

ORDINANCE #4 OF 2023
ORDINANCE TO AMEND ADMINISTRATIVE REGULATIONS
ARTICLE III, MUNICIPAL BUILDINGS POLICIES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OGDENSBURG,
NEW YORK, AS FOLLOWS:

ITEM ONE:

That Article III is hereby amended as noted on attached pages.

ITEM TWO:

This ordinance shall take effect ten (10) days after publication of a notice which shall give the title and describe same in summary form.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

**Article III
Municipal Buildings Policies**

**§ AR-26 City Hall building use.
[Amended 2-13-2014 by Ord. No. 2-2014]**

- A. Policy. The main function of City Hall is to provide adequate working space for City government activities. A secondary function of the building is to provide public meeting spaces.
- B. Procedure for use. In order to avoid conflicts over building use, the following procedure is to be followed:
 - (1) Rooms available for public use:

Room	Maximum Number of People
Council Chambers	175
Meeting Room No. 1	30
Meeting Room No. 2	20
Court Room	100
Jury Rooms	12

- (2) Hours of building use: 7:00 a.m. to 9:00 p.m.
- (3) Restrictions:
 - (a) City Council can preempt, for its own use, any room in City Hall.
 - (b) Court room and jury rooms are restricted for court functions on every Monday for Drug Court and every Thursday for Traffic Court, Small Claims and Ogdensburg Municipal Code violations.
 - (c) City Court may preempt use of the court room or jury rooms at any time for court proceedings.
 - (d) Whenever possible, City government functions will be given priority as long as they are scheduled early enough to allow prior scheduling to be changed.
 - (e) No religious ceremonies will be allowed in City Hall.
 - (4) Scheduling. Everyone wishing to the Council Chambers, Meeting Room No. 1 or Meeting Room No. 2 in City Hall must schedule its use with the City Manager's secretary at 393-6100. Everyone wishing to use the Court Room or the Jury Meeting Room must schedule its use with the Chief Court Clerk at 393-3941. Scheduling will be done on a first come, first served basis.

**§ AR-26.1 Smoking restrictions.
[Amended 5-12-2003]**

In the interest of providing a safe and healthy environment for employees, clients and the general public and

in accordance with Article 13-E of the Public Health Law, the following smoking rules have been adopted:

- A. Smoking is prohibited in all City-owned indoor areas.
- B. Smoking is prohibited in any enclosed work area, including City cars, trucks and heavy equipment.
- C. Smoking is also prohibited in the Council Chambers, conference and meeting rooms, elevators, hallways, restrooms and rooms or areas containing equipment used by employees in common.
- D. Locations that may be considered for designation as "smoking permitted" include outdoor areas only. Department heads responsible for their respective building's operations may establish outdoor smoking areas with permanent receptacles for collection of discarded cigarettes or tobacco products.
- E. Employees found smoking outside of designated "smoking permitted" areas will be considered in violation of City of Ogdensburg rules and will be subject to appropriate disciplinary procedures.
- F. Copies of these rules will be posted and distributed to all employees.

§ AR-26.2 Dobisky Center building use.
[Added 11-26-2007 by Ord. No. 14-2007]

- A. Policy. It is the intent of the City that the Dobisky Center shall:
 - (1) Provide adequate working space for the operations and activities of the Department of Recreation of the City of Ogdensburg;
 - (2) Provide public meeting space;
 - (3) Serve as a visitors' center for the City marina and waterfront;
 - (4) Serve as a center for marina operations;
 - (5) Serve as a boaters' lounge; and
 - (6) Provide concession facilities for visitors and the citizens of Ogdensburg.
- B. Procedure for use.
 - (1) The following rooms shall be available for public use:

Room	Maximum Number of People
Marina View (large meeting room)	60
The General's Room (small meeting room)	30
Exclusive use of both rooms	100

- (2) Rules and regulations:
 - (a) ~~Reservations must be made by contacting the Ogdensburg Recreation Department (City Hall at (315) 393-1980/7900) require the completion of an application, a room cannot be held until the application is filled out and returned with the payment of all fees and deposits. Applications will only be accepted from persons who are 18 years of age or older.~~

- (b) ~~The meeting rooms are to be left in the same condition as found, including placement of tables and chairs. The rooms shall be cleaned and garbage disposed of in containers provided. Failure to do so will result in forfeiture of the deposit.~~ comply with all policy, rules and regulations may result in disapproval of future city facilities application submissions for the individual. Any damage incurred during an event will be the financial responsibility of the rental group applicant for that event.
- (c) The user is responsible for setup before use and cleaning of the room after use. One adult for each 10 children at an event must be present and on the premises at all times. A child shall be considered a person under ~~the age of 16~~ years of age.
- (d) Application for use of room must be filled out completely and signed. ~~All fees/usage fee and deposits must be paid by cash or personal check made payable to the City of Ogdensburg at the time of the submission of the application. No room shall be deemed reserved until payment of all fees and deposits is received.~~
- (e) Tables and chairs are to be lifted (not dragged) when arranging the room for an event. The tables and chairs cannot be removed from rooms without permission.
- (f) A room may be reserved for long-term group use for a term of six months so long as said long-term reservation does not, ~~in the discretion of the Director of Parks and Recreation,~~ unreasonably limit the use of the room by others. A long-term reservation may be renewed for six-month terms thereafter.
- ~~(g) An application must be filled out completely in order to reserve rooms in the center. A room cannot be held until the application is filled out and returned to the Parks and Recreation Office with the payment of all fees and deposits.~~
- ~~(h) Alcohol is permitted only in accordance with the City's approved alcohol policy agreement. (See AR-26.5) [Amended 5-11-2009 by Ord. No. 4-2009]~~
- ~~(i) No smoking is allowed in the building. The building includes the deck area, public areas, green space and parking lot within 50 feet of the building.~~
- ~~(j) Consumption of cannabis in any form is strictly forbidden on any city owned premises; all municipal code and NYS laws pertaining to cannabis apply.~~
- ~~(k) If the kitchen is used, it must be cleaned prior to leaving.~~
- ~~(l) Any damage or equipment broken must be reported to the attendant immediately. The renter shall be responsible for any and all damage.~~
- (H) Deposits shall be refunded within one week of an event, upon inspection of the premises, if no damage is found and no cleaning is required.
- (3) Fees.
 - (a) ~~The fees/rental rates to be charged shall be established on an annual basis by the Ogdensburg City Council. Exclusive use of both meeting rooms: A deposit of \$75 to hold the room and a rental fee of \$75 for an event of 3 1/2 hours (including setup and cleanup time).~~
 - ~~(b) Use of large meeting room, Marina View: A deposit of \$45 to hold the room and a rental fee of \$45 for an event of 3 1/2 hours (including setup and cleanup time).~~
 - ~~(c) Use of small meeting room, The General's Room: A deposit of \$25 to hold the room and a rental fee of~~

\$25 for an event of 3 1/2 hours (including setup and cleanup time).

- (db) ~~Either or both rooms are available for use between the weekday hours of 9:00 a.m. and 8:15:00 p.m.;~~
- (c) ~~Either or both rooms are available for use between the weekday hours of 9:00 a.m. and 4:00 p.m., at no charge, to not-for-profit organizations and citizens' groups that serve in Ogdensburg. All other hours are subject to fees; Ogdensburg not-for-profits may request a waiver or reduction of the fee, to be approved by the Director at no charge, to nNot-for-profit organizations and citizens' groups that serve in Ogdensburg. The Director of Parks and Recreation may, in his discretion, collect a deposit at the time of the room reservation. Not-for-profit organizations and citizens' groups that do not serve in Ogdensburg shall be charged a fee of \$10 per hour between the weekday hours of 9:00 a.m. and 8:45 p.m. may request a waiver of the fee; fees may still apply for recurring events;~~

(4) Applicant Cancellations.

(a) A full refund of any permit reservation will be granted to applicants who cancel at least 2 weeks prior to the date of the event. Refunds will NOT be granted less than 2 weeks from the date of the event.

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**§ AR-26.3 Richard Lockwood Civic Center facility use.
[Added 11-24-2008]**

- A. Policy. (When ice is available) It is the intent of the City to regulate the Jimmy Howard Ice Arena usage as follows:
- (1) Skaters skate at their own risk.
 - (2) Only those wearing skates allowed on ice.
 - (3) Please skate in a counter-clockwise direction or in the same direction as everyone else.
 - (4) No food or drinks allowed on ice.
 - (5) Do not kick or chop at the ice with your skates.
 - (6) Please do not play "tag" or chase others.
 - (7) Do not throw balls, coins or other items on ice as this can cause others to fall.
 - (8) Do not slide on the ice or make/throw snowballs.
 - (9) No more than two skaters may hold hands. No trains or crack-the-whip.
 - (10) Do not sit on the wall of the ice via the doors.
 - (11) Please enter and exit the ice via the doors.
 - (12) Hockey sticks and pucks are not allowed on the ice during public session.
 - (13) No jumps or spins during public session.
 - (14) No one is allowed on the ice while the ice is being resurfaced.
 - (15) Anyone wishing to skate and/or rent ice skates must pay a fee. The fee to be charged shall be established on an annual basis by the Ogdensburg City Council.

B. Policy. (When ice has been removed) It is the intent of the City to regulate the Richard Lockwood Civic Center usage as follows:

(1) Rules and regulations:

- (a) Reservations must be made by contacting the Ogdensburg Recreation Department at (315)-393-1980. Applications will only be accepted from persons who are 18 years of age or older.
- (b) The meeting rooms are to be left in the same condition as found. The rooms shall be cleaned and garbage disposed of in containers provided. Failure to do so will result in forfeiture of the deposit. Any damage incurred will be the financial responsibility of the rental group.
- (c) The user is responsible for setup before use and cleaning of the room after use. One adult for each 10 children at an event must be present and on the premises at all times. A child shall be a person under the age of 16 years of age.
- (d) Application for use of the room must be signed. All fees and deposits must be paid at the time of the submission of the application. No room shall be deemed reserved until payment of all fees and deposits is received.
- (e) Tables and chairs are to be lifted (not dragged) when arranging the room for an event. The tables and chairs cannot be removed from rooms without permission.
- (f) A room may be reserved for long-term group use for a term of six months so long as said long-term reservation does not, in the discretion of the Director for Parks and Recreation, unreasonably limit the use of the room by others. A long-term reservation may be renewed for six-month terms thereafter.
- (g) An application must be filled out completely in order to reserve rooms in the center. A room cannot be held until the application is filled out and returned to the Parks and Recreation Office with the payment of all fees and deposits.
- (h) Alcoholic is permitted only in accordance with the City's approved alcohol policy agreement.
- (i) No smoking is allowed in the building. The building includes the public areas and parking lot within 25 feet of the building.
- (j) Consumption of cannabis in any form is strictly forbidden on any city owned premises; all municipal code and NYS laws pertaining to cannabis apply.
- (k) Any damage or equipment broken must be reported to the attendant immediately. The renter shall be responsible for any and all damage.
- (l) Deposits shall be refunded within one week of an event, upon inspection of the premises, if no damage is found and no cleaning is required.

(2) Fees.

- (a) The fees to be charged shall be established on an annual basis by the Ogdensburg City Council.

**§ AR-26.4 City pool facility use.
[Added 11-24-2008]**

A. Pool policies and regulations: The following pool policies must be followed for safety and health

reasons:

- (1) Anyone entering the pool must pay an admission fee. The fee to be charged shall be established on an annual basis by the Ogdensburg City Council.
- (2) Street shoes are not permitted on the swimming deck.
- (3) All patrons must shower before entering the pool.
- (4) Children under five years of age must be accompanied by someone 13 years of age or older.
- (5) NO Diapers Allowed! All children wearing diapers must wear "Swimming Diapers".
- (6) NO floatation devices allowed.
- (7) The City Recreation Department is not responsible for lost or stolen items.

§ AR-26.5 Alcohol policy.

[Added 1-26-2009 by Ord. No. 1-2009]

- A. In the interest of promoting the safe and responsible use of alcohol at events being held in municipal facilities and to:
- (1) Protect citizens, volunteers, public property and municipal assets;
 - (2) Attempt to prevent problems that can arise as a result of alcohol consumption; and
 - (3) Foster an enjoyable environment for all who use City of Ogdensburg municipal facilities, individuals/organizations/groups/business entities who desire to serve alcohol at events being held in municipal facilities shall enter into an Alcohol Policy Agreement with the City of Ogdensburg, New York, setting forth the terms and conditions under and by which alcohol may be served, as follows:

THE CITY OF OGDENSBURG ALCOHOL POLICY AGREEMENT

AGREEMENT made this _____ day of _____, 20____ by and between _____, an individual/organization/group/business entity (hereinafter referred to as "Renter") who resides at /has a place of business at _____ and the City of Ogdensburg ("City") and _____, maintaining its principal office at _____ in the City of Ogdensburg, County of St. Lawrence and State of New York, do hereby agree as follows:

1. The renter desires to serve alcohol at the following premises owned by the City of Ogdensburg located at _____ (hereinafter "Site").
2. The Renter will be held liable for any and all damages incurred to the Site during the date and times the Renter has reserved and used the Site. A \$500 security deposit is required in advance for any event serving alcoholic beverages to cover the costs of any damages. If damages exceed \$500, the Renter is responsible for all costs associated with the repair of same. A full inspection of the property will be conducted after the event with both the Renter and a Site attendant, and both will sign below to acknowledge the condition of the Site following the Renter's use of the Site. If no damage has occurred, the \$500 deposit will be refunded to the Renter within two weeks from the date of the inspection.
3. Alcoholic beverages will only be consumed inside the facility or, if applicable, on a specifically designated patio area as approved by the City. All other areas fall under the Open Container Law and are subject to be ticketed by the City or State Police. It is the sole responsibility of the Renter to verify that

he/she/it may lawfully serve alcoholic beverages at the Site. Neither the City of Ogdensburg nor the Site make any representations or warranties that such activity is lawful nor as to what steps, if any, the Renter must take in order to make such activity lawful. The City recommends and the renter acknowledges that it is the Renter's sole responsibility to contact the New York State Liquor Authority or other appropriate State Agency to ascertain whether the Renter's provisions of alcohol is legal.

- 4. The legal drinking age for New York State is 21 years of age. No one under 21 years of age is allowed to consume alcoholic beverages on Site property under any circumstances.
- 5. All empty containers from alcoholic beverages must be taken with you when you exit the Site.
- 6. In consideration of permission to use the Site the Renter does hereby release, waive, discharge and covenant not to sue the City of Ogdensburg, its agents, employees, or council members for any

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liability whatsoever and from any and all claims arising from or in any way related to the use of the Site including but not limited to personal injury and death, property damage as well as any and all claims resulting from damage or loss or theft of property. Furthermore, the Renter agrees to indemnify and hold harmless the Site, The City and its agents, employees and council members from any and all claims, of any kind or nature, from any source, resulting from or in any way related to the Renter's use of the Site and the Renter's provision of Alcohol. Furthermore, the Renter agrees to pay all costs and fees, including attorney's fees, incurred by the City in investigating and defending any claim or suit arising out of or related to the Renter's use of the Site, where alcohol is being provided by the Renter, which cannot be eliminated regardless of the care taken by the renter to avoid injuries or violations of the Law of the State of New York. The Renter hereby declares that the Renter knowingly assumes all such risks. This waiver is intended to be as broad and as inclusive as is permitted by the Law of the State of New York, and that if any provision is subsequently held to be invalid, it is agreed that the balance shall continue to be in full force and effect. The Renter acknowledges freely and voluntarily signing this agreement and intends the signature to signify a complete waiver of liability and assumption of the inherent risks associated with the provision of alcohol at the Site.

I hereby agree with and understand the above conditions.

Director of _____ Renter: Print Name:

Date _____ Date

***AUTHORIZED USE ONLY**

An inspection of the Site Property occurred on _____, 20____ at _____ a.m./p.m. with _____ ("Person") and _____ ("Site Attendant"). The property was found to be in [circle one]: satisfactory condition/sustained the following damage:

Renter Print Name: _____ Site Attendant

Date _____ Date _____

§ AR-27 (Reserved)

§ AR-27.1 Drug-free workplace policy.

The City of Ogdensburg seeks to have a drug-free workplace. In accord with the Drug-Free Work Place Act of 1988 and to promote drug-free awareness among employees, the City of Ogdensburg, through posting of notices and discussions with employees, will inform employees that:

- A. Drug abuse in the workplace creates a dangerous environment in the workplace for the employees engaged in the drug abuse and endangers the health, safety and welfare of all employees and other persons in the workplace.
- B. It is the policy of the City of Ogdensburg to maintain a drug-free workplace. The illegal manufacture, distribution, possession or use of drugs or acting under the influence of drugs in this workplace is strictly prohibited.
- C. Information will be available on a confidential basis from the City Manager's office on public and private drug counseling, rehabilitation and employee assistance programs, upon the request of the employee.
- D. Penalties may be imposed upon employees for drug abuse violations, up to and including termination of employment.

§ AR-27.2 Workplace violence prevention policy.

- A. Purpose: The City of Ogdensburg maintains a zero tolerance standard of violence in the workplace. The purpose of this policy is to provide City of Ogdensburg employees guidance that will maintain an environment at and within City of Ogdensburg property and events that is free of violence and the threat of violence.
- B. Policy: Violent behavior of any kind or threats of violence, either implied or direct, are prohibited in City of Ogdensburg buildings and properties, or while engaged in activities for City of Ogdensburg in other locations, or at City of Ogdensburg sponsored events. Such conduct by a City of Ogdensburg employee will not be tolerated. An employee who exhibits violent behavior may be subject to criminal prosecution and shall be subject to disciplinary action up to and including dismissal. Violent threats or actions by a non-employee may result in criminal prosecution. City of Ogdensburg will investigate all complaints filed and will also investigate any possible violation of this policy of which we are made aware. Retaliation against a person who makes a complaint regarding violent behavior or threats of violence made to him/her is also prohibited.
- C. Definitions:

COURT ORDER

An order by a Court that specifies and/or restricts the behavior of an individual. Court Orders may be issued in matters involving domestic violence, stalking or harassment, among other types of protective orders, including Temporary Restraining Orders.

DEADLY WEAPON

Any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, or metal knuckles.

INTIMIDATION

Making others afraid or fearful through threatening behavior.

THREAT

The implication or expression of intent to inflict physical harm or actions that a reasonable person would interpret as a threat to physical safety or property.

WORKPLACE VIOLENCE

Behavior in which an employee, former employee or visitor to a workplace inflicts or threatens to inflict damage to property, serious harm, injury or death to others at the workplace.

ZERO-TOLERANCE

A standard that establishes that any behavior, implied or actual, that violates the policy will not be tolerated.

- D. Prohibited behavior: Violence in the workplace may include, but is not limited to the following list of prohibited behaviors directed at or by a co-worker, supervisor or member of the public:
- (1) Direct threats or physical intimidation.
 - (2) Implications or suggestions of violence.
 - (3) Stalking.
 - (4) Possession of deadly weapons in City of Ogdensburg buildings, or while engaged in activities for City of Ogdensburg in other locations, or at City of Ogdensburg sponsored events, unless such possession or use is a requirement of the job.
 - (5) Assault of any form.
 - (6) Physical restraint, confinement.
 - (7) Dangerous or threatening horseplay.
 - (8) Loud, disruptive or angry behavior or language that is clearly not part of the typical work environment.
 - (9) Blatant or intentional disregard for the safety or well-being of others.
 - (10) Commission of a violent felony or misdemeanor on City of Ogdensburg property.
 - (11) Any other act that a reasonable person would perceive as constituting a threat of violence.
- E. Domestic violence, while often originating in the home, can significantly impact workplace safety and the productivity of victims as well as co-workers.
- (1) For the purposes of this document, "domestic violence" is defined as abuse committed against an adult or fully emancipated minor. Abuse is the intentional reckless attempt to cause bodily injury, sexual assault, threatening behavior, harassment, or stalking, or making annoying phone calls to a person who is in any of the following relationships:
 - (a) Spouse or former spouse;
 - (b) Domestic partner or former domestic partner;
 - (c) Cohabitant or former cohabitant and or other household members;

- (d) A person with whom the victim is having, or has had, a dating or engagement relationship;
 - (e) A person with whom the victim has a child.
 - (2) The City of Ogdensburg recognizes that domestic violence may occur in relationships regardless of the marital status, age, race, or sexual orientation of the parties.
- F. Reporting acts or threats of violence: An employee who:
- (1) Is the victim of violence; or
 - (2) Believes they have been threatened with violence, or
 - (3) Witnesses an act or threat of violence towards anyone else shall take the following steps:
 - (a) If an emergency exists and the situation is one of immediate danger, the employee shall contact the local police department by dialing 9-1-1, and may take whatever emergency steps are available and appropriate to protect himself/herself from immediate harm, such as leaving the area.
 - (b) If the situation is not one of immediate danger, the employee shall report the incident to the appropriate supervisor or manager as soon as possible and complete the City of Ogdensburg Workplace Violence Incident Report Form.
- G. Procedures - future violence:
- (1) Employees who have reason to believe they, or others, may be victimized by a violent act sometime in the future, at the workplace or as a direct result of their employment with City of Ogdensburg shall inform their supervisor by immediately completing a Workplace Violence Incident Report Form so appropriate action may be taken. The supervisor shall inform the City Manager, the Personnel Aide and the Police Department.
 - (2) Employees who have signed and filed a restraining order, temporary or permanent, against an individual due to a potential act of violence, who would be in violation of the order by coming near them at work, shall immediately supply a copy of the signed order to their supervisor. The supervisor shall provide copies to the City Manager, the Personnel Aide and the police.
- H. Incident investigation: Acts of violence or threats will be investigated immediately in order to protect employees from danger, unnecessary anxiety concerning their welfare, and the loss of productivity. The employee's supervisor will cause to be initiated an investigation into potential violation of work rules/policies. Simultaneously, the City Manager will refer the matter to the police for their review of potential violation of civil and/or criminal law.
- (1) Procedures for investigating incidents of workplace violence include:
- (a) Visiting the scene of an incident as soon as possible.
 - (b) Interviewing injured and threatened employees and witnesses.
 - (c) Examining the workplace for security risk factors associated with the incident, including any reports of inappropriate behavior by the perpetrator.
 - (d) Determining the cause of the incident.
 - (e) Taking mitigating action to prevent the incident from recurring.

- (f) Recording the findings and mitigating actions taken.
- (2) In appropriate circumstances, the City Manager will inform the reporting individual of the results of the investigation. To the extent possible, the City Manager will maintain the confidentiality of the reporting employee and the investigation but may need to disclose results in appropriate circumstances; for example, in order to protect individual safety. The City will not tolerate retaliation against any employee who reports workplace violence.
- I. Mitigating measures: Incidents which threaten the security of employees shall be mitigated as soon as possible following their discovery. Mitigating actions include:
 - (1) Notification of Police Department when a potential criminal act has occurred.
 - (2) Provision of emergency medical care in the event of any violent act upon an employee.
 - (3) Post-event trauma counseling for those employees desiring such assistance.
 - (4) Assurance that incidents are handled in accordance with the Workplace Violence Prevention policy.
 - (5) Requesting City of Ogdensburg's attorney file a restraining order as appropriate.
- J. Training and instruction: City of Ogdensburg Personnel Aide shall be responsible for ensuring that all employees, including managers and department heads, are provided training and instruction on general workplace security practices. The City Manager shall be responsible for ensuring that all employees and department heads, are provided training and instructions on job specific workplace security practices.
 - (1) Training and instruction shall be provided as follows:
 - (a) To all current employees when the policy is first implemented.
 - (b) To all newly hired employees, department heads or employees given new job assignments for which specific workplace security training for that job assignment has not previously been provided.
 - (c) To affected employees whenever management is made aware of a new or previously unrecognized hazard.
 - (2) Workplace security training and instruction includes, but is not limited to, the following:
 - (a) Preventive measures to reduce the threat of workplace violence, including procedures for reporting workplace security hazards.
 - (b) Methods to diffuse hostile or threatening situations.
 - (c) Escape routes.
 - (d) Explanation of this Workplace Violence Prevention Policy.
 - (3) In addition, specific instructions shall be provided to all employees regarding workplace security hazards unique to their job assignment.