

CITY COUNCIL AGENDA
THURSDAY, MAY 4, 2023, 7:00 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:

Bob Palumbo, Mayor
Ellen Polimeni, Councilmember Ward I
Dan Unrath, Councilmember Ward II
Karen White, Councilmember Ward III
Erich Dittmar, Councilmember Ward IV
Sim Covington, Councilmember-at-Large
Thomas Lyon, Councilmember-at-Large
Renée Sutton, Councilmember-at-Large
Steve Uebbing, 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:

- Public Hearing on Ordinance #2023-003 Amending Chapter 585 Solid Waste
- Public Hearing on Local Law #2023-001 Amending Chapter 612 of the City of Canandaigua Code, to Add a New Article XI, Enacting a Property Tax Exemption for Volunteer Firefighters and Ambulance Workers Pursuant to Section 466-a of the Real Property Tax Law
- Public Hearing on Implementing a Six-Month Moratorium Related to Approvals for Short-Term Rentals

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: April 6, 2023

6. Recognition of Guests:

7. Committee Reports:

8. Resolutions:

Resolution #2023-046: A Resolution Awarding a Sole Source Contract for the Purchase of a FluoroProbe

Resolution #2023-047: A Resolution Adopting the Waterfront Active Transportation Plan

Resolution #2023-048: A Resolution Establishing Assessment Control Clerk Position

Resolution #2023-049: A Resolution Appropriating Funds for a Composting Education Program

9. Ordinances:

Ordinance #2023-003: An Ordinance Amending Chapter 585 Solid Waste

10. Local Laws:

Local Law #2023-001: A Local Law Amending Chapter 612 of the City of Canandaigua Code, to Add a New Article XI, Enacting a Property Tax Exemption for Volunteer Firefighters and Ambulance Workers Pursuant to Section 466-a of the Real Property Tax Law

Local Law #2023-002: A Local Law Implementing a Six-Month Moratorium Related to Approvals for Short-Term Rentals in R-1A, R-1B, R-2, R-3 and R-L Zoned Districts

11. Manager's Report:

12. Appointments:

13. Miscellaneous:

14. Adjournment

RESOLUTION #2023-046

**A RESOLUTION AWARDING A SOLE SOURCE CONTRACT FOR
THE PURCHASE OF A FLUOROPROBE**

WHEREAS, to quantify official results on cyanobacteria levels, the New York State Department of Environmental Conservation (hereinafter referred to as NYSDEC) will only use the FluoroProbe, a unique, highly sensitive measuring instrument; and

WHEREAS, educational institutions like SUNY ESF, SUNY Stony Brook and the Finger Lakes Institute also use this device to provide official results to the NYSDEC and the public; and

WHEREAS, the Watershed Program Manager requested to purchase a FluoroProbe from PP Systems International Inc. which is the sole source supplier of such instrumentation; and

WHEREAS, the City's Purchasing Policy requires City Council authorization for a sole source procurement; and

WHEREAS, the Canandaigua Lake Watershed Council, at its April 11, 2023 meeting approved the purchase of the instrumentation and the sole source procurement was discussed and approved at the April 18, 2023 Environmental Committee meeting;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby authorizes PP Systems International Inc. as the sole source provider for the Fluoroprobe.

ADOPTED this 4th day of May, 2023.

ATTEST:

Erin VanDamme
City Clerk



April 12, 2023

Kevin Olvany
City of Canandaigua
2 North Main Street
Canandaigua, NY 14424

Dear Kevin,

This letter is to inform you that our company, PP Systems International Inc. (d/b/a PP Systems, Inc.) is the **exclusive** (sole source) supplier of products manufactured by bbe Moldaenke (Germany) here in the United States. This includes the FluoroProbe, which is a unique, highly sensitive measuring instrument for the analysis of chlorophyll with algae class determination. Unique features of the FluoroProbe include:

- Measurements: Total chlorophyll, green algae, blue-green algae, diatoms, cryptophyceae, water temperature, transmission, depth.
- Measurement Range: 0-500 µg chlorophyll-a/l
- Provides yellow substances (CDOM) and turbidity correction
- Instruments uses six (6) different LEDs with excitation wavelength in the visible range (370-610nm) to distinguish different algae classes
- Instrument is factory calibrated using live algae cultures
- Depth profiling to 100m as standard
- Workstation accessory allows system to be used in the laboratory for samples collected in the field
- 2GB internal memory card – storage capacity up to 10 million data sets

110 Haverhill Road
Suite 301
Amesbury, MA 01913
U.S.A.

Tel: +1 978.834.0505
Fax: +1 978.834.0545

Email:
sales@ppsystems.com

URL:
www.ppsystems.com

Federal Tax ID#:
04-3195594

DUNS #:
808011191

PP Systems Inc. is capable of providing all sales, service, installation, and technical support for all bbe Moldaenke products.

If you have any questions whatsoever, please do not hesitate to contact me.

For and on behalf of
PP Systems

Tim Doyle
Director of Sales



RESOLUTION #2023-047

A RESOLUTION ADOPTING THE WATERFRONT ACTIVE TRANSPORTATION PLAN

WHEREAS, the City of Canandaigua, Town of Canandaigua, and the Canandaigua Local Development Corporation commissioned the Waterfront Active Transportation Plan; and

WHEREAS, the plan includes the area of Main Street (State Route 332) and Lakeshore Drive from Antis/Foster Street to East Lake Road (State Route 364); and

WHEREAS, the plan includes an existing conditions analysis, corridor needs assessment, public realm improvements and implementation strategy; and

WHEREAS, the plan suggests improvements along the corridor such as pedestrian and bicycle facilities and amenities, connectivity between recreational and tourism assets and various roadway modifications; and

WHEREAS, the plan is consistent with many of the goals outlined in the City of Canandaigua's Comprehensive Plan, 2020 update; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the Waterfront Active Transportation Plan, prepared by Bergmann Associates, dated September 2021.

ADOPTED this 4th day of May, 2023.

ATTEST:

Erin VanDamme
City Clerk

RESOLUTION # 2023-048

**A RESOLUTION ESTABLISHING ASSESSMENT CONTROL CLERK
POSITION**

WHEREAS, there are various different Civil Service titles that can be utilized within an assessment office and a recent hire is ranked number one of the Assessment Control Clerk title list, a title that City does not currently have established; and

WHEREAS, in lieu of a provisional appointment and requiring the employee to take a test for an equivalent title, City Staff recommends the establishment of the Assessment Control Clerk title for the City; and

WHEREAS, the City Council must adopt a resolution to establish an Assessment Control Clerk position per requirements of the Ontario County Department of Human Resources; and

WHEREAS, the Finance Committee reviewed the establishment of said position at its May 2, 2023 meeting;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby establishes the position of Assessment Control Clerk.

ADOPTED this 4th day of May 2023.

ATTEST:

Erin VanDamme
City Clerk

ASSESSMENT CONTROL CLERK

DISTINGUISHING FEATURES OF THE CLASS: This is technical work involving responsibility for maintaining the reliable and timely input and output of information in a data processing center necessary to produce tax roll and assessment records. An employee in this class will be responsible for the coordination of tax roll and assessment record information with Ontario County municipalities and for providing valuation support to Assessors and perform data processing activities required for up-to-date records. The work is performed under the general supervision of an administration superior with some leeway for the exercise of independent judgment. Supervision is exercised over clerical personnel. Does related work as required.

TYPICAL WORK ACTIVITIES: (Illustrative only)

Assures the timely submittal, processing and distribution of assessment and tax records;
 Coordinates the maintenance of records, settlements, claims;
 Liaison with schools, towns, villages for tax levies, property transfers, parcel changes, etc.;
 Instructs staff in data entry or terminal operations;
 Provides valuation support to assessors, assessment roll and tax roll processing, etc.;
 Edits input from assessors;
 Assists assessors in converting a manual assessment system to an automated system;
 Maintains liaison with the NYS Department of Taxation & Finance, Office of Real Property Tax Services;
 Recommends changes for the processing of information.

FULL PERFORMANCE KNOWLEDGES, SKILL, ABILITIES AND PERSONAL CHARACTERISTICS:

Good knowledge of the current principles and practices of computer-oriented data processing; good knowledge of the use and operation of computer-oriented data processing machines; working knowledge of systems analysis; working knowledge of assessment procedures and schedules; ability to use a personal computer with moderate proficiency and to learn appropriate software applications; ability to comprehend and analyze data processing problems; ability to work well with others; ability to understand and interpret moderately complex tabular material; ability to express ideas clearly, both orally and in writing; initiative; resourcefulness; good judgment; physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS: EITHER:

1. Graduation from a regionally accredited or New York State college or university with an Associate's Degree in Accounting, Business Administration, Computer Science or a closely related field; OR
2. High school graduation or possession of a high school equivalency diploma AND two (2) years of full-time paid, or its part-time equivalent, clerical experience which involved real property evaluation, real estate title searching, or assessment terminology and records; OR
3. An equivalent combination of training and experience as described by the limits of (1) and (2) above.

APPROVED: APRIL 4, 1996

REVISED: 8/21/18, 11/23/18

CIVIL SERVICE CLASSIFICATION: COMPETITIVE

Application Review Manual defines 'Clerical' - activities involve the performance of routine office tasks, such as keeping of records and accounts, correspondence, recording/entering (keying) and retrieving data and/or information, in accordance with prescribed procedures.

RESOLUTION #2023-049

A RESOLUTION APPROPRIATING FUNDS FOR A COMPOSTING EDUCATION PROGRAM

WHEREAS, the City Manager and the Ontario County Sustainability Department have been discussing a partnership for a composting education program for City of Canandaigua residents; and

WHEREAS, upon completion of a composting education program, City of Canandaigua residents would leave with a free composting kit; and

WHEREAS, to encourage waste reduction of the largest landfillable waste, food organics, the cost of the kits will be paid in full by the City of Canandaigua; and

WHEREAS, funding for the kits will be appropriated from the Energy Project Fund and was reviewed by the Finance Committee at its May 2nd meeting; and

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby appropriates \$5,000 from the Energy Project Fund to an account to be determined by the City Treasurer.

ADOPTED this 4th day of May 2023.

ATTEST:

Erin VanDamme
City Clerk

ORDINANCE #2023-003

**AN ORDINANCE AMENDING CHAPTER 585
SOLID WASTE**

WHEREAS, the City of Canandaigua is making changes to its solid waste collection program and certain amendments are required to facilitate these changes; and

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

Sec. 1 Chapter 161 of the Municipal Code, is hereby amended as attached (additions in **bold**, deletions **stricken**); and

Sec. 2 This ordinance shall be effective thirty (30) days following its enactment.

ADOPTED this 4th day of May, 2023

ATTEST:

Erin VanDamme
City Clerk

Chapter 585. Solid Waste

§ 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.

CITY

The City of Canandaigua, New York.

CITY ISSUED GARBAGE CONTAINER

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:

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 Garbage Container and City issued Recyclable Container

CITY ISSUED RECYCLABLE CONTAINER

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 Garbage 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.

CONDOMINIUM

A building or complex of buildings containing a number of individually owned residential units, not attached to any commercial property, whereby each unit owner has legal title to the unit and an undivided interest in shared or common spaces on the property which received approval from the State of New York prior to January 1, 2023.

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~~ **nine** 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 non-rusting 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 receptable is capable of being lifted by mechanical means by City vehicles, specifically, the can or receptable must have a steel or metal bar that allows the container to be securely lifted and deposited.

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.

MULTIPLE DWELLING

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

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.

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.

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.

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.

SINGLE-FAMILY DWELLING

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

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.

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

A. Garbage generated by or originating in a single-family, ~~or~~ two- to four-family dwelling, **or condominium** 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.

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.

C. Recyclables shall be deposited in a City supplied recyclable receptacle. **For condominiums, recyclables may be deposited in a dumpster, provided that said dumpster is approved, located and screened in accordance with Section 585-7, and compatible with Department collection equipment and in accordance with all other sections of this Chapter.** 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.

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.

E. 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.

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.

I. A condominium is responsible for securing its dumpster and ensuring that it is used only for household garbage and recycling. The City reserves the right to refuse pickup of garbage or recyclables from dumpsters if it determines that such dumpsters contain non-household garbage or recyclables.

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

A. All City issued garbage, ~~and~~ City issued recycling containers, and any approved dumpsters utilized by condominiums 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 City issued garbage or City issued recycling container. A condominium with a deteriorated dumpster shall replace or repair the dumpster at their own expense.

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, **garden and yard waste** 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, **dumpster**, 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, **dumpster, garden and yard waste** 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.

§583-4 Composting

A. 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:

(1) 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.

(2) The material to be composted must be generated on site and no importation of material will be allowed.

(3) 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.

(4) 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.

(5) Compost sites may not include any of the following materials:

(a) Fatty or high-protein food wastes, including meat or fish, bones, dairy products, and vegetable oils.

(b) Dog or cat manures.

(c) 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.

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

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.

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 ~~and~~ s-condominiums as defined in this Chapter. The Department shall not collect garbage, rubbish, garden and yard waste and**

recyclables from multiple dwellings, or mixed-use properties with a primary commercial use. Collections shall not include commercial waste, industrial waste, trade waste, hazardous household waste, ~~or building waste or waste from multiple dwellings, or mixed-use properties with a primary commercial use.~~

(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 the 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.

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. 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.

§ 585-6. Licensed collectors; fee.

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.

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.

A. All dumpsters and/or roll-off containers used for the collection and disposal of solid waste generated by any commercial, institutional, **condominium** 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 **or State of New York**

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.

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.

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.

(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.

(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.

(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.

(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.

(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.

(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.

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.

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.

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.

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.

PROPOSED LOCAL LAW # 2023-001

A LOCAL LAW AMENDING CHAPTER 612 OF THE CITY OF CANANDAIGUA CODE, TO ADD A NEW ARTICLE XI, ENACTING A PROPERTY TAX EXEMPTION FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS PURSUANT TO SECTION 466-a OF THE REAL PROPERTY TAX LAW.

BE IT ENACTED, by the City Council of the City of Canandaigua, Ontario County, State of New York, as follows:

Section 1. Authorization, Title and Purpose:

A new Article XI of Chapter 612 of the City of Canandaigua Code, entitled “Volunteer Firefighters and Ambulance Workers Exemption” is hereby enacted pursuant to Real Property Tax Law Section 466-a as provided herein.

Section 2. Legislative Finding

The City Council of the City of Canandaigua finds and hereby determines that, because the City values its volunteer firefighters and ambulance workers, a property tax exemption for volunteer firefighters and ambulance personnel shall be established in accordance with New York Real Property Tax Law Section 466-a.

Section 3. Amendment.

A new Article XI, entitled, “Volunteer Firefighters and Ambulance Workers Exemption” shall be created, and thereunder the following new Sections shall be created as follows:

§ 612-59 Grant of Exemption.

An exemption of 10% of assessed value of property owned by an enrolled member as set forth below, or such enrolled member and their spouse, is hereby granted from taxation with respect to the real property taxes of the City of Canandaigua as long as eligibility requirements are met.

§ 612-60 Eligibility Requirements.

Such exemption shall be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service provided that:

- A. The property is owned by the volunteer firefighter or volunteer ambulance worker;
- B. The property is the primary residence of the volunteer firefighter or volunteer ambulance worker;
- C. The property is used exclusively for residential purposes and any portion of the property that is not used exclusively as the primary residence is not entitled to this exemption;

- D. The volunteer firefighter or volunteer ambulance worker resides in the City and the City is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;
- E. The volunteer firefighter or volunteer ambulance worker is certified as an enrolled member of such an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; and
- F. The volunteer firefighter or volunteer ambulance worker meets the minimum service requirement established by the City, which is hereby established as two years.

§ 612-61 Application.

A volunteer firefighter or volunteer ambulance worker must annually, on or before the applicable taxable status date, file an application for such property tax exemption with the City Assessor, on a form as prescribed by the New York State Commissioner of Taxation and Finance. The City must provide written eligibility requirements and guidelines, available upon request, as to the requirements of an enrolled volunteer member relating to this exemption.

§ 612-62 Certification.

The City must annually file with the assessor, prior to the applicable taxable status date, a list of the active volunteer members who are certified to meet the minimum service requirement. Such list must provide, as of the applicable taxable status date, the number of years of service served by each such enrolled member and such enrolled member's address of residence.

§ 612-63 No Diminution of Benefits

An applicant who is receiving any benefit pursuant to Article 4 of the Real Property Tax Law as of the effective date of this Article shall not have any of those benefits diminished because of this Article.

§ 612-64 Grant of Lifetime Exemption.

Any eligible enrolled member who accrues more than twenty (20) years of active volunteer service (as certified by the authority having jurisdiction) shall be granted the 10% exemption as authorized by this Article for the remainder of his or her life as long as his or her primary residence is located within the City.

§ 612-64 Un-remarried Spouse of Enrolled Member Killed in the Line of Duty.

The un-remarried surviving spouse of a deceased enrolled member killed in the line of duty, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least five years and had been receiving the exemption at the time of his or her death.

§ 612-65 Un-remarried Spouse of Deceased Enrolled Member.

The un-remarried surviving spouse of a deceased enrolled member, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least twenty (20) years and the deceased volunteer and un-remarried spouse had been receiving the exemption at the time of his or her death.

Section 4. Validity and Severability Should any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section F. 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 local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section G. Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Municipal Home Rule Law Section 27.

ADOPTED this 4th day of May, 2023.

ATTEST:

Erin VanDamme
City Clerk

LOCAL LAW #2023-002

IMPLEMENTING A SIX MONTH MORATORIUM RELATED TO APPROVALS FOR SHORT-TERM RENTALS IN R-1A, R-1B, R-2, R-3, AND R-L ZONED DISTRICTS.

WHEREAS, the City Council most recently enacted an ordinance regulating short-term rentals on September 14, 2018, through Ordinance 2018-010; and

WHEREAS, at the City Council’s Planning Committee meeting of April 5, 2023; the City Council heard recommendations from the Planning Commission and the Zoning Board of Appeals regarding the regulation of short-term rentals; and

WHEREAS, the Planning Committee of the City Council endorsed further consideration of amending the short-term rental ordinance; and

WHEREAS, the City Council believes that no new short-term rentals should be approved in residentially zone districts until the current ordinance is amended,

NOW, THEREFORE, BE IT RESOLVED by the Canandaigua City Council as follows:

Section 1. Legislative Intent and Authority.

This local law is enacted pursuant the authority granted by New York State Municipal Home Rule Law Section 10. The Canandaigua City Council has determined that the current short-term rental ordinance may not adequately regulate short-term rentals, in particular in residentially zoned districts; that the existing ordinance requires additional review and/or revision; and that it would be in the best interest of the protection, order, conduct, safety, health and well-being of the persons and property in the City to adopt a moratorium on new applications for short-term rental uses in residentially zoned districts in order to preserve the status quo during this period of review until appropriate legislation is enacted or it is determined that no further legislation is needed.

Section 2. Moratorium Scope and Timing.

There shall be a six-month moratorium on any applications for short-term rentals in the R-1A, R-1B, R-2, R-3, and R-L zoned districts, measured from the effective date of his local law. During the moratorium period, no applications for short-term rental uses in such districts shall be accepted by the City. This moratorium shall not apply to any such applications accepted prior to the effective date of this local law.

Section 3. Validity and Severability.

Should any word, section, clause, paragraph, sentence, part or provision of this local law 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 local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section 5. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

Adopted this 4th day of May, 2023.

Attest:

Erin VanDamme
City Clerk