

**LOCAL EMERGENCY ORDER
PURSUANT TO EXECUTIVE LAW – SECTION 24**

WHEREAS, on January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a public health emergency of international concern;

WHEREAS, on January 31, 2020, United States Health and Human Services Secretary, Alex M. Azar II, declared a public health emergency for the entire United States to aid the nation's healthcare community in responding to COVID-19;

WHEREAS, on March 7, 2020, the Governor of the State of New York, Andrew M. Cuomo, issued an Executive Order No. 202, declaring a Disaster Emergency in the State of New York, and said declaration has continued to date;

WHEREAS, on March 12, 2020, and following, the Governor issued Executive Order Numbers 202.1 through 202.105, Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency;

WHEREAS, on March 16, April 15, May 15, June 16, July 15, August 13, September 12, October 12, November 11, and December 11, 2020, and on January 11, February 10, March 12 and April 19, 2021, I, Lovely A. Warren, Mayor of the City of Rochester, New York, issued proclamations of Local State of Emergency due to concern regarding the transmission of COVID-19 within the City and the effects of the COVID-19 pandemic on the people of the City of Rochester;

WHEREAS, Executive Law § 24(1)(e) expressly provides that, notwithstanding any inconsistent provision of law, general or special, a local chief executive of a city may prohibit and control the presence of persons on public streets and places;

NOW, THEREFORE, effective 12:01 a.m. on April 30, 2021, pursuant to the powers granted to me by New York State Executive Law Section 24, and in order to adequately protect life and property and to bring the emergency situation under control, it is hereby

ORDERED that City of Rochester facilities shall have limited public access as listed at: <https://www.cityofrochester.gov/coronavirus/>; and it is further

ORDERED that any meeting of any City body or board that is subject to the New York State Open Meetings Law as codified at Article 7 of the Public Officers Law may be conducted virtually through the use of audio-visual technologies and shall not require the in-person attendance of members of the public so long as the

public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed; and it is further

ORDERED that meetings of the City Planning Commission, the Rochester Preservation Board and the Zoning Board of Appeals, including all meeting, action and default deadlines provided in Chapters 120 and 128 of the City Code,¹ shall be postponed until the dates set forth below:

- For the Rochester Preservation Board: May 5, 2021
- For the City Planning Commission: May 10, 2021
- For the Zoning Board of Appeals: May 13, 2021

and that any rules or procedures of these boards providing for in-person oral testimony at any such meeting are hereby suspended and the time for mailing and filing of decisions of these boards is extended from ten to fifteen business days; and it is further

ORDERED that provisions of Sections 120-77.1, 81.B, 105,149A and 177J, and 140-57 and other pertinent provisions of the City Zoning Code be suspended for the period of this Order in order to accommodate implementation of the Governor's Executive Order 202.38 permitting outdoor dining at City restaurants; and it is further

ORDERED that, to further accommodate outdoor dining at City restaurants, the prohibition on excessive noise set forth in Rochester City Code § 75-4 shall be suspended to the extent necessary to exempt from said prohibition, during the hours of 8:00 a.m. to 11:00 p.m., noise emanating from restaurants engaged in outdoor dining. All other provisions of Chapter 75 of the Rochester City Code shall continue to apply to restaurants with outdoor dining, including those provisions regulating sound reproduction devices; and it is further

ORDERED that the number of people present at any residential or non-residential indoor or outdoor gathering that takes place in the City of Rochester shall not exceed the number currently authorized under New York State Law and the Executive Orders of Governor Andrew Cuomo; and it is further

ORDERED that Rochester City Code § 47B-1 is suspended to the extent necessary to allow for statements of domestic partnership to be executed remotely, utilizing audio-video technology, and the Rochester City Clerk is directed to establish and publish conditions and procedures to implement this Ordering clause; and it is further

ORDERED that the City of Rochester Parking Violations Bureau and Municipal Code Violations Bureau shall be authorized to conduct hearings remotely,

¹ See Rochester City Code Sections 120-184, 120-185, 120-186, 120-188, 120-189, 120-190, 120-191, 120-192, 120-193, 120-194, 120-195, and 128-5.

utilizing audio-video technology, so long as the person charged with the violation(s) to be adjudicated consents to holding the hearing by remote means. The Director of the City's Bureau of Parking is directed to establish procedures necessary to undertake remote hearings that are consistent with NYS Vehicle and Traffic Law Article 2-B, Rochester City Charter Section 6-6, and Rochester City Code Chapter 13A; and it is further

ORDERED that City of Rochester Director of Finance shall be authorized to conduct remotely, utilizing audio-video technology, any hearings requested or noticed pursuant to Rochester City Charter § 6-140(F); and it is further

ORDERED that a secure drop box will continue to be maintained at the City Hall Fitzhugh Street entrance for the payment of all City of Rochester tax and other payments; and it is further

ORDERED that all service of process and service of notices of claim shall be made exclusively by certified mail to Corporation Counsel, City of Rochester, 30 Church Street, Rm. 400A, Rochester, New York, 14614; and it is further

ORDERED that Rochester City Charter Sections 3-4 and 6-19, and City of Rochester Ordinance No. 2012-318, are suspended to the extent necessary to allow the Mayor to enter into any contract for services that aid or assist the City in addressing the COVID-19 Emergency, or to extend any existing contract for such services; and it is further

ORDERED that fees for business permits issued to restaurants pursuant to Rochester City Code Sections 90-33 and 90-38 shall be waived during the pendency of the Proclamation of Local Emergency related to the COVID-19 pandemic; and it is further

ORDERED that fees shall be waived for the period of February 1, 2021 to January 31, 2022 for any license issued pursuant to Rochester City Code Sections 29-2 and 29-5; 29-7 and 29-11; 29-13 and 29-16; 37-1 and 37-3; or 98-4 and 98-11; and it is further

ORDERED that fees for any of the following licenses shall be reduced by 25% for the 2021 license year: Food Truck/Trailer License Fees set forth in Rochester City Code Sections 60-6(B), 60-6(C) and 60-6(D); Food Cart License and Temporary Permit Fees set forth in Rochester City Code Sections 60-19(B) and 60-19(C); Commercial Traveler and Solicitor License and Temporary Permit Fees set forth in Rochester City Code Sections 62-3(A)(1), 62-3(A)(2), 62-3(C) and 62-3(D); and it is further

ORDERED, that for any restaurant, the \$85 fee for the annual commercial oven/cooking system operating permit set forth in Rochester City Code Section

54-9(B)(16) shall be waived during the pendency of the COVID-19 Local State of Emergency;

This **Emergency Order** shall be published in the local paper and publicized by an announcement over not less than two radio or television stations within normal operating range of the City and shall remain in force and effect until an announcement that it has been rescinded or expires pursuant to Executive Law Section 24, whichever occurs first.

Dated: April 30, 2021

Time: 5:00 p.m.

A handwritten signature in blue ink that reads "Lovely A. Warren". The signature is written in a cursive, flowing style.

Lovely A. Warren
Mayor, City of Rochester

Instructions:

- 1) Complete or adapt checklist form as necessary.
- 2) Per Exec Law § 24: The Proclamation must be executed in **quadruplicate** and sent within 72 hours, or as soon thereafter as practical, to:
 - a. The City Clerk
 - b. The Monroe County Clerk: 101 County Office Bldg, 39 W Main St, Rochester NY, 14614, mcclerk@monroecounty.gov
 - c. New York Secretary of State: One Commerce Plaza, 99 Washington Ave, Albany, NY 12231-0001
 - d. New York State Watch Center, Office of Emergency Management, Division of Homeland Security and Emergency Services: 1220 Washington Ave, Building 22, Albany, NY 12226
- 3) Per Exec Law § 24: Notice of the Proclamation and Emergency Orders must be sent to:
 - a. The Democrat & Chronicle:
 - a.i. Scott Norris (snorris@democratandchronicle.com)
 - a.ii. Brian Sharp (bdsharp@democratandchronicle.com)
 - b. Local television and radio stations:
 - b.i. news10@whec.com
 - b.ii. news1@whec.com
 - b.iii. newsroom@rochesterhomepage.net
 - b.iv. news@rochesterhomepage.net
 - b.v. pattisinger@minorityreporter.net
 - b.vi. rj@rj.net
 - b.vii. assignment@charter.com
 - b.viii. TheChallengerNews@gmail.com
 - b.ix. rochester@twcnews.com
 - b.x. wdkx@wdkx.com
 - b.xi. news@13wham.com
 - b.xii. whamnews@iheartmedia.com
 - b.xiii. newsroom@wroctv.com
 - b.xiv. newsroom@wxxi.org
 - b.xv. southwesttribunenewspaper@gmail.com
- 4) Send copies of the Proclamation to:
 - a. Monroe County Executive: Adam Bello: 110 County Office Building, 39 W Main St, Rochester NY, 14614
 - b. Monroe County Health Department: Michael Mendoza, 111 Westfall Road, Room 952, Rochester, NY 14620, mchealth@monroecounty.gov
- 5) **NOTE:** This Proclamation will expire within 30 days, unless renewed for additional 30-day increments, pursuant to Executive Law Section 24(1).
- 6) **NOTE:** The Emergency Orders will expire within 5 days, unless renewed for additional 5-increments, pursuant to Executive Law Section 24(2).