

CITY COUNCIL AGENDA
MONDAY, FEBRUARY 23, 2026 6 P.M.
CITY COUNCIL CHAMBERS- HURLEY BUILDING
205 SALTONSTALL ST.
VIRTUAL: <https://us06web.zoom.us/j/82103183289>
LIVE STREAM: <https://fingerlakestv.org/live/>

City Council: **Thomas Lyon, Mayor**
 Michael Mills, Councilmember Ward I
 Guy Turchetti, Councilmember Ward II
 Donna Cator, Councilmember Ward III
 Erich Dittmar, Councilmember Ward IV
 Sim Covington, Councilmember-at-Large
 J.T. Squires, Councilmember-at-Large
 Doug Merrill, Councilmember-at-Large
 Gwen Van Laeken, Councilmember-at-Large

John Goodwin, City Manager
 Shawna Bonshak, Assistant City Manager
 Erin VanDamme, City Clerk
 David Hou, Corporation Counsel

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Public Hearings:** A Public Hearing on a Local Law Amending Chapter 612 of the Canandaigua Municipal Code Providing for a Partial Tax Exemption for Real Property in the City of Canandaigua Owned by Certain Persons with Limited Income who are Sixty-Five (65) Years Old or Over Pursuant to Section 467 of New York State Real Property Tax Law

 A Public Hearing on an Ordinance Amending Chapter 585 Solid Waste Regarding the Regulation of Temporary Dumpsters
- 4. Review of Community Core Values:**
As residents, city staff and appointed & elected officials of the City of Canandaigua, our decisions and actions will be guided by these core values: Responsive; Participatory Governance; Caring & Respect; Integrity; Heritage; Stewardship; and Continuous Improvement.
- 5. Approval of Minutes: January 26, 2026**
- 6. Recognition of Guests:**
- 7. Manager’s Report:**
- 8. Resolutions:**
Resolution #2026-013: A Resolution Setting the Time and Place of a Public Hearing on an Ordinance Amending Chapter 648, “Vehicles and Traffic” Regarding Parking Restrictions on Howell Street

Resolution #2026-014: A Resolution Setting the Time and Place of a Public Hearing on an Ordinance Repealing Chapter 795, “Stormwater Management and Erosion Control,” and Adopting a New Chapter 795 of the City of Canandaigua Code

Resolution #2026-015: A Resolution Establishing a Citywide Standard for Fire Hydrants

Resolution #2026-016: A Resolution Authorizing a Contract for a Water Resource Recovery Facility (WRRF) Comprehensive Capital Improvements Study

Resolution #2026-017: A Resolution Waiving the Central on Main from 246-2 Open Container Ordinance and Allowing up to Four (4) Private Ticketed Events

9. Local Law:

Local Law #2026-002: A Local Law Amending Chapter 612 of the Canandaigua Municipal Code Providing for a Partial Tax Exemption for Real Property in the City of Canandaigua Owned by Certain Persons with Limited Income who are Sixty-Five (65) Year Old or Over Pursuant to Section 467 of New York State Real Property Tax Law

10. Ordinances:

Ordinance #2026-001: An Ordinance Amending Chapter 585 Solid Waste Regarding the Regulation of Temporary Dumpsters

Ordinance #2026-002: An Ordinance Amending Chapter 648, "Vehicles and Traffic" Regarding Parking Restrictions on Howell Street

Ordinance #2026-003: An Ordinance Repealing Chapter 795, "Stormwater Management and Erosion Control," and Adopting a New Chapter 795 of the City of Canandaigua Code

11. Executive Session: To discuss the acquisition of real property

12. Adjournment

RESOLUTION #2026-013

A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON AN ORDINANCE AMENDING CHAPTER 648 “VEHICLES AND TRAFFIC” REGARDING PARKING RESTRICTIONS ON HOWELL STREET

WHEREAS, the City Council is required by law, to hold a public hearing on changes to Chapter 648; and

NOW, THEREFORE, BE IT RESOLVED, by City Council that a public hearing on an Ordinance amending Chapter 648 shall be held in the City Council Chambers, Hurley Building, 205 Saltonstall Street, Canandaigua, New York and/or virtually at <https://us06web.zoom.us/j/82103183289> during the City Council meeting beginning at 6 p.m. on March 16, 2026;

BE IT FURTHER RESOLVED, the City Clerk shall cause notice to be given the same as the requirements of Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law.

ADOPTED this 23rd day of February, 2026.

ATTEST:

Erin VanDamme
City Clerk

RESOLUTION #2026-014

A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON AN ORDINANCE REPEALING CHAPTER 795, “STORMWATER MANAGEMENT AND EROSION CONTROL,” AND ADOPTING A NEW CHAPTER 795 OF THE CITY OF CANANDAIGUA CODE

WHEREAS, the City Council is required by law, to hold a public hearing on changes to Chapter 795; and

NOW, THEREFORE, BE IT RESOLVED, by City Council that a public hearing on an Ordinance repealing Chapter 795 and adopting a new Chapter 795 shall be held in the City Council Chambers, Hurley Building, 205 Saltonstall Street, Canandaigua, New York and/or virtually at <https://us06web.zoom.us/j/82103183289> during the City Council meeting beginning at 6 p.m. on March 16, 2026;

BE IT FURTHER RESOLVED, the City Clerk shall cause notice to be given the same as the requirements of Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law.

ADOPTED this 23rd day of February, 2026.

ATTEST:

Erin VanDamme
City Clerk

RESOLUTION #2026-015

A RESOLUTION ESTABLISHING A CITYWIDE STANDARD FOR FIRE HYDRANTS

WHEREAS, the City of Canandaigua seeks to create a municipal standard for fire hydrants and their associated replacement parts; and

WHEREAS, standardization will provide efficiency and economy in the stocking of spare parts, familiarity to staff on installation, assembly and maintenance, and allow for future capabilities by deploying 'smart hydrants' that can provide critical distribution system data; and

WHEREAS, the City Manager and Director of Public Works recommend designating Kennedy Valve brand hydrants as the municipal standard to provide the most continuity with what is currently installed throughout the City and the Finance Committee reviewed and approved the recommendation at their February 9, 2026 meeting and; and

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby delegates Kennedy Valve brand hydrants as the municipal standard for the City of Canandaigua and all contracts and awards moving forward will seek to use this brand for continuity.

ADOPTED this 23rd day of February, 2026.

ATTEST:

Erin VanDamme
City Clerk

RESOLUTION #2026-016

A RESOLUTION AUTHORIZING A CONTRACT FOR A WATER RESOURCE RECOVERY FACILITY (WRRF) COMPREHENSIVE CAPITAL IMPROVEMENTS STUDY

WHEREAS, the City of Canandaigua operates a Water Resource Recovery Facility (WRRF) that is subject to updated regulatory requirements under its State Pollutant Discharge Elimination System (SPDES) permit; and

WHEREAS, the City has completed and initiated multiple studies identifying the need for significant capital improvements to the WRRF, including potential biological treatment upgrades, primary clarifier and sludge thickening improvements, evaluation of inflow and infiltration, facility rehabilitation needs, operational challenges associated with the ATAD biosolids process, and planning for future growth and capacity demands; and

WHEREAS, the City has determined that a comprehensive, plant-wide capital improvements study is necessary to evaluate flows and loads, assess existing infrastructure, identify long-term facility needs, develop a prioritized capital improvements plan, and support updates to intermunicipal agreements; and

WHEREAS, Larson Design Group, 1 West Market Street, Suite 301, Corning, New York 14830 has submitted a proposal to provide professional engineering services to perform this comprehensive study and assist the City in planning for regulatory compliance, operational reliability, and future system capacity; and

WHEREAS, the Environmental Committee reviewed and approved the proposal at their February 3, 2026 meeting and the Director of Public Works and City Manager also recommend awarding the contract as a sole source bid due to a continuing professional relationship with Larson Design Group; and

WHEREAS, the total cost of the professional engineering services contract is \$145,000, and this expenditure has been previously and appropriated for this purpose; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby authorizes the award of a contract to Larson Design Group for professional engineering services to complete the WRRF Comprehensive Capital Improvements Study in accordance with their submitted proposal; and

BE IT FURTHER RESOLVED, by the City Council of the City of Canandaigua that the City Manager is hereby authorized to execute all necessary agreements and related documents to implement this contract.

ADOPTED this 23rd day of February, 2026.

ATTEST:

Erin VanDamme
City Clerk



January 26, 2026

Michelle Hess
City of Canandaigua
Water Resource Recovery Facility (WRRF)
183 Saltonstall Street
Canandaigua, NY 14424

Re: Proposal for Professional Engineering Services
WRRF Comprehensive Capital Improvements Study
Canandaigua, New York

Dear Michelle,

Larson Design Group (LDG) is pleased to submit this proposal for professional engineering services to support the City of Canandaigua in developing a comprehensive capital improvements plan for the City's Water Reclamation Recovery Facility (WRRF).

Project Background and Understanding

The City of Canandaigua WRRF received a new SPDES permit (NY0025968) including a Schedule of Compliance for evaluating improvements to the current treatment infrastructure that may be necessary to meet the new effluent limitations. A permittee-initiated modification (PIM) request for a 9-month extension to the schedule of compliance dates was approved to allow for startup of the new ATAD solids and leachate processes. The City met the resultant September 1, 2025 NYSDEC deadline for the biological treatment improvements study which evaluated alternatives for facility improvements to meet the new discharge limitations. This study's key conclusion was that an alternative biological process (MBBR) could meet regulatory requirements, provide greater operational flexibility, and free up significant space at the existing WRRF facility to facilitate future growth.

The City is also near completion on two other grant-funded preliminary engineering studies focused on the need for improvements to the primary clarifiers and sludge thickeners, and measures to quantify and address I&I. The primary clarifier study has identified significant capital improvement costs which should be addressed in a comprehensive, plant-wide approach. Further, the City is aware that there are other significant capital needs at the WRRF, such as facility upgrades to the administration building, and that concerns with the longevity and performance of the secondary clarifiers have not been studied with identification of costs for rehabilitation or replacement.

Further, the \$28M ATAD project has faced continued challenges with startup. These include understanding and adapting the operation of the WRRF to the new process loading as well as regulatory complications delaying or preventing Class A classification of biosolids.

Finally, the City continues to receive requests for additional flows and loads from growth throughout the County when there has been no study of projected growth vs. WRRF capacity.

Larson Design Group

1 West Market Street, Suite 301, Corning, NY 14830
607.936.7076 | larsondesigngroup.com



For these reasons, we are proposing a comprehensive study consisting of a detailed flows and loads analysis, comprehensive evaluation of the entire WRRF, development of a capital improvements plan, and assistance with updating the City/County IMA.

The following scope of services and fees have been developed after discussions with the City to determine the level of effort most appropriate for this undertaking.

Scope of Services

Task 1 – Flows and Loads Analysis

Complete a study advancing the current flows and loads assessment and projecting flows and loads at 15-year and 30-year horizons based on planned and potential growth in the WRRF's wastewater service area.

- Compile key information on leachate receiving and ATAD process performance since startup of the ATAD process and study the current and anticipated future flows and loads from leachate and the associated ATAD process.
- Study larger data set of historic WRRF data and project historic flows and loads trends into future and compare with current hydraulic and treatment design loads for all major unit processes.
- Facilitate one planning workshop with County and all three Towns within the WRRF service area to review the current state of planned growth and associated sewage generation.
- Compile key information from recent City I&I PER and study potential impacts of future I&I improvements on I&I flows to WRRF.
- Compile all methodology and resulting conclusions into a Flows and Loads Report presenting current projected 15-year and 30-year flows and loads to the WRRF. The document will serve as a crucial foundation for evaluating the WRRF and for sizing capital improvements.
- Complete some study of existing non-residential users (breweries, etc.) that may be discharging considerable slug loads. This scope item is expected to include compiling and comparing reported discharge data from all current significant industry users plus the estimated residential loads to identify the 'gap' in unaccounted for load and a review of the current user base to suggest non-residential users to consider for effluent sampling.
 - LDG will also work with the City to determine sampling locations for non-residential users.
 - The City WRRF staff will perform the sampling and pay for the analysis outside of this scope, and LDG will evaluate the results.
- Evaluation of the 2016 MRB Town of Canandaigua Sewer Master Plan and, if available, current/historic planning documents from Town of Hopewell and Gorham to develop a more precise prediction of flows and loads.
- One individual follow-up meeting the County and with each Town regarding planning and future development.
- Community outreach workshop and inclusion of generated information.



Task 2 – WRRF Comprehensive Evaluation

Complete a comprehensive evaluation of the WRRF by compiling information from recent projects and studies and adding information for needs known but not currently studied, including secondary clarifier improvements and general facility improvements.

- Outline current regulatory requirements on the overall WRRF.
- Compile key information from recent and past studies including primary clarifier PER, ammonia PER, and 2016 Multiple Facilities Assessment.
- Determine needs and evaluate alternatives for secondary clarifier rehabilitation or replacement. Alternatives under this base scope will be tied to the biological process recommendations (MBBR) presented in the current Ammonia PER.
- Review previously identified facility needs, update to reflect current needs, and provide high level cost estimates for identified facility needs.
- Evaluate feasibility and recommend improvements for expandability to meet future flows and loads.
- Evaluate alternatives for different overall treatment configurations, including Sequencing Batch Reactors (SBRs).
- Provide a deeper evaluation of HVAC needs across the biosolids and maintenance buildings.
- Study alternatives for biosolids disposal and associated cost after the 2028 Ontario County Landfill Closure.
- Study potential future regulatory requirements (e.g., total nitrogen limit, total phosphorus limit, PFAS effluent limits) and potential impacts on capital needs at WRRF.
 - Work with the City to develop pretreatment monitoring and enforcement recommendations to address regulatory requirements.

Task 3 – Capital Improvements Plan

Develop a Capital Improvements Plan, including recommendations for phasing and funding.

- Compile the results of Task 2 into a comprehensive Capital Improvements Plan that outlines comprehensive WRRF needs to meet 15-year and 30-year flows and loads projections and current regulatory requirements.
- Project 15-year and 30-year capital costs for collection system improvements, and estimated sustained efforts to reduce I&I.
- Project changes in operational and maintenance costs, including staffing, over 15-year and 30-year horizons.
- Evaluate capital project phasing alternatives and make recommendations to maximize grant opportunities.
- Develop funding plan considering CWSRF, EPA Water Infrastructure Finance and Innovation Act (WIFIA), WIIA / IMG, WQIP, and Emerging Contaminants funding.
- Evaluate Rate Impacts for the 30-year spend plan including WRRF capital improvements, collection system investment, and projected O&M costs.
- Add capital improvements and O&M costs and projections associated with potential future regulatory requirements (including pretreatment and mercury/pollutant minimization plans),



alternative overall treatment configurations, WRRF staffing needs, and alternative biosolids disposal options.

Task 4 – IMA Updates

Develop recommendations for updates to the City-County Intermunicipal Agreement (IMA) to facilitate grant planning and budgeting for WRRF upgrades.

- o Evaluate the existing IMA and draft a memo of recommendations focused on breakdown of capital costs and associated impacts from the Capital Improvements Plans and changes to the IMA to qualify the IMA for grant opportunities, such as EFC’s Intermunicipal Grant Program.
- o Facilitate a planning workshop with City staff to review current IMA and discuss a comprehensive update to the structure and terms of the IMA and draft a memo with recommended comprehensive improvements.
- o Attend up to 2 meetings with City, County, and Towns of Canandaigua, Hopewell, and Gorham to negotiate comprehensive changes to the IMA.

Fee

LDG proposes completing the project on a Lump Sum Basis. The portion of the compensation amount billed monthly for Engineer’s services will be based upon Engineer’s estimate of the percentage of the total services completed during the billing period. The proposed lump sum, broken down by task, is presented in the table below:

	Scope
Task 1 – Flows and Loads Analysis	\$40,000
Task 2 – WRRF Comprehensive Evaluation	\$50,000
Task 3 – Capital Improvements Plan	\$40,000
Task 4 – IMA Updates	\$15,000
Total:	\$145,000

Schedule

Based on the schedule presented in the Biological Treatment PER and conversations with the City, it is anticipated that this scope of work will be completed by the end of February 2027, for a period of performance of approximately 13 months. Portions of the tasks and subtasks identified will take place in parallel. LDG and the City will coordinate regularly and LDG will provide key milestone updates and/or technical memos to document progress over the lifetime of this project, including the findings/results of Tasks 1 and 2.



Scope Exclusions:

- Wetland delineation
- Archaeological studies
- SEQR
- Laboratory Analysis
- Topographical survey
- Permitting
- Geotechnical Investigation

If you have any questions, please feel free to contact me at (607) 882-5780 or via email at ebodnaruk@larsondesigngroup.com. We appreciate your consideration and look forward to continuing our work with the City of Canandaigua.

Sincerely,

LARSON DESIGN GROUP

A handwritten signature in blue ink, appearing to read "Ethan Bodnaruk", with a stylized flourish at the end.

Ethan Bodnaruk, P.E.
Practice Manager

RESOLUTION #2026-017

A RESOLUTION WAIVING THE CENTRAL ON MAIN FROM §246-2 OPEN CONTAINER ORDINANCE AND ALLOWING UP TO FOUR (4) PRIVATE TICKETED EVENTS

WHEREAS, §246-2 of the City Code restricts the open possession and public consumption of alcoholic beverages in or upon any public sidewalk, street, highway, parking lot, bathing beach, public park or such other public place; and

WHEREAS, the Central on Main is a public outdoor dining space during the summer that is supported by the City, BID, and restaurants along Main Street; and

WHEREAS, the Central on Main is located on the east side of South Main Street in the public sidewalk and parking area between Simply Crepes, 101 South Main Street and the Chamber of Commerce, 113 South Main, and extending eastward through said parking lot to Lafayette Avenue; and

WHEREAS, to facilitate the continuation of The Central on Main that includes guest breweries, wineries and restaurants selling beverages and according to the State Liquor Authority (SLA), the City must waive §246-2 specifically for The Central on Main on the days that are only overseen by events sponsored by the BID or the City to then apply for a special event permit from the SLA; and

WHEREAS, the City Manager recommends waiving §246-2 for The Central on Main from 4 PM to 9 PM from *May 7, 2026 to October 31, 2026* only on the dates of events that are applied for by the BID to the City Manager at least 21 days in advance; and

WHEREAS, the BID has also requested to hold no more than four (4) ticketed events at the Central on Main during the 2026 season where the area will be closed to the general public and admission charged; and

WHEREAS, all of the four (4) ticketed events would be contracted and managed by the BID with the City then being compensated five (5) percent of ticket sales for the loss of public use during the event;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby waives §246-2 of City Code entitled "Restrictions on Possession and Public Consumption" for The Central on Main from 4 PM to 9 PM from *May 7, 2026 to October 31, 2026* and will allow up to four (4) private, ticketed events, only on the dates of events that are applied for by the BID to the City Manager at least 21 days in advance; and

BE IT FURTHER RESOLVED, that the waiver of §246-2 shall apply only to the area of The Central on Main, specifically, the public sidewalk and public parking area between Simply Crepes, 101 South Main Street and the Chamber of Commerce, 113 South Main, and from the entrance on Main Street to and including the stage; and

BE IT FURTHER RESOLVED, that all other provisions of Chapter 246 shall continue in full force and effect.

ADOPTED this 23rd day of February, 2026.

ATTEST:

Erin VanDamme
City Clerk

LOCAL LAW NO. 2026-002

A LOCAL LAW AMENDING CHAPTER 612 OF THE CANANDAIGUA MUNICIPAL CODE, PROVIDING FOR A PARTIAL TAX EXEMPTION FOR REAL PROPERTY IN THE CITY OF CANANDAIGUA OWNED BY CERTAIN PERSONS WITH LIMITED INCOME WHO ARE SIXTY-FIVE (65) YEARS OF AGE OR OVER PURSUANT TO SECTION 467 OF NEW YORK STATE REAL PROPERTY TAX LAW

WHEREAS, the effects of continually growing inflation are particularly hard-felt by persons with limited income age sixty-five or over, and

WHEREAS, current legislation authorizes the municipality to afford a certain tax exemption to property owners over age sixty-five with limited income, and

WHEREAS, the City desires to afford the exemption to persons qualified by age and income;

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Canandaigua, New York, that Chapter 612, Article VI of the Municipal Code of the City of Canandaigua is amended as follows (*new language shown in italics, omitted language shown with strikethrough*):

Section 612-25. Conditions.

In addition to any other conditions that may be set forth in said §467, and as the same may be amended from time to time, the exemption shall be granted pursuant to said §467, providing the income of the owners of the property for the income tax year immediately preceding the date of making application for exemption is less than the sum of ~~§38,900~~ *§36,400*. Income shall be determined in accordance with said §467. *Income shall incorporate the taxable portion of individual retirement account distributions.*

Section 612-26. Tax Reduction Schedule.

The above-mentioned exemption shall be granted according to the graduated property exemption schedule.

Graduated Property Exemption Schedule

<u>Annual Income of Property Owner(s)</u>	<u>Percentage of Assessed Valuation Exempt from Taxation</u>
<i>Less Than or Equal to \$25,000</i>	65%
<i>\$25,000 or More But Less Than \$26,000</i>	60%
<i>\$26,000 or More But Less Than \$27,000</i>	55%
Less Than or Equal to \$30,500 <i>\$27,000 or More but Less Than \$28,000</i>	50%
More Than \$30,500 <i>\$28,000 or More but Less Than \$31,500</i> \$29,000	45%
\$31,500 <i>\$29,000 or More but Less Than \$32,500</i> \$30,000	40%
\$32,500 <i>\$30,000 or More but Less Than \$33,500</i> \$31,000	35%
\$33,500 <i>\$31,000 or More but Less Than \$34,400</i> \$31,900	30%
\$34,400 <i>\$31,900 or More but Less Than \$35,300</i> \$32,800	25%
\$35,300 <i>\$32,800 or More but Less Than \$36,200</i> \$33,700	20%
\$36,200 <i>\$33,700 or More but Less Than \$37,100</i> \$34,600	15%
\$37,100 <i>\$34,600 or More but Less Than \$38,000</i> \$35,500	10%
\$38,000 <i>\$35,500 or More but Less Than \$38,900</i> \$36,400	5%
\$38,900 <i>\$36,400 or More</i>	0%

ADOPTED this 23rd day of February, 2026.

ATTEST:

Erin VanDamme
City Clerk

ORDINANCE #2026-001

**AN ORDINANCE AMENDING CHAPTER 585 “SOLID WASTE”
REGARDING THE REGULATION OF TEMPORARY DUMPSTERS**

WHEREAS, at their meeting on January 5, 2026, the City Council’s Ordinance Committee reviewed considerations regarding the regulation of temporary construction dumpsters, and

WHEREAS, the City Council’s Ordinance Committee endorsed the following proposal,

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Canandaigua, that:

Sec. 1. § 585-3 shall be amended to add the following:

J. Temporary dumpsters or roll-off trash containers may be used on private residential property without a permit:

- 1. When located on site for a period of less than 14 days during a calendar year, and**
- 2. When located more than 5 feet from a property line.**

K. Temporary dumpsters or roll-off trash containers may be used on private residential property when associated with an active Building Permit, with the conditions of placement set forth by said permit, for a period not to exceed 90 days during a calendar year.

Sec. 2. § 585-6 shall be amended to add the following:

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, except for the use of temporary dumpsters as regulated by § 585-3.J and K.

Sec. 3 This ordinance shall be effective thirty (30) days following its enactment.

ADOPTED this ___ day of _____, 2026

ATTEST:

ErinVanDamme
City Clerk

ORDINANCE #2026-002

AN ORDINANCE AMENDING CHAPTER 648 “VEHICLES AND TRAFFIC” REGARDING PARKING RESTRICTIONS ON HOWELL STREET

WHEREAS, at their meeting on February 3, 2026 the City Council’s Ordinance Committee reviewed considerations regarding parking restrictions on Howell Street, and

WHEREAS, the City Council’s Ordinance Committee endorsed the following proposal,

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Canandaigua, that:

Sec. 1. § 648-21 *Parking, standing and stopping restrictions* shall be amended to add the following:

Name of Street

Howell Street

Restriction

No parking on the south side from Park Street to Charlotte Street

No parking on the north side from a point 470 feet east of the curblines of Park Street to the intersection with Park Street

No parking on the north side of the street from a point 100 feet east of the curblines of North Main Street towards the east

No parking on the south side of the street from a point 100 feet east of the curblines of North Main Street towards the east

ADOPTED this ____ day of _____, 2026

ATTEST:

ErinVanDamme
City Clerk

ORDINANCE #2026-003

AN ORDINANCE REPEALING CHAPTER 795, “STORMWATER MANAGEMENT AND EROSION CONTROL,” AND ADOPTING A NEW CHAPTER 795 OF THE CITY OF CANANDAIGUA CODE

WHEREAS, the State of New York, through the Department of Environmental Conservation, issues updates, from time to time, to its model law for stormwater management and erosion control, and requires municipalities to adopt regulations which are substantially similar to the model law guidance; and

WHEREAS, the City’s own provisions for stormwater management and erosion control are codified in Chapter 795 of the Canandaigua City Code, and City staff have reviewed the existing Chapter 795 and consulted with the NYSDEC, and the City finds that the existing Chapter 795 should be repealed and replaced with a new Chapter 795 that will more closely align with the State’s model law, in order to better protect the public health, safety, and welfare and to promote the public good;

NOW, THEREFORE, BE IT ENACTED, by the City Council of the City of Canandaigua, that as follows:

Section 1. Repeal of Existing Chapter 795.

Chapter 795 of the City Code, entitled “Stormwater Management & Erosion Control”, is hereby repealed in its entirety and replaced with the new language as provided herein

Section 2. New Chapter 795, “Stormwater Management & Erosion Control”.

A new Chapter 795, entitled “Stormwater Management & Erosion Control”, is hereby adopted as follows:

Article I. General Provisions

§ 795-1. Short title.

This chapter shall be known as the "Stormwater Management and Erosion Control Ordinance."

§ 795-2. Findings of fact.

The City of Canandaigua finds that uncontrolled drainage and runoff associated with land development has a significant impact upon the health, safety and welfare of the community. Specifically:

- A. The City's stormwater drainage system is currently stressed during heavy rain events, causing flooding in multiple locations.

- B. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition.
- C. This stormwater runoff contributes to increased quantities of water-borne pollutants, including nutrients, pathogens and siltation of aquatic habitat for fish and other desirable species.
- D. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat.
- E. Improper design and construction of SMPs can increase the velocity of stormwater runoff, thereby increasing streambank erosion and sedimentation.
- F. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow.
- G. Substantial economic losses can result from these adverse impacts on the waters of the municipality.
- H. Stormwater runoff, soil erosion phosphorus loading and other nonpoint source pollutants can be controlled and minimized through the regulation of stormwater runoff from land development activities.
- I. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, phosphorus loading and other nonpoint source pollutants associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.
- J. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

§ 795-3. Purpose and objectives.

It is the purpose of this chapter to establish minimum stormwater management requirements and controls to protect, maintain and enhance both the immediate and the long-term health, safety and general welfare of the citizens of the City of Canandaigua, by regulating site preparation and construction activities, including excavation, filling, grading, stripping, and paving, in order to prevent problems related to erosion, flooding, sedimentation, or drainage. In relation to this purpose, this chapter has the following objectives:

- A. Meet the requirements of minimum measures 4 and 5 of the SPDES general permit for stormwater discharges from municipal separate stormwater sewer systems (MS4s), Permit no. GP-02-02 or as amended or revised;

- B. Require land development activities to conform to the substantive requirements of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) general permit for construction activities GP-02-01 or as amended or revised and additional requirements in this chapter and the Enhanced Phosphorus Removal Watersheds Sizing Criteria in the Stormwater Management Design Manual (Chapter 10, New York State Stormwater Management Design Manual);
- C. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
- D. Minimize increases in pollution (especially phosphorus) caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
- E. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
- F. Reduce stormwater runoff rates and volumes, soil erosion and phosphorus and other nonpoint source pollutants, wherever possible, through SMPs, and ensure that these management practices are properly maintained and eliminate threats to public safety.

§ 795-4. Statutory authority.

In accordance with Article 2-A of the General City Law of the State of New York, the City of Canandaigua has the authority to enact ordinances for the purpose of promoting the health, safety or general welfare of the City of Canandaigua, including the protection of the property of its inhabitants. By the same authority, the City of Canandaigua may include in any such ordinance provision for the appointment of any municipal officer or employees to effectuate and administer such ordinance.

§ 795-5. Severability; conflicts with other legislation.

- A. Severability. If any section, subsection, sentence, clause, phrase, or portion of these regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision or such holding shall not affect the validity of the remaining portions of these regulations.
- B. Conflicts. The provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

§ 795-6. Definitions and word usage.

Unless specifically defined below, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most effective application. The definition of words used in the singular shall include the plural and the plural the singular; words used in the present tense shall include the future tense. The word "shall" connotes mandatory and not discretionary; the word "may" is permissive.

AGRICULTURAL ACTIVITY

The activity of an active farm, including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation or the construction of new structures associated with agricultural activities.

APPLICANT

A property owner or agent of a property owner who has filed an application for a land development activity.

BUILDING

Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

CHANNEL

A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CLEARING

Any activity that removes the vegetative surface cover.

DEDICATION

The deliberate appropriation of property by its owner for general public use.

DEPARTMENT

The New York State Department of Environmental Conservation.

DESIGN MANUAL

The New York State Stormwater Management Design Manual, most recent version, including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.

DEVELOPER

A person who undertakes land development activities.

EROSION CONTROL MANUAL

The most recent version of the "New York Standards and Specifications for Erosion and Sediment Control" manual, commonly known as the "Blue Book."

GRADING

Excavation or fill of material, including the resulting conditions thereof.

IMPERVIOUS COVER

Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snowmelt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

INDUSTRIAL STORMWATER PERMIT

A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INFILTRATION

The process of percolating stormwater into the subsoil.

JURISDICTIONAL WETLAND

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

LAND DEVELOPMENT ACTIVITY

Construction activity, including clearing, grading, excavating, soil disturbance or placement of fill, that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

LANDOWNER

The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

MAINTENANCE AGREEMENT

A legally recorded document which acts as a property deed restriction and which provides for long-term maintenance of SMPs.

NONPOINT SOURCE POLLUTION

Pollution from any source other than from any discernible, confined, and discrete conveyances and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

PHASING

Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

POLLUTANTS OF CONCERN

Phosphorus and sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

PROJECT

Land development activity.

RECHARGE

The replenishment of underground water reserves.

SEDIMENT CONTROL

Measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS

Cold-water fisheries; shellfish beds; swimming beaches; groundwater recharge areas; water supply reservoirs; habitats for threatened, endangered or special concern species.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-02-02

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA-established water quality standards and/or to specify stormwater control standards.

STABILIZATION

The use of practices that prevent exposed soil from eroding.

STOP-WORK ORDER

An order issued which requires that all construction activity on a site be stopped.

STORMWATER

Rainwater, surface runoff, snowmelt and drainage.

STORMWATER HOTSPOT

A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

STORMWATER MANAGEMENT

The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER MANAGEMENT FACILITY

One or a series of SMPs installed, stabilized and operating for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT OFFICER

An employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect SMPs.

STORMWATER MANAGEMENT PRACTICES (SMPs)

Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF

Flow on the surface of the ground, resulting from precipitation.

SURFACE WATERS OF THE STATE OF NEW YORK

Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to man-made bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

WATERCOURSE

A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

WATERWAY

A channel that directs surface runoff to a watercourse or to the public storm drain.

Article II. Procedures; Stormwater Pollution Prevention Plans

§ 795-7. Jurisdiction and applicability.

- A. This ordinance shall be applicable to all land development activities as defined herein.
- B. No person, corporation, organization, or public agency may, on or after the effective date of this chapter, 1) initiate any land development activities; 2) initiate a development project or construction activity; 3) pave an area with impervious surface; or 4) alter any drainage system without first preparing and submitting a SWPPP and obtaining approval of said plan as required by this chapter, unless such activity is exempted by § 795-10, or obtaining a variance.
- C. The City Director of Public Works shall be designated as the Stormwater Management Officer, who may designate the Coordinator of Public Works or other qualified individual to accept and review all SWPPPs and forward such plans to the Planning Commission for further consideration and approval. The Stormwater Management Officer may (1) review the plans, (2) upon approval by City Council,

engage the services of a registered professional engineer to review the plans, specifications and related documents, the cost of which shall be paid by the applicant, or (3) accept the certification of a licensed professional that the plans conform to the requirements of this chapter.

- D. All land development activities subject to review and approval by the Planning Commission shall be reviewed subject to the standards contained in this chapter.
- E. All land development activities not subject to review as stated in subsection D above shall be required to submit a SWPPP to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this law.

§ 795-8. Development permits.

- A. A development permit shall be required for any land development activity which is subject to this chapter and which is undertaken independently of any development activity which is otherwise subject to City review and approval. No separate development permit shall be required for any land-disturbing activity which is subject to review and approval through the City subdivision regulations, site plan review, special use permit, or building permit processes, nor for any City-sponsored land-disturbing or development activity.
- B. No application for approval of a land development activity shall be reviewed until a SWPPP has been submitted to and approved by the City, unless the land-disturbing activity which is the subject of the application is specifically exempted by this chapter.
- C. The Code Enforcement Officer shall have authority to issue development permits for land-disturbing activities, upon his determination that the issuance of such development permit is in compliance with the provisions of this chapter.

§ 795-9. Authority to approve.

- A. The Planning Commission shall have the authority to review and approve, with modifications, approve conditionally, or disapprove for all SWPPPs for any projects which are otherwise subject to Planning Commission approval.
 - (1) The Planning Commission shall transmit copies of all proposed SWPPPs to the City Director of Public Works and to the Code Enforcement Officer for review and comment prior to acting to approve or disapprove such plans.
 - (2) The Planning Commission may, upon its discretion, refer any proposed SWPPPs to other agencies and officials, including outside consultants and experts, for review and comment thereon, prior to acting to approve or disapprove such plans.

- (3) Prior to approving such plan, the Planning Commission shall determine that the plan is in compliance with the performance standards and design criteria set forth in this chapter.
- B. The City Director of Public Works shall review all SWPPPs for construction activities to be directly undertaken by the labor force of the City of Canandaigua and shall determine that said plan is in compliance with the performance standards and design criteria set forth in this chapter, prior to the commencement of any land-disturbing construction activity. The Director of Public Works may, at their discretion, refer such plans to other agencies and officials, including outside consultants and experts, for review and comment thereon.
- C. The City Code Enforcement Officer shall review all SWPPPs for all construction activities which are not subject to Planning Commission or City Council review and approval but for which a building permit is required.
- (1) The Code Enforcement Officer may, at his discretion, refer copies of such plans to the Director of Public Works or other agencies and officials, including outside consultants and experts, for review and comment prior to the issuance of said building permit.
- (2) The Code Enforcement Officer shall determine that said plan is in compliance with the performance standards and design criteria set forth in this chapter, prior to the issuance of said building permit.
- D. The City Council shall have the authority to review and approve, approve with modifications, or disapprove all SWPPPs plans for any development projects submitted under the Planned Unit Development Ordinance, according to the procedures set forth therein, and shall determine that said plan is in compliance with the performance standards and design criteria set forth in this chapter, prior to granting approval for the commencement of any land-disturbing activity. The City Council may, at its discretion, refer copies of such plans to the Director of Public Works or other agencies and officials, including outside consultants and experts, for review and comment prior to acting to approve or disapprove such plans.
- E. Land-disturbing activities and construction activities undertaken for projects which are not otherwise subject to City review and approval, and for which no building permit is otherwise required, shall not be commenced until a development permit has been issued by the Code Enforcement Officer.
- (1) The Code Enforcement Officer may, at his discretion, refer copies of such plans to the Director of Public Works or other agencies and officials, including outside consultants and experts, for review and comment prior to the issuance of said development permit.
- (2) The Code Enforcement Officer shall determine that said plan is in compliance with the performance standards and design criteria set forth in this chapter, prior to the issuance of said development permit.

§ 795-10. Exemptions.

The following activities are exempt from the SWPPP requirement:

- A. Agricultural activities, including household gardening and household landscape maintenance on existing developed lots.
- B. Silvicultural activity except that landing areas and log haul roads are subject to this chapter.
- C. Any maintenance, alteration, use or improvements to an existing structure not changing the quality, rate, volume or location of surface water discharge or the area of impervious surface.
- D. Resurfacing or repair of an existing paved surface which does not decrease the permeability of the paved surface nor expand the area of pavement.
- E. Construction of minor accessory structures not requiring excavation or grading and are not in a concentrated flow path.
- F. Projects which are emergency in nature that are necessary to protect life or property, such as bridge, culvert, or pipe repairs and electrical service, gas line, or public utility restoration. The City Department of Public Works shall be notified within 48 hours of the initiation of such emergency activity. The Director of Public Works shall determine and approve of the emergency nature of such a project.

§ 795-11. Reserved.

§ 795-12. Variances.

The Zoning Board of Appeals may grant a written variance from any requirement of these regulations in those cases wherein the Planning Commission or the Code Enforcement Officer has the authority under § 795-9 if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of these regulations will result in unnecessary hardship and not fulfill the intent of these regulations. A written request for variance shall be provided to the Zoning Board of Appeals and shall state the specific variances sought and the reasons for their granting. The Zoning Board of Appeals shall not grant a variance unless and until sufficient specific reasons justifying the variance are provided by the applicant.

§ 795-13. City-sponsored construction activity.

All construction activities and/or other land-disturbing activities undertaken by or on behalf of the City of Canandaigua shall comply with the performance standards and design criteria set forth in this chapter but shall not require the issuance of a development permit. Such projects which are to be undertaken by a private contractor on behalf of the City of Canandaigua shall include a SWPPP as part of the project design documents.

§ 795-14. Application procedures.

SWPPP application forms and supporting information shall be submitted to the City agency having authority to approve such plan under § 795-9 of this chapter, according to the following timetables and procedures:

A. Planning Commission.

- (1) Plans shall be submitted to the Director of Development and Planning at least two weeks prior to the date of any regularly scheduled Planning Commission meeting at which the plan is to be considered.
- (2) The Planning Commission shall determine whether the plan is complete, or whether any additional information or data is required, within two weeks of the date of its regularly scheduled meeting following the submittal of the application.
- (3) The Planning Commission shall act to approve or disapprove SWPPPs within the time frames set forth for the other approvals under its jurisdiction to which the development project is subject or within 60 days of the date upon which the plan is determined to be complete.

B. City Council.

- (1) SWPPPs submitted for a planned unit development project shall be submitted to the City Manager, who shall coordinate staff review and schedule review by City Council or a committee thereof according to the timetables set forth in the PUD Ordinance.
- (2) SWPPP for a City-sponsored construction activity which is being undertaken by a private contractor on behalf of the City shall be submitted to the Director of Public Works, who will conduct a staff review and transmit the plan, if deemed complete, to the City Manager, who will schedule a review by the City Council or a committee thereof.

C. Code Enforcement Officer.

- (1) SWPPPs submitted pursuant to the issuance of a building permit or a development permit for a land-disturbing activity other than a City-sponsored construction activity shall be submitted to the Code Enforcement Officer, who shall determine whether the plan is complete or whether any additional data or information is required within two weeks of the date of submittal.
- (2) The Code Enforcement Officer shall issue any development permit within two working days of his own determination that the plan meets the performance standards and design criteria of this chapter or of the approval of the plan by the City Council when the City Council has such authority under § 795-9(D).

§ 795-15. Contents of stormwater pollution prevention plan.

- A. No application for approval of a land development activity shall be reviewed until the appropriate board has received a SWPPP prepared in accordance with the specifications in this local law. All SWPPPs shall provide the following background information and erosion and sediment controls:
- (1) Background information about the scope of the project, including location, type and size of project;
 - (2) Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s). The site map will be at a scale no smaller than one inch equals 50 feet;
 - (3) A description of the soil(s) present at the site;
 - (4) A construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP;
 - (5) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
 - (6) Description of construction and waste materials expected to be stored on site, with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
 - (7) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project closeout;
 - (8) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
 - (9) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
 - (10) Temporary practices that will be converted to permanent control measures;

- (11) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and the duration that each practice should remain in place;
- (12) A maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
- (13) Name(s) of the receiving water(s);
- (14) Delineation of SWPPP implementation responsibilities for each part of the site;
- (15) A description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
- (16) Any existing data that describes the stormwater runoff at the site.

B. Land development activities as defined in § 795-6 and meeting Condition A, B or C below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in § 795-15(C) below as applicable:

- (1) Condition A: Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment. There are no 303(d) or TMDL water bodies within the City of Canandaigua as of the adoption of this chapter, but this information may change in the future.
- (2) Condition B: Stormwater runoff from land development activities disturbing two or more acres.
- (3) Condition C: Stormwater runoff from land development activity disturbing between one and two acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.

C. SWPPP requirements for Conditions A, B and C:

- (1) All information in § 795-15(A) of this chapter.
- (2) Description of each postconstruction stormwater management practice.
- (3) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice.

- (4) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms.
 - (5) A comparison of post development stormwater runoff conditions with pre-development conditions.
 - (6) Demonstrate that the overall stormwater management practice meets the requirements of the Enhanced Phosphorus Removal Watersheds Sizing Criteria in the Stormwater Management Design Manual (Chapter 10, New York State Stormwater Management Design Manual);
 - (7) Dimensions, material specifications and installation details for each post-construction stormwater management practice.
 - (8) Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice.
 - (9) Maintenance easements to ensure access to all SMPs at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.
 - (10) An inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with §795-21 of this chapter.
 - (11) For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all SMPs meets the requirements in this chapter.
- D. Other environmental permits. The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.
- E. Contractor certification.
- (1) Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

(2) The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

(3) The certification statement(s) shall become part of the SWPPP for the land development activity.

F. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

§ 795-16. Plan review and approval process.

A. The SWPPP shall be reviewed by the following process:

(1) During the SEQR process, preceding or coterminous with the preliminary review phase, information complying with the standards and design criteria as set forth in § 795-17 of this chapter shall be set forth during the submission of the overall plan.

(2) The City will review the information as submitted, and because it is preliminary action and not final, City action will be given as conceptual approval, with modification, or disapproval.

(3) If preliminary approval or approval with modification is given, the next step can be submission of a final application wherein requested modifications shall be satisfied. Preliminary approval may be waived by the City if the project is small in scope and all required information is provided and deemed adequate.

B. The SWPPP shall be consistent with the purposes and objectives of this chapter.

C. No SWPPP will be approved without certification by the owner or developer that all work will be accomplished pursuant to the plan and of the right of the City to conduct on-site inspections before, during and at the conclusion of construction activities.

D. The City may attach to its approval of any SWPPP any conditions which it deems necessary to assure compliance with the terms of this chapter, to prevent the creation of a nuisance to public health and safety or a dangerous condition, or to avoid unwarranted sediment accumulation or water pollution.

E. Approved plans shall remain valid for one year from the date of approval. This time period may be extended by the City at its discretion.

F. Major modifications of the terms and conditions of approved plans shall follow the same application, review, and approval procedures set forth in this section for the original approval.

Article III. Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control.

§ 795-17. Technical and water quality standards.

All land development activities shall be subject to the following performance and design criteria:

- A. Technical standards. For the purpose of this chapter, the following documents shall serve as the official standards and specifications for stormwater management. SMPs that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this chapter:
 - (1) The Enhanced Phosphorus Removal Watersheds Sizing Criteria in the Stormwater Management Design Manual (Chapter 10, New York State Stormwater Management Design Manual);
 - (2) New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the "Erosion Control Manual").
- B. Equivalence to technical standards. Where SMPs are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in § 795-17(A), and the SWPPP shall be prepared by a licensed professional.
- C. Water quality standards. Any land development activity shall not cause an increase in turbidity that will result

Article IV. Maintenance, Inspection and Repair of Stormwater Facilities.

§ 795-18. Maintenance and inspection during construction.

- A. The applicant or developer of the land development activity or his or her representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 33%.
- B. The applicant or developer or his or her representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.
- C. For land development activities as defined in § 795-6 and meeting Condition A, B or C in § 795-15B, the applicant shall have a qualified professional conduct site inspections and document the effectiveness

of all erosion and sediment control practices every seven days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. Inspection reports shall be maintained in a site logbook.

§ 795-19. Maintenance easement(s).

Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the City of Canandaigua to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the City of Canandaigua.

§ 795-20. Maintenance after construction.

The owner or operator of permanent SMPs installed in accordance with this chapter shall ensure they are operated and maintained to achieve the goals of this chapter. Proper operation and maintenance also includes, as a minimum, the following:

- A. A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this chapter.
- B. Written procedures for operation and maintenance and training new maintenance personnel.
- C. Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 795-17(C).

§ 795-21. Maintenance agreements.

The City of Canandaigua shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this chapter entitled "Sample Stormwater Control Facility Maintenance Agreement." The City of Canandaigua, in lieu of a maintenance agreement, at its sole discretion, may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Article V. Administration and Enforcement

§ 795-22 Construction inspection

A. Erosion and Sediment Control Inspection.

The City of Canandaigua Stormwater Management Officer may require such inspections as necessary to determine compliance with this chapter and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter and the SWPPP as approved. To obtain inspections, the applicant shall notify the City of Canandaigua enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:

- (1) An initial inspection prior to final approval of the plan.
- (2) Installation of sediment and erosion control measures.
- (3) Start of construction.
- (4) Completion of site clearing.
- (5) Completion of rough grading.
- (6) Inspections of an underground drainage or stormwater conveyance prior to backfilling.
- (7) Completion of final grading.
- (8) Close of the construction season.
- (9) Completion of final landscaping.
- (10) Successful establishment of landscaping in public areas.
- (11) A final inspection of all sediment and stormwater management structures and facilities when work on these facilities has been completed.

If any violations are found, the applicant and developer shall be notified either in writing or verbally of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

B. SMP inspections.

The City of Canandaigua Stormwater Management Officer is responsible for conducting inspections of SMPs. All applicants are required to submit as-built plans for any SMPs located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

C. Inspection of stormwater facilities after project completion. Inspection programs shall be established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher-than-typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher-than-usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other SMPs.

D. In addition to the required inspections, designated inspectors may inspect sites as frequently as necessary to assure compliance with the provisions of this chapter and any conditions attached to plan approval.

E. The inspections specified by Subsections A through D may be performed by any of the following, at the City's discretion, on a case-by-case basis:

(1) Designated City Department of Public Works personnel.

(2) Designated City Code Enforcement Department personnel.

(3) Engineering firms under contract to the City of Canandaigua to perform such inspections.

(4) Engineering firms under contract to a contractor employed by the City of Canandaigua for the City-sponsored construction activity.

(5) Engineering firms consultants employed by a developer.

Engineering firms under subsections (3)-(5) shall have a Professional Engineer's (PE) license or Certified Professional in Erosion and Sediment Control (CPESC) certificate and shall submit a report of the inspections.

- F. Engineering firms performing the inspections required by § 795-17(A) shall certify to the City by the submission of reproducible (Mylar) as-built plans that construction of stormwater management facilities and structures conforms to the approved plan.
- G. Submission of reports. The Stormwater Management Officer may require monitoring and reporting from entities subject to this chapter as are necessary to determine compliance with this chapter.
- H. Right of entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the City of Canandaigua the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in Subsection C.

§ 795-23. Performance guarantee.

- A. Construction completion guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the City of Canandaigua in its approval of the SWPPP, the City of Canandaigua may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the City of Canandaigua as the beneficiary. The security shall be in an amount to be determined by the City of Canandaigua based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the City of Canandaigua, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the City of Canandaigua. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.
- B. Maintenance guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the City of Canandaigua with an irrevocable letter of credit renewed annually from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the City of Canandaigua may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.
- C. Recordkeeping. The City of Canandaigua may require entities subject to this chapter to maintain records demonstrating compliance with this chapter.

§ 795-24. Enforcement; penalties for offenses.

A. Notice of Violation.

When the City of Canandaigua determines that a land development activity is not being carried out in accordance with the requirements of this chapter, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

- (1) the name and address of the landowner, developer or applicant;
- (2) the address when available or a description of the building, structure or land upon which the violation is occurring;
- (3) a statement specifying the nature of the violation;
- (4) a description of the remedial measures necessary to bring the land development activity into compliance with this chapter and a time schedule for the completion of such remedial action;
- (5) a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- (6) a statement that the determination of violation may be appealed to the Zoning Board of Appeals by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

B. Stop Work Orders

The City of Canandaigua may issue a stop work order for violations of this chapter. Persons receiving a stop work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the City confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter.

C. Any development activity that is commenced without prior approval of an SWPPP shall be deemed a public nuisance and may be restrained by injunction or otherwise abated in a manner provided by law. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City may take necessary corrective action, the actual cost of which, plus 50% for inspection and other additional costs in connection therewith, shall become a lien upon the property until paid.

D. Plan approval and/or a development permit or a building permit may be suspended or revoked by the City after a notice of violation is given to the owner or developer for any of the following reasons:

- (1) Violation(s) of the conditions of the SWPPP.
 - (2) Construction not in accordance with approved plans.
 - (3) Charges in any circumstances which were the basis of an exemption.
 - (4) Noncompliance with a notice of violation in relation to the construction of control practices or management facilities.
- E. If any building or land development activity is installed or conducted in violation of this chapter the Stormwater Management Officer may prevent the occupancy of said building or land.
- F. If there is any damage due to a violation of this chapter or if any soil, liquid or other material is caused to be deposited upon or to roll, flow or wash upon any public property, private property, watercourse or right-of-way in violation of this chapter, the person, firm, partnership, corporation, or other party responsible shall be notified and shall cause the same to be removed from such property or way within 36 hours of notice. In the event of an immediate danger to the public health or safety, notice shall be given by the most expeditious means, and the violation shall be remedied immediately. In the event it is not so remedied, the City shall cause such remedy as necessary, and the cost of such by the City shall be paid to the City by the party who failed to so remedy and shall be a debt owed to the City above and beyond the approved performance guarantee.
- G. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine of not less than three hundred fifty dollars (\$350) nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed fifteen days, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than seven hundred fifty dollars (\$750) nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than one thousand dollars (\$1000) nor more than thirteen hundred dollars (\$1300) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation. The imposition of any such penalty for the violation of this chapter shall not excuse such violation nor permit the continuance thereof. The application of the above penalty or penalties for a violation of the provisions of this chapter shall not be held to prevent the removal of conditions prohibited by this chapter by such legal means as may be proper.

§ 795-25. Fees for services.

The City of Canandaigua may require any person undertaking land development activities regulated by this chapter to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the City of Canandaigua or performed by a third party for the City of Canandaigua.

§ 795-26. Amendments.

The City Council, may from time to time, on its own motion, on petition, or on recommendation of the Planning Commission, and in accordance with the laws of the State of New York, amend, supplement, or repeal the regulations or provisions of this chapter.

§ 795-27. Legislative history.

The original version of this chapter was adopted by Ordinance No. 91-27 on December 12, 1991.

Section 3. Validity and Severability.

Should any word, section, clause, paragraph, sentence, part or provision of this ordinance be declared invalid by a court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section 4. Repeal, Amendment and Supersession of Other Laws.

All other ordinances or local laws of the City of Canandaigua which are in conflict with the provisions of this ordinance are hereby superseded or repealed to the extent necessary to give this ordinance force and effect during its effective period.

Section 5. Effective Date.

This ordinance shall be effective thirty (30) days following its enactment.

ADOPTED this ___ day of _____, 2026

ATTEST:

Erin VanDamme
City Clerk