs at or near such dangerous locations in said public highway adjacent to the curbs thereof, directing drivers of vehicles to reduce the speed of such vehicles to a speed of not more than fifteen miles per hour until such dangerous locations are passed, and the driver of every vehicle approaching and intending to pass the same shall obey the instructions contained on or indicated by said traffic signs. If any of the aforesaid dangerous conditions are of a temporary nature, the Commissioner of Police shall remove such signs as soon as the dangerous condition or conditions have been remedied.
- B. For designated school zones, the speed limit shall be 10 [15] miles per hour below the otherwise posted speed limit covering a distance of one thousand three hundred twenty feet (1,320) from a school building, entrance, or exit of a school abutting on a highway; this change shall take effect September 1, 2021, until which time school zone speed limits shall remain 15 miles per hour. [Once the Commissioner is informed of a new school opening, the Commissioner shall immediately post conspicuous signs of reduced speed limit of 15 miles per hour within said school zones.]
 - i. Photo speed violation monitoring systems shall not be used to enforce school zone speed, except in unique circumstances following a formal request from the Superintendent or Principal of a Buffalo Public School, which shall include all available evidential data as to the necessity of the cameras for school zone speed enforcement in the area. Each such approval must be expressly authorized by majority vote of the Common Council.
 - ii. If the Common Council authorizes use of such systems, no photo speed violation monitoring device (a.k.a., speed camera) shall be installed in a school zone without the expressed written approval of a majority vote of the Common Council.

[C.] [Speed Camera Enforcement of school zone speed limits is used to enhance the safety of children, and school faculty and staff who walk, bicycle or get dropped off at, or use public transportation to get to schools or childcare facilities or cross the street at schools and childcare facilities. Speed camera enforcement of school zone speed limits shall be utilized throughout the City as follows:]

1. [School zone speed limits shall only be enforced by speed camera technology when flashing beacons alerting motorists of the reduced speed limit are activated.]
2. [Beacons should be posted at least two thousand six hundred and forty (2,640) from the main entrance of any school, or within a reasonable distance from a school that is next to a highway or major thoroughfare].
3. [There shall be signage notifying individuals within close proximity to schools that speed camera technology is being used to enforce such school speed zones when the beacons are flashing.]
4. [Speed camera technology may be used to enforce school speed zones any time beacons are flashing, including, but not limited to the following situations:]
 - i. [During the school drop off period, defined as one (1) hour before the start time of the school through one (1) hour after the start time of school;]
 - ii. [During the school pickup period, defined as one (1) hour before the end time through one (1) hour after the school end time;]
 - iii. [During unique circumstances, where there will be anticipated drop off or pickup of students at school sanctioned events that may cause a larger than normal number of students or parents to be at the school, such as, but not limited to sporting events, concerts, conferences, etc.]

C. In all school zones, the Commissioner shall further install and maintain "SCHOOL" pavement markings and ensure that all intersections within school zones have clearly and completely marked crosswalks at all times.

D. The Commissioner shall install appropriate non-punitive traffic calming measures in school zones found to be unsafe based on school day accident history data or documented observances of school day safety incidents (e.g., near-misses) that indicate a risk to child safety.

E. Photo speed violation monitoring systems (a.k.a., speed cameras) shall not be used to enforce school zone speed limits unless expressly authorized by majority vote of the Common Council. If so authorized, no photo speed violation monitoring device shall be installed in a school zone without the expressed written approval of the Common Council Member representing the District in which the device is to be installed; said approval may be revoked at any time by the Council Member in writing to the Commissioner of Public Works.

[iv] [The Superintendent of the Buffalo Public Schools or his designee, or the administrators of Charter Schools or Private Schools, for their respective schools, shall identify a schedule on forms prescribed by the Commissioner of the Department of Public Works, Parks, and Streets, the need for camera activation during the following circumstances: departure and arrival for unique school programs or functions, field trips, off campus activities, open campus activities, outdoor recess, activities that require students to move between and amongst buildings, outdoor walks and activities involving students going off campus, gym classes, and athletic sporting or training that requires students to go to the perimeter of the campus or beyond.]

[v] [On a quarterly basis, reports of scheduling, usage, and enforcement data from the speed camera technology shall be provided to the Common Council’s standing Committee on Education.]

[vi] [The district Councilmember for the District in which a school is located shall approve an aforementioned schedule or any changes to a schedule or any changes to a schedule in writing in order for it to go into effect. If the Councilmember approves of such schedule, the schedule goes into effect upon their signature. The Councilmember may deny a schedule, or any changes to schedule in writing to the Superintendent or the administrators of Charter Schools or Private Schools, and Commissioner of Public Works, Parks, and Streets. If the Councilmember fails to approve or deny a submitted schedule within five (5) business days of its receipt, the schedule shall automatically be deemed approved.]

Section 1. That this Ordinance Amendment shall take effect immediately upon being duly ratified pursuant to §3-19 of the City Charter.

Section 2. IT IS HEREBY CERTIFIED, pursuant to Section 3-19 of the Charter of the City of Buffalo, that immediate passage of this Ordinance Amendment is necessary.

NOTE: Matter underlined is new, matter in brackets [] is to be deleted.

APPROVED AS TO FORM ONLY:

[Empty rectangular box for signature]

Depue C

**CARIN S. GORDON
ASSISTANT CORPORATION
COUNSEL II**

DATE: 01/15/20

Wyatt - Ordinance Amendment - Ch. 479 Speed Regulations

Mr. Feroletto moved:

That the above item be, and the same hereby is, returned to the Common Council dated April 13, 2021, with a be recommendation for Immediate Passage approval; and

That Chapter 479 of the Code of the City of Buffalo be amended as specified in the attached Ordinance Amendment.

Approved.

RESULT:	APPROVED [6 TO 3]
MOVER:	Joel P. Feroletto, Delaware District Council Member
SECONDER:	Rasheed N.C. Wyatt, University District Council Member
AYES:	Bollman, Feroletto, Nowakowski, Pridgen, Rivera, Wyatt
NAYS:	Joseph Golombek Jr, Christopher P. Scanlon, Ulysees O. Wingo Sr