

**PLANNING COMMITTEE & FINANCE COMMITTEE**  
**TUESDAY, FEBRUARY 7, 2023, 7:00 PM**  
**COUNCIL CHAMBERS**  
**HURLEY BUILDING, 205 SALTONSTALL STREET**  
**VIRTUAL: <https://us06web.zoom.us/j/84662898580>**  
**LIVE STREAM: <https://fingerlakestv.org/live/>**

**Planning Committee:** Thomas Lyon, Chair  
Ellen Polimeni  
Steve Uebbing  
Dan Unrath

The Canandaigua Town Board and Canandaigua Local Development Corporation have been invited to participate with the Planning Committee and City Council for this agenda.

**1. Canandaigua LDC Strategic Plan**

Last year the Town Board hosted the City Council and the LDC for a joint meeting to review and discuss the mission, vision and strategic imperatives of the LDC for 2022. The LDC has reviewed its strategic imperatives for 2023, which are substantially the same as 2022, and wanted to briefly present them to the Town Board and City Council. Matt Horn of MRB Group which serves as the Executive Director of the CLDC, will present the mission, vision and strategic priorities seeking affirmation from the City Council and Town Board.

**Finance Committee:** Steve Uebbing, Chair  
Ellen Polimeni  
Thomas Lyon  
Dan Unrath

**1. Capital Plans**

Recently, the City Manager has informed City Council of his planned changes to capital plans to address issues that have arisen. Specifically, the City Manager has postponed the reconstruction of North Bloomfield Road in order to utilize a portion of the anticipated debt in the Water Fund related to that project towards replacing and upgrading the sludge collection system and settling tubes at the Water Treatment Plant. Councilmember Uebbing requested a discussion about construction capital projects and how best to financing these projects.

**2. Technology Fund – Budget Amendment**

The FCC adopted new rules for the use of certain radio frequencies and as a result the City must modifications to its camera system and obtain a licensed frequency in order to comply with the Federal rules. The cost to complete the modifications is \$9,036 plus a monthly fee of \$125.50 for a total cost of \$10,542. The City Manager recommends appropriating such funding from the Technology Fund, Fund Balance.

**3. Solid Waste Collection Program**

The City Council has received feedback from various groups related to the City Solid Waste Collection program and has added this item to discuss those items.

#### **4. Volunteer Firefighter Tax Exemption**

In December 2022, Governor Hochul signed legislation that permits any local government to provide a real property tax exemption to volunteer firefighters and volunteer ambulance workers who have served a minimum of two years. Real Property Tax Law §466-a allows for an exemption of up to 10% of the assessed value of the primary residence. In order to authorize such an exemption, a municipality must opt-in via the adoption of a local law. The exemption applies only to the tax levy of the unit of local government that opts in. Specifically for the City's levy, in order for the exemption to be greater than the New York State Income Tax Credit of \$200, a volunteer firefighter or ambulance worker would need to live in a residence valued at \$260,785.

*Next Meeting: March 7, 2023*



## BRIEFING MEMORANDUM

**TO:** Members, Canandaigua City Council  
Members, Canandaigua Town Board

**FROM:** Matt Horn, MRB Group

**RE:** Strategic Priorities, Canandaigua Local Development Corporation

**Date:** February 2, 2023

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The Canandaigua Local Development Corporation was chartered by the City and Town of Canandaigua and the Canandaigua Area Chamber of Commerce to support tax base diversification, economic growth for the community and its residents, and placemaking to ensure a high quality of life for the Canandaigua community.

In furtherance of this charge, the CLDC Board of Directors established a mission statement, vision statement, and regularly sets a series of strategic imperatives to serve as guideposts toward effective delivery of our charge.

### *Vision Statement*

The organizational vision statement is an indicator of the ideal state of the economic conditions in Canandaigua 15 to 20 years into the future. It is designed to be both authentic and aspirational. The inaugural Board of Directors unanimously adopted the vision statement for the CLDC as follows:

**“A community that offers quality living, meaningful work, and a vibrant culture to all.”**

## *Mission Statement*

The organizational mission statement describes our purpose and communicates our operational intentions to internal and external stakeholders. The Board of Directors adopted the following mission statement for the CLDC:

**“To unlock economic opportunities in Canandaigua and steward investment in order to foster an inclusive, vibrant, and sustainable community.”**

## *Strategic Imperatives*

Strategic imperatives are those operational milestones that must be achieved to realize our vision. Building upon the strategy development work built in 2022 in partnership with the City Council and Town Board, the LDC Board has identified the following priorities for 2023:

- Engage in and support activities that promote a seasonal balance in tourism by building upon events occurring outside of the summer months.
- Identify and work to remedy infrastructure impediments to economic development, inclusive of water, wastewater, power, natural gas, and broadband for the corridor from Akoustis to the Lakefront.
- Identify and support securing of funding opportunities necessary to execute projects identified in the Lakefront and Uptown Active Transportation Plans.
- Build and reinforce organizational infrastructure necessary to improve engagement and communications with key stakeholders, including, but not limited to the City Council, Town Board, the Chamber of Commerce Board of Directors, and County economic development agencies.

For 2023, the LDC Board is seeking action from the City Council and Town Board to affirm or modify the mission, vision, and strategic priorities.

City of Canandaigua, NY  
Friday, February 3, 2023

## Chapter 585. Solid Waste

[HISTORY: Adopted by the City Council of the City of Canandaigua 5-27-1993 by Ord. No. 93-11 (Ch. 8.12 of the 1997 Municipal Code). Amendments noted where applicable.]

### GENERAL REFERENCES

Junkyards — See Ch. **450**.

Junked vehicles — See Ch. **657**.

## § 585-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

### BUILDING WASTE

Any and all refuse or residue generated by building construction, reconstruction, repair, demolition, grading, landscaping or other incidental work in connection with the construction, reconstruction, repair, demolition, grading or landscaping of any premises or for replacement of building equipment or appliances.<sup>[1]</sup>

### CITY

The City of Canandaigua, New York.

### CITY-ISSUED GARBAGE CONTAINER

[Added 12-1-2022 by Ord. No. 2022-005]

- A. An approved plastic container designated for garbage and rubbish and issued by the City of Canandaigua. Containers shall be capable of being lifted by mechanical means by City vehicles. Containers shall meet the following specifications:
  - (1) Structure: Containers must be capable of being lifted by mechanical means with City equipment. Specifically, containers must have a steel or metal bar that allows the container to be securely lifted and deposited.
- B. The term "City-issued container" throughout this chapter shall be inclusive of both City-issued garage container and City-issued recyclable container.

### CITY-ISSUED RECYCLABLE CONTAINER

[Added 12-1-2022 by Ord. No. 2022-005]

- A. An approved plastic container designated for recycling and issued by the City of Canandaigua. Containers shall be capable of being lifted by mechanical means by City vehicles. Containers shall meet the following specifications:
  - (1) Identification: Containers must be clearly marked on the outside of the container with the property address and the recycle symbol or the word "recycle."
  - (2) Structure: Containers must be capable of being lifted by mechanical means with City equipment. Specifically, containers must have a steel or metal bar that allows the container to be securely lifted and deposited.

- B. The term "City-issued container" throughout this chapter shall be inclusive of both City-issued garage container and City-issued recyclable container.

### **COMMERCIAL WASTE**

Garbage, rubbish, garden and yard waste and recyclables generated by or resulting from operations of commercial establishments, hotels, restaurants, cafeterias and nonpublic institutions.

### **DPW or DEPARTMENT**

The Department of Public Works of the City of Canandaigua, New York.

### **DIRECTOR or DIRECTOR OF PUBLIC WORKS**

The Director of the Department of Public Works of the City of Canandaigua, New York.

### **DUMPSTER**

A water tight metal container specifically approved by the Director of Public Works, no larger than six cubic yards. Dumpsters are to be inspected and permitted annually.

### **GARBAGE**

Kitchen and house refuse, table cleanings, fruit and vegetable parings and animal waste.

### **GARDEN AND YARD WASTE**

Grass clippings, leaves, twigs, branches up to four inches in diameter, and up to five feet in length, weeds, brush, and shrubbery clippings and other refuse or residue generated by or resulting directly from lawn or garden maintenance.

### **GARDEN AND YARD WASTE CAN or RECEPTACLE**

A watertight, galvanized or nonrusting metal or plastic container of substantial construction that resists cracking from cold that is equipped with a tight-fitting cover and handles of substantial construction or other container specifically approved by the Director of Public Works. The total capacity of such can or receptacle shall not exceed 39 gallons and the total weight when filled shall not exceed 45 pounds, unless the can or receptacle is capable of being lifted by mechanical means by City vehicles, specifically, the can or receptacle must have a steel or metal bar that allows the container to be securely lifted and deposited.

[Added 12-1-2022 by Ord. No. 2022-005]

### **HAZARDOUS HOUSEHOLD WASTE**

Any hazardous waste as defined under the Resource Conservation and Recovery Act, 42 U.S.C. § 9601 et seq., or "hazardous waste" as defined under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 et seq., or "hazardous substance" as defined under New York Environmental Conservation Law § 27-0901 et seq., as each such law may be amended from time to time, and the regulations promulgated thereunder, and any analogous or succeeding federal, state or local law, rule or regulation and any regulations promulgated thereunder and other material which any governmental agency or unit having appropriate jurisdiction shall determine from time to time cannot be processed at a recycling facility because it is harmful, toxic or dangerous.

### **INDUSTRIAL WASTE**

Any and all refuse or residue generated by industrial and manufacturing operations.

### **LICENSED COLLECTOR**

Any person duly licensed, as hereinafter set forth, to collect and dispose of garbage, rubbish, garden and yard waste, and recyclables within the City, and whose license has not expired and has not been revoked or suspended.

### **MIXED-USE PROPERTY**

For the purposes of this chapter, a property/premises that includes both commercial and residential uses.

[Added 2-4-2010 by Ord. No. 2010-003]

**MULTIPLE DWELLING**

For the purposes of this chapter, a property/premises occupied as the residence or home of more than four families living independently of each other.

[Amended 2-4-2010 by Ord. No. 2010-003]

**PERSON**

Includes any individual or individuals, partnership, association, corporation or firm.

**PLASTIC BAGS or TRANSPARENT PLASTIC BAGS**

Transparent plastic film (bags) with a minimum film thickness of 1.2 mils of adequate size for its contents of garbage or rubbish as specifically approved by the Director of Public Works.<sup>[2]</sup>

**RECYCLABLES**

Such items of recyclable or reusable paper, glass, metal, plastic, and such other recyclable or reusable components of solid waste as may be designated by the Director of Public Works or by the Ontario County Director of the Department of Solid Waste Management at least 30 days prior to the effective date of said designation, and published once in the official newspaper of the City, and further provided that such material is not hazardous household waste as defined herein and can be reasonably separated from the solid waste stream and held for material recycling for reuse value.

**ROLL-OFF CONTAINER**

An open topped metal container, specifically approved by the Director of Public Works, no larger than 40 cubic yards. Roll-off containers are to be inspected and permitted annually.

[Amended 4-5-2001 by Ord. No. 2001-003]

**ROOMING HOUSE**

A dwelling occupied by more than two individuals living as separate households. Rooming houses include, but are not limited to, residential facilities licensed by the Veterans Administration Medical Center.

[Added 2-4-2010 by Ord. No. 2010-003]

**RUBBISH**

All nonrecyclable containers and paper products, rags, sweepings, small pieces of wood, excelsior, rubber, leather and similar waste materials that ordinarily accumulate around a home. Ashes shall be specifically excluded from this definition. Recyclables as defined herein shall be specifically excluded from this definition. Any item which cannot be enclosed within a can or receptacle as herein defined shall also be excluded from this definition.

**SHARPS**

Needles, syringes and lancets.

[Added 3-1-2012 by Ord. No. 2012-001]

**SINGLE-FAMILY DWELLING**

For the purposes of this chapter, a property/premises occupied as the residence or home of one family only, including: townhouses, townhomes or condominium units.

[Added 8-12-1993 by Ord. No. 93-14; amended 2-4-2010 by Ord. No. 2010-003]

**TRADE WASTE**

All putrescible organic matter resulting from the processing and/or packing of products not consumed on the premises.

**TWO- TO FOUR-FAMILY DWELLING**

For the purposes of this chapter, a property/premises occupied as the residence or home of more than one, but not more than four families living independently of each other.

[Amended 2-4-2010 by Ord. No. 2010-003]

[1] *Editor's Note: The former definition of "blue box," which immediately preceded this definition, was repealed 12-1-2022 by Ord. No. 2022-005.*

*The former definition of "can or receptacle," which immediately followed this definition, was repealed 12-1-2022 by Ord. No. 2022-005.*

- [2] *Editor's Note: The former definition of "recyclable receptacle," which immediately followed this definition, was repealed 12-1-2022 by Ord. No. 2022-005.*

## § 585-2. Preparation of garbage, rubbish, garden and yard waste and recyclables for collection.

[Amended 8-12-1993 by Ord. No. 93-13; 4-5-2001 by Ord. No. 2001-003]

- A. Garbage generated by or originating in a single-family or two- to four-family dwelling shall be drained of surplus water and shall be placed in a transparent plastic bag in such a manner as to prevent leakage. Animal waste shall be double bagged, tightly sealed and not exceeding 20 pounds.

[Amended 12-1-2022 by Ord. No. 2022-005]

- B. Rubbish shall be placed in a transparent plastic bag and such bag may be deposited in a City-issued garbage container and only such rubbish shall be placed for collection as can be deposited within such plastic bag(s) and within such City-issued garbage container and the cover thereon closed.

[Amended 12-1-2022 by Ord. No. 2022-005]

- C. Recyclables shall be deposited in a City-supplied recyclable receptacle. All recyclables shall be physically separated from other cans or receptacles when placed for collection. The Director of Public Works may from time to time issue rules and regulations for the preparation and collection of recyclables. Proper instructions with regard to recyclables shall be provided periodically to every residence. In the event of a change in the rules and regulations governing the preparation or collection of recyclables, new instructions shall be provided a minimum of 30 days prior to any enforcement action.

[Amended 4-7-2011 by Ord. No. 2011-002; 12-1-2022 by Ord. No. 2022-005]

- D. Garden and yard waste shall be placed in a can or receptacle as herein defined. Garden and yard waste may be placed in biodegradable lawn bags, as approved by the Director of Public Works. Tree limbs shall be tied in bundles which shall not exceed five feet in length and 45 pounds in weight with cut ends placed together.

[Amended 4-7-2011 by Ord. No. 2011-002]

- E. <sup>[1]</sup>All City-issued garbage and recycling containers and garden and yard waste cans, receptacles, and bundled tree limbs shall be placed at curbside or, in the event that there is no curb, within 10 feet of the edge of pavement for the purpose of collection.

[Amended 4-7-2011 by Ord. No. 2011-002]

[1] *Editor's Note: Former Subsection E, regarding garbage and rubbish deposit, was repealed 12-1-2022 by Ord. No. 2022-005. This ordinance also renumbered former Subsections F through I as Subsections E through H, respectively*

- F. All bags shall be properly tied or sealed to prevent attraction by rodents, animals, maggots, flies, or other health hazards. Leaking bags or bags frozen to containers or receptacles, and improperly bagged or stored garbage which attracts rodents, animals, maggots, excessive flies, or creates similar health hazards, will not be collected by the Department.

- G. Fall leaf collection: no later than October 10 of any year, the Department of Public Works will advertise its collection procedures, including schedules for the collection of loose leaves that are placed in the City right-of-way. Placement of leaves in the street right-of-way after the scheduled collection will constitute a violation of this chapter.

- H. No sharps may be placed in any bag, can or other container for collection.

[Added 3-1-2012 by Ord. No. 2012-001]



## § 585-3. Cans, receptacles or recyclable receptacles.

[Amended 4-5-2001 by Ord. No. 2001-003; 3-21-2002 by Ord. No. 2002-002; 1-20-2005 by Ord. No. 2005-001; 4-7-2011 by Ord. No. 2011-002; 12-1-2022 by Ord. No. 2022-005]

- A. All City-issued garbage and City-issued recycling containers shall be maintained in a good, clean and sanitary condition by the owner or user thereof and shall not be permitted to have any ragged or sharp edges or other defects to hinder or harm the person(s) handling the contents thereof. Should the container deteriorate to such an extent that the same becomes dangerous or liable to injure or hinder the person collecting the contents thereof or if it should leak, then the user must notify the Department of Public Works of a deteriorated City-issued container. The Department of Public Works will issue a replacement.
- B. All garden and yard waste cans and receptacles shall be maintained in a good, clean and sanitary condition by the owner or user thereof and shall not be permitted to have any ragged or sharp edges or other defects to hinder or harm the person(s) handling the contents thereof. Should the container deteriorate to such an extent that the same becomes dangerous or liable to injure or hinder the person collecting the contents thereof or if it should leak, then it must be replaced by a proper container within one week of receipt of written notification from the Department of Public Works. The cost of such replacement container shall be the responsibility of the container owner.
- C. It shall be the duty of each person whose garbage, rubbish, yard waste or recyclables is being disposed of as provided herein to furnish or request a sufficient number of City-issued garbage containers, City-issued recycling containers and garden and yard waste cans or receptacles to hold all garbage, rubbish, yard waste and recyclables accumulated between periods of collection and to keep all cans or receptacles covered at all times with proper tight-fitting metal or plastic covers. No City-issued container, cans, or receptacles shall be placed in the front yard of any residential premises unless such are located on the premises in such a manner as to be hidden from public view, or are screened from public view by landscaping or fencing. For the purposes of this section, "front yard" shall mean the open space between the residence and any adjacent street and "public view" shall mean view at ground level from an adjacent street. Exceptions may be granted at the discretion of the Director of Public Works when there is no alternate location for such receptacles and no feasible means of concealing such receptacles from public view. The justification for such exceptions shall be documented in writing.
- D. It shall be unlawful for anyone other than the owner, tenant or occupant of any premises from which garbage, rubbish, garden and yard waste, or recyclables are collected, or the authorized employees or agents of the Department, or a duly licensed collector to disturb any City-issued container, can or receptacle or to remove the cover or any of the contents thereof when placed for collection.
- E. It shall be unlawful for anyone to strew or scatter the contents of any City-issued container, garden and yard waste can or receptacle containing garbage, rubbish, yard waste or recyclables upon any lawn, sidewalk, street, alley, lane, park, parkway, playground, parking lot, empty lot, or upon the waters of Canandaigua Lake, or of any creek, slip, basin or any other place in the City of Canandaigua, New York.
- F. It shall be unlawful for any owner, tenant, or occupant of any premises within the City of Canandaigua, after due notice from the Department to permit or allow garbage, rubbish or recyclables to accumulate or be stored or remain along or around City-issued container, cans or receptacles.
- G. It shall be unlawful for any owner, tenant, or occupant of any premises within the City of Canandaigua to place for disposal any garbage, rubbish, garden and yard waste, and recyclables not generated within the boundaries of the City of Canandaigua.
- H. No person shall allow, place, keep or permit any garbage, rubbish, building waste, garden and yard waste or debris on any lot, private or public street, highway, alley, lane, square, or park within the

limits of the City, except as provided in this chapter.

- I. No person shall remove a City-issued container from the property to which it was issued.

## § 585-4. Composting.

[Added 12-1-2022 by Ord. No. 2022-005<sup>[1]</sup>]

It shall be lawful for any owner, tenant or occupant of any premises within the City of Canandaigua to compost garden and yard waste. The following conditions shall apply:

- A. The site of the compost pile, bin, or container shall be located in the side or rear yard and visually screened with fencing or landscaping.
- B. The material to be composted must be generated on site and no importation of material will be allowed.
- C. The square foot area occupied by the compost site shall not exceed 2% of the lot area of the property on which it is located.
- D. Complaints of obnoxious odors and/or rodents being attracted to the site must be addressed within 48 hours, including the removal of the compost material.
- E. Compost sites may not include any of the following materials:
  - (1) Fatty or high-protein food wastes, including meat or fish, bones, dairy products, and vegetable oils.
  - (2) Dog or cat manures.
  - (3) Undecomposed manure from any animal, except animals legally maintained on the premises in accordance with Chapter **253**, Animals, Article I, Keeping of Animals, of the Code of the City of Canandaigua. Any fresh manure added to the compost must immediately be covered with dry material such as soil, straw, sawdust, wood shavings or finished compost. Any compost containing such animal manure must be located a minimum of 20 feet from any property line.

[1] *Editor's Note: This ordinance also renumbered former §§ 585-4 through 585-12 as §§ 585-5 through 585-13, respectively.*

## § 585-5. Public collection of garbage, rubbish, garden and yard waste and recyclables.

[Amended 8-3-2000 by Ord. No. 2000-009; 4-5-2001 by Ord. No. 2001-003]

- A. The Department shall collect and dispose of garbage, rubbish, garden and yard waste, and recyclables generated within the boundaries of the City of Canandaigua as hereinbefore defined and as further limited by this chapter. The removal of such recyclables shall be made at least once per month, the removal of such garbage and rubbish at least once per week, and the removal of garden and yard waste shall be made at least once per month, excepting when prevented by adverse weather conditions or declared emergency, and shall be made at such time or times that the Department may determine. Such removal and disposal shall be under the direction of the Department and said Department is hereby authorized and empowered to make and publish rules and regulations concerning the days of collection of garbage, rubbish, garden and yard waste, and recyclables and any and all rules and regulations pertaining to the collection and disposal of garbage, rubbish, garden and yard waste and recyclables as it may deem advisable, provided that such rules and regulations are not contrary to this chapter or any existing ordinance. The City of Canandaigua shall not be liable for the loss or damage of or to any garden or yard waste cans or receptacles. The City will replace lost or damaged City-issued containers but reserves the right to

charge for replacement if there is evidence that the containers were not maintained or a pattern of damage occurs.

[Amended 4-7-2011 by Ord. No. 2011-002; 12-1-2022 by Ord. No. 2022-005]

- B. The collection of garbage, rubbish, garden and yard waste and recyclables by the Department shall be limited to garbage, rubbish, garden and yard waste and recyclables of single-family dwellings and two- to four-family dwellings, and such collections shall not include commercial waste, industrial waste, trade waste, hazardous household waste, building waste or waste from multiple dwellings, or mixed-use properties with a primary commercial use.  
[Amended 2-4-2010 by Ord. No. 2010-003; 3-4-2010 by Ord. No. 2010-004; 11-18-2010 by Ord. No. 2010-014; 4-7-2011 by Ord. No. 2011-002; 12-1-2022 by Ord. No. 2022-005]
- (1) Under this chapter, the Department shall collect garbage, rubbish, garden and yard waste, and recyclables from premises occupied by organizations exhibiting to the Department a 501(c)(3) certificate from the Internal Revenue Service of the US Treasury Department and from churches, which pay to the City all refuse collection fees pursuant to this chapter.
- C. No City-issued container, garden and yard waste can or receptacle containing garbage, rubbish, garden and yard waste, or recyclables shall be placed at curb side any earlier than 6:00 p.m. in the evening of the day prior to scheduled collection. All such cans and receptacles shall be available for collection no later than 6:00 a.m. on the scheduled collection day and shall be removed within 24 hours of collection.  
[Amended 12-1-2022 by Ord. No. 2022-005]
- D. Where garbage, rubbish, garden and yard waste and recyclables are stored in excess of 200 feet from a public roadway, collection vehicles may utilize private driveways and private streets to assist in collection; provided, however, that no claim or action may be taken against the City of Canandaigua for damages alleged to have occurred on any such driveway or street by reason of the operation of collection vehicles upon the premises and provided further that the Director of the Department of Public Works may require a permit and waiver of claims from any property owner storing garbage, rubbish, garden and yard waste and recyclables in excess 200 feet from a public roadway.
- E. Exemption from curbside collection of garbage, rubbish and recyclables is allowed for any household in which all residents meet (not including individuals under 12 years of age) the definition of being a qualified individual with a disability as defined in the Americans With Disabilities Act.<sup>[1]</sup> Exemptions are renewable every two years (anniversary date). Applications for exemption from curbside collection of garbage, rubbish and recyclables are obtainable from the Department of Public Works and shall be forwarded, upon completion by the applicant's physician, to the ADA Coordinator.

[1] *Editor's Note: See 42 U.S.C. § 12101 et seq.*

## § 585-6. Licensed collectors; fee.

[Amended 4-5-2001 by Ord. No. 2001-003]

- A. No person, firm, association or corporation shall engage in the collection and disposal of garbage, rubbish, garden and yard waste, recyclables or building waste within the City without first obtaining a license therefor from the City Clerk and after inspection has been made of the receptacles and vehicles by the Department of Public Works. The fee for such license, per year to run from January 1 to December 31 of each year, shall be as set from time to time by resolution of the City Council.  
[Amended 5-3-2007 by L.L. No. 1-2007; 12-1-2022 by Ord. No. 2022-005]
- B. No person, firm, association nor corporation shall convey or carry any garbage, rubbish, garden and yard waste or recyclables upon or through any street, lane, alley or driveway or other public place in the City except the same shall be carried in cans or receptacles with covers as herein provided which shall be watertight and covered with a closed cover and kept securely closed during transfer. Trucks and trailers utilizing the transfer facility shall secure garbage, rubbish, garden and

yard waste and recyclables with a tarpaulin and or similar material to prevent spillage onto the highway.

- C. The cans or other containers used for the accumulation of garbage, rubbish, garden and yard waste and recyclables intended to be collected by licensed collectors of garbage, rubbish, garden and yard waste, and recyclables shall be kept securely closed with a cover, shall be emptied each week and more often if necessary and directed by the Code Enforcement Officer or the Director of the Department of Public Works, and said cans shall be thoroughly cleansed and disinfected by said collector when emptied and more often if for any reason the same becomes offensive and unsanitary or when so ordered by the Code Enforcement Officer or the Director of the Department of Public Works of the City.
- D. No dumpsters and roll-off containers shall be used as herein provided without first obtaining approval from the Code Enforcement Officer or the Director of the Department of Public Works.
- E. The collection of garbage, rubbish, garden and yard waste, and recyclables shall be performed by licensed collectors between the hours of 6:00 a.m. and 8:00 p.m., except that a special permit, with fee to be set by the City Council, may be obtained if, in the sole discretion of the Director of the Department of Public Works, the collection at other hours is deemed reasonable and necessary.
- F. No person licensed as a collector or regularly engaged as a collector shall dispose of or store in any place within the City, any collected garbage, rubbish, recyclables or garden and yard waste.
- G. No person shall park or allow to remain standing within the City, any vehicle used for the collection of garbage, rubbish, garden and yard waste, or recyclables when fully or partially loaded except during and incidental to the collection of garbage, rubbish, garden and yard waste, or recyclables. The parking of such a vehicle between the hours of 9:00 p.m. and 6:00 a.m., while fully or partially loaded is specifically prohibited within the boundaries of the City.

## § 585-7. Screening of dumpsters.

[Added 7-18-2002 by Ord. No. 2002-020; amended 11-18-2010 by Ord. No. 2010-013]

- A. All dumpsters and/or roll-off containers used for the collection and disposal of solid waste generated by any commercial, institutional, and multifamily use and located in or immediately adjacent to residential districts or uses shall be screened from public views by landscaping or fencing, or shall be located on the premises in such a manner as to be hidden from public view. For the purposes of this section, "public view" shall mean view at ground level from a public street or way, or from across a property line separating that use from an adjoining residential use.
  - (1) Temporary use. This screening requirement shall not apply to the temporary use of dumpsters and/or roll-off containers for the collection of construction or demolition debris generated by a construction project currently underway on the premises. All unscreened roll-off containers and/or dumpsters used for such construction or demolition debris must be removed from the premises within 30 days from completion of the construction project or termination of a building permit, whichever occurs first.

## § 585-8. Trade waste.

- A. Trade waste shall not be collected by the City of Canandaigua and shall not be buried, burned, deposited or dumped within the boundary limits of the City. All of said trade waste shall be removed from the premises or place of origin by the manufacturer and/or processor in accordance with the rules and regulations promulgated by the Department.
- B. Any accumulation of garbage, rubbish, garden and yard waste or recyclables in an amount in excess of one cubic yard for a period of seven consecutive days shall be classified and designated as trade waste except garbage from schools and hospitals.

## § 585-9. Compliance required; exceptions.

It shall be unlawful for any person to sell, bury, burn or otherwise dispose of garbage, rubbish, garden and yard waste or recyclables except as provided herein and excepting when other disposition thereof is approved in writing by the Department and further excepting by means of an approved mechanical disposal unit discharging into a sewer.

## § 585-10. Transportation requirements.

[Amended 4-5-2001 by Ord. No. 2001-003]

It shall be lawful for persons or corporations to transport garbage, rubbish, garden and yard waste, or recyclables as is herein defined provided such transportation is done in a manner where such garbage, rubbish, garden and yard waste, or recyclables are not strewn about streets or lawns.

## § 585-11. Violations; enforcement procedures; penalties for offenses.

[Amended 4-5-2001 by Ord. No. 2001-003; 1-20-2003 by Ord. No. 2005-001]

### A. Violations.

- (1) It shall be unlawful for any person, firm, or corporation to engage in the business of receiving, collecting or transporting residential and/or commercial garbage, rubbish, garden and yard waste, recyclables, or building waste in the City of Canandaigua without first obtaining a license in accordance with § **585-6** of this chapter.  
[Amended 12-1-2022 by Ord. No. 2022-005]
- (2) It shall be unlawful for any person, firm, or corporation to fail to prepare materials for collection in the manners specified in § **585-2** of this chapter.
- (3) It shall be unlawful for any person, firm, or corporation to fail to adhere to the provisions of §§ **585-3**, **585-4** and **585-7** of this chapter, relating to the storage and collection of garbage, rubbish, garden and yard waste, and recyclables.  
[Amended 12-1-2022 by Ord. No. 2022-005]
- (4) It shall be unlawful for any person, firm, or corporation to fail to adhere to the provisions of § **585-8** of this chapter relating to the disposition of trade waste.  
[Amended 12-1-2022 by Ord. No. 2022-005]
- (5) It shall be unlawful for any person, firm, or corporation to fail to adhere to the requirements of § **585-10** of this chapter relating to the use of vehicles in the collection and transportation of refuse in the City of Canandaigua.  
[Amended 12-1-2022 by Ord. No. 2022-005]
- (6) It shall be unlawful for any person, firm, or corporation to violate any other provision of this chapter.

### B. Enforcement procedure.

- (1) Enforcement of this chapter shall be the responsibility of the Director of Public Works or the Code Enforcement Officer, or their authorized designees and any other police officer and any other peace officer.
- (2) If a condition existing on a property violates the provisions of this chapter, the Director of Public Works, or the Code Enforcement Officer, shall serve or cause to be served a written demand notice, by regular mail or personal service upon the owner, owner's legal representative,

lessee, agent, tenant, or other person exercising control of the premises. Said demand notice shall contain identification of the premises as appears on the current assessment roll of the City; a statement of the condition of the premises as found at the time of the inspection; a demand to maintain property in compliance with this chapter and/or that motorized equipment, litter, appliances, rubbish, refuse, recyclables, or debris be removed from the premises on or before five days after the mailing or service of such notice.

[Amended 8-1-2019 by Ord. No. 2019-003]

- (3) Whenever an owner, owner's legal representative, lessee, agent, tenant, or other person exercising control over the property, fails to comply with the above demand notice said failure shall prima facie be deemed to be a violation of this chapter or any rule or regulation adopted pursuant to this chapter.
- (4) The Department of Public Works may refuse to collect and dispose of any garbage, rubbish, garden and yard waste, and recyclables where the same are not prepared, stored, or placed for collection in conformity with this chapter, or in conformity with the rules and regulations duly issued thereunder, or in the event of any violation of this chapter, or in the event of a refusal to comply with any of the provisions of this chapter.
- (5) Upon the failure of the property owner, the owner's legal representative, lessee, agent, tenant, or other person exercising control over the premises to correct the violation within five days after the mailing or service of the demand notice, the Code Enforcement Officer, or authorized designees shall have the authority to issue an appearance ticket subscribed by them, directing the person to whom the demand notice was mailed or served, to appear in a designated local criminal court at a designated future time in connection with the alleged commission of a designated violation of this chapter or any order made thereunder.
- (6) If this chapter is not complied with, either the Code Enforcement Officer or the Director of Public Works may serve written notice upon the person having the care or control of any lot to comply with the provisions of this chapter. If the person upon whom the demand notice is served fails, neglects, or refuses to comply with the provisions of the demand, within five days of service or mailing of such demand notice, or if no person can be found in the City who either has or claims to have the care or control of such property, the Director of Public Works may cause discarded garbage, rubbish, building waste, recyclables or garden and yard waste or debris to be removed from the property, or take other steps deemed by the Director of Public Works as necessary to ensure compliance with this chapter.

#### C. Penalties.

- (1) Any business, firm or corporation who shall fail to comply with any applicable provisions of this chapter shall be subject to the revocation of the license hereunder. The City Manager shall have power to revoke any such license for cause shown after a hearing on 10 days' written notice to the license holder, specifying the nature of the violation.
- (2) Violation of any of the applicable provisions of this chapter shall severally for each and every violation be punishable by a fine not more than \$250 or by imprisonment not exceeding 15 days, or both. The imposition of one penalty for any violation shall not excuse the violation nor permit it to continue, and all such persons shall be required to correct or remedy such violation or defects within a reasonable time, and each day that the prohibited condition(s) or violation(s) continues shall constitute a separate violation. The imposition of the penalties set forth in this section shall be in addition to any other penalty or enforcement procedure set forth in this chapter or other laws of the City of Canandaigua or any other jurisdiction, including the application for an injunction to enforce the provisions of this chapter.  
[Amended 5-3-2007 by L.L. No. 1-2007]
- (3) In the event of the failure, refusal, or neglect of the person so notified to comply with this chapter, the Director of Public Works may provide for the removal of any such materials either by City employees or by contract. All expenses incurred by the City in connection with proceedings to collect and dispose of any material, or to otherwise ensure compliance with this chapter, plus 50% of the cost for inspection and other costs in connection therewith (with a

minimum of \$50 shall be assessed against the property on which such violation existed). Said amount shall be certified by the Director of Public Works to the City Manager and the Clerk/Treasurer and shall thereupon become and be a lien upon the property where the violation of this chapter occurred and shall be added to and become part of the taxes next to be assessed and levied upon such lot and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as such taxes.

## § 585-12. Annual cleanup.

- A. The City Council may by resolution adopt rules and regulations for such annual cleanups as it may elect to undertake.
- B. Any violation of the rules and regulations so adopted shall be punishable as provided in § **585-11** herein.  
[Amended 12-1-2022 by Ord. No. 2022-005]
- C. In addition thereto, the Department may refuse to collect and dispose of any item placed for collection in such annual cleanup in the event of the violation of any such rule or regulation.

## § 585-13. Payment for services.

[Added 12-3-2009 by Ord. No. 2009-017; amended 2-4-2010 by Ord. No. 2010-003]

- A. The collection and disposal of solid waste, yard waste and certain recyclable materials as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees as set forth in the City budget or adopted by resolution of the City Council.
- B. Bills will be sent to the owner of record. The responsibility for payment of the bill shall rest with the owner of record. Failure to pay shall result in imposition and foreclosure of a lien on the property under the terms of Subsections **E** and **F** herein. The owner of record shall notify the City of any change in ownership or tenancy. No adjustment of bills will be made by the City as between the owners or tenants.
- C. All fees are due and payable in net cash when rendered. In case any fees or charges provided in this chapter and by the rules and regulations as established by the Department pursuant to § **585-5** shall not be paid within 20 days following rendering of the bill, such bill shall be delinquent. The City or its agents may then discontinue collection service, at its option, and if not paid within 60 days after such bill has become delinquent, the City or its agents shall cease collection service to the customer, and service will not be reestablished until such unpaid charges are fully paid. Written notice of termination of service shall be given to the owner of record as reflected in the Office of the Assessor, such notice to be given not less than 10 days prior to termination of service. Such notice may be given at any time after a bill has become due and payable.  
[Amended 12-1-2022 by Ord. No. 2022-005]
- D. Late payment penalty. Collection fees in arrears past 20 days of the rendering of the bill shall accrue a penalty of 15% of said unpaid arrears. A bill shall be considered rendered upon its mailing by the City.  
[Amended 12-1-2022 by Ord. No. 2022-005]
- E. Solid waste collection fees and other assessed fees and charges shall constitute a lien upon the real property served by the City, or such part or parts thereof, for which collection fees and charges shall have been established and imposed. The lien shall be prior and superior to every other lien or claim except that of an existing tax, assessment or other lawful charge imposed by or for the state or a political subdivision or district thereof.
- F. Additional remedy for nonpayment. The City of Canandaigua may maintain an action:

- (1) As upon solid waste collection fees in arrears, including penalties and interest; or
- (2) To foreclose liens for such solid waste collection fees; or
- (3) To levy solid waste collection fees in arrears as taxes in the annual tax rolls, to be collected and enforced in the same manner as provided for City taxes generally, and as specified in § 452, Subdivision 4, of the General Municipal Law.





## **New Law Authorizes Volunteer Firefighter and Ambulance Worker Property Tax Exemption**

January 5, 2023

Last month Governor Hochul signed legislation that permits any local government to provide a real property tax exemption to volunteer firefighters and volunteer ambulance workers who have served a minimum of two years ([see Chapter 670 of the Laws of 2022](#)). The law took effect immediately and can be implemented now by your governing bodies. (Previously, only local governments that received special state legislative authority could enact such an exemption.)

Specifically, Real Property Tax Law § 466-a allows for an exemption of up to 10% of the assessed valuation of the primary residence of volunteer firefighters and/or volunteer ambulance workers. In order to authorize such exemption, a municipality must opt-in via the adoption of a local law. Once a local government opts in, an [application](#) for the exemption by the volunteer firefighter or volunteer ambulance worker must be filed with the local assessor before the applicable “taxable status date.” The exemption applies only to the tax levy of the unit of local government that opts in. For example, if a village opts in but the town does not, an eligible volunteer firefighter or volunteer ambulance worker would be entitled to an exemption on their village taxes but not their town taxes.

In addition to the basic eligibility criteria noted above, the following requirements apply:

- The property must be owned by the volunteer firefighter or volunteer ambulance worker;
- The volunteer must reside in the jurisdiction served by the fire company, fire department, or ambulance entity to which the volunteer belongs;
- The property must be the primary residence of the volunteer firefighter or volunteer ambulance worker;
- The property must be used exclusively for the volunteer’s residential purposes, or if used for other purposes, only the volunteer’s residential portion is entitled to the exemption; and,
- The authority having jurisdiction must certify that the volunteer is an enrolled member of the fire company, fire department, or ambulance

service, as applicable.

In order to implement the exemption, your city or village must establish a minimum service requirement -- between two years and five years of service -- as well as develop a procedure for certifying that such volunteers are eligible. In addition, if authorized by the local government, the new law provides that any enrolled member who accrues more than 20 years of active service shall be eligible to receive the 10% exemption for life as long as the property remains the volunteer's primary residence. The law also allows localities to extend the tax exemption for the lifetime of a surviving, unremarried spouse of a deceased volunteer. For the exemption to apply to an unremarried spouse, the deceased volunteer must have served for at least 20 years and received the exemption for the subject property prior to his or her death. In the event of a line-of-duty death of a volunteer, an unremarried spouse is eligible to have the partial tax exemption remain as long as the deceased volunteer was an enrolled member of a volunteer fire company or ambulance service for at least five years and received the exemption for such property prior to the line-of-duty death. Each of these optional provisions would have to be adopted a part of the local law.

It is important to note that any city or village that is already providing an exemption from taxation for an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service pursuant to a special authorization can continue to do so, but must adopt a local law by December 9, 2025, that conforms to the provisions of this new law.

Click [here](#) to view a sample local law that could be used to allow for this exemption in your municipality. As always, we encourage you to have your municipal attorney review such local law prior to adoption.

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