

**AGENDA**  
**ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE**  
**TUESDAY, OCTOBER 18, 2022, 7:00 PM**  
**HURLEY BUILDING, 205 SALTONSTALL STREET**  
**VIRTUALLY: <https://us06web.zoom.us/j/83871733845>**

**Environmental Committee:** Karen White, Chair  
Sim Covington, Jr.  
Erich Dittmar  
Renée Sutton

**1. Hotel Canandaigua Request – License Agreement Lakefront Park**

Hotel Canandaigua has requested to utilize a portion of Lakefront Park for hotel guest to enjoy a lakefront wedding ceremony. The hotel is also requesting access to the Lakefront Park dock to allow guests to access lake excursions (in partnership with other local businesses) and accommodate guests that would like overnight docking. In order to facilitate such a request, a revocable license agreement and an associated fee would be required; similar to past and current use of park facilities. A representative from the hotel has been invited to present the request.

**2. Public Safety Rescue Boat**

For several years, a public safety boat has been discussed to respond to emergencies that occur on the Lake such as water rescues and fight fires on the lake or on the shores as well as enforce laws related to boating traffic and properly contain potential environmental hazards. A brand-new boat would cost approximately \$125,000 and up. There is a used rescue boat in Erie County that is for sale and has been proffered to the City for \$20,000. A boat hoist, some new lettering/wrap and small repairs are estimated at a total of \$10,000. City Staff believes that this boat would serve the City for many years and that the costs/benefit at this price is a good investment; thus the 2023 Capital Budget will include \$30,000 for this purpose. Erie County has requested a letter of intent to hold the boat for the City. Chief Magnera and Chief Nielsen will be at the meeting to discuss and answer questions. The City Manager recommends approving the purchase of a public safety boat.

**3. Property Transfer between Ontario County and City**

County and City Staff have been discussing a property transfer of .457 acres (a portion of the southwest corner of the public square established by Oliver Phelps and Nathaniel Gorham in 1800) to assist in the resolution of a long-standing issue. Attached is a draft agreement for review and discussion.

**Ordinance Committee:** Renée Sutton, Chair  
Sim Covington, Jr.  
Erich Dittmar  
Karen White

**1. Mandatory Inspection of Water Service Lines at Property Transfer**

For many years, the City has protected residents and neighboring municipalities from exposure to lead with the utilization of a corrosion control system. This system reduces lead levels in water by reducing the corrosion of the lead service lines on private property. However, the United States Environmental Protection Agency (EPA) has adopted regulations to further control lead and copper in drinking water

and the New York State Department of Health has directed the City to replace lead service lines in accordance with the EPA's lead and copper rule. Part of this effort is identifying/inventorying every water service line within the City's water distribution system. To aid in with this endeavor, City Staff recommends a new ordinance that requires the inspection and certification of the water service upon the transfer of property. Where the water service is found to be composed of lead or galvanized metal, it must be replaced at the expense of the homeowner prior to the transfer of property.

## **2. Vacancy Tax**

Councilmember Renée Sutton requested that an item be added to the agenda for a general discussion regarding a potential vacancy tax. The premise of such a tax is that vacant commercial property (i.e. vacant storefronts) is a blight on the community and property owners should be influenced/incentivized to fill storefronts. Attached to the agenda are news articles and whitepapers from other communities regarding this matter.

## **3. Solid Waste Ordinance**

§585 "Solid Waste" of City Code includes single family and 2-4 family properties for garbage, recycling and yard waste collection and excludes commercial waste, industrial waste, trade waste, hazardous household waste, building waste or waste from multiple dwellings, rooming houses or mixed-use properties. City Staff discussed the collection program as it pertains to certain property classes at the September 6<sup>th</sup> Finance Committee and has prepared a draft amendment to the ordinance to reflect that discussion as well as reflect other changes being made to the program.

***Next Meeting: TBD***

September 9, 2022

John Goodwin  
City Manager  
City of Canandaigua  
Canandaigua, New York

Dear Mr. Goodwin,

Thank you for your consideration regarding the request for Hotel Canandaigua to partner with the City of Canandaigua in utilization of public property. Below you will find the request for Hotel Canandaigua to have access to the picnic area as well as the dock in Lakefront Park. Together, Hotel Canandaigua and the Canandaigua City Parks will continue to foster the enjoyment of green space in all seasons for the community as well as guests of the hotel.

**Lakefront Park:**

Lakefront Park, adjacent to Hotel Canandaigua, offers an array of wide-open spaces with a picturesque backdrop of Canandaigua Lake. The Lakefront Park is the ideal location for hotel guests to enjoy a lakefront wedding ceremony. Hotel Canandaigua is requesting access to the Lakefront Park picnic area, specifically the waterfront section, to host wedding ceremonies. Hotel Canandaigua is anticipating wedding ceremonies will be conducted Friday, Saturdays and Sundays from May 1 – October 31, 2023. There will be one wedding ceremony per day. The expected guest count for the Lakefront wedding ceremonies is 150 people. The allotted time for the ceremony is 30 minutes. In total the Hotel Canandaigua event staff will require 90 minutes to set up the event, conduct the ceremony and break down the event. Hotel Canandaigua will provide and set up all necessary requirements for the event. In addition, Hotel Canandaigua staff will return all public picnic tables to their original location.

Hotel Canandaigua strives on providing guest experiences both on property, in the community as well as on the lake. For these reasons, Hotel Canandaigua is also requesting access to the Lakefront Park dock. The dock will allow guests to easily access their personal watercrafts. Furthermore, to better accommodate our guests experience Hotel Canandaigua is requesting overnight docking.

On behalf of the Hotel Canandaigua team, as well as future guests, we greatly appreciate your time and consideration regarding the items listed above. We are looking forward to discussing our partnership.

Sincerely,

Kimberly Picha  
Sales and Event Manager  
Hotel Canandaigua  
205 Lakeshore Drive  
Canandaigua, New York

## PURCHASE AND SALE AGREEMENT

BUYER: CITY OF CANANDAIGUA, 2 North Main Street, Canandaigua, New York 14424  
("Buyer" or "City")

SELLER: COUNTY OF ONTARIO, 20 Ontario Street, Canandaigua, New York 14424  
("Seller" or "County")

Buyer shall purchase and Seller shall sell the property described below on the following terms and conditions.

**1. PROPERTY DESCRIPTION:** A parcel of land situated in the City of Canandaigua, County of Ontario and State of New York, consisting of approximately .457 acres being a portion of the southwest corner of the lands now owned by the County of Ontario having been deeded to the supervisors of the County of Ontario by Oliver Phelps and Nathaniel Gorham by deed dated July 18, 1800, and recorded in the Ontario County Clerk's Office in Liber 7 of Deeds at Page 16, and as is more particularly described in Exhibit A Property Description attached hereto and made a part hereof.

**2. PRICE, AMOUNT AND HOW IT WILL BE PAID:** The purchase price is to be paid as follows:

The purchase price is \$1.00.

**3. CONTINGENCIES:** This offer is subject to the following contingencies. If any of these contingencies are not satisfied or waived by Buyer by the dates specified, then either Buyer or Seller may cancel this contract by written notice to the other.

(a) **Legislative Approval.** This contract is contingent upon approval of Buyer's and Seller's respective Legislature within 60 days of acceptance of this offer.

(b) **Attorney Approval.** This Agreement is subject to the written approval of attorneys for Buyer and Seller within 5 business days from the date of acceptance (the "Approval Period"). If either attorney makes written objections to the contract within the Approval Period, and such objection is not cured by written approval by both attorneys and all of the parties within the Approval Period, then either Buyer or Seller may cancel this contract by written notice to the other and any deposit shall be returned to the Buyer.

**4. CLOSING DATE, PLACE AND POSSESSION:** The transfer of title shall take place at the Ontario County Clerk's Office, or other agreed location, no later than \_\_\_\_\_, 2022.

**5. TITLE DOCUMENTS.** Seller shall provide the following documents in connection with the sale:

a. **Deed.** Seller will deliver to Buyer at closing a properly signed and notarized Quitclaim Deed.

**6. RECORDING COSTS, MORTGAGE TAX, TRANSFER TAXES AND CLOSING ADJUSTMENTS.** Buyer will pay the real property transfer tax and real property gains tax, if any. Buyer will pay for recording the deed. The parties agree to cooperate in the execution and timely filing of all necessary documentation to determine any real property transfer gains tax.

7. This contract is personal to the parties and may not be assigned by either without the other's consent. If this Agreement or actions hereunder are determined to be in violation of the restrictions and condition subsequent in Liber 7 of Deeds Page 16, then such actions and Agreement shall be absolutely void and of no effect whatsoever.

**8. DEFENSE AND INDEMNIFICATION:** City agrees to the fullest extent of the law that except for the amount, if any, of damage contributed to, caused by or resulting from the negligence of the County, the City shall indemnify and hold harmless the County, its officers, employees and agents from and against any and all liability, damage, penalties, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly hereunder and to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising hereunder and to bear all other costs and expenses related thereto. The duty to defend hereunder shall be triggered immediately upon notice to the City by the County of the County's receipt of a Notice of Claim, service of process or other demand or claim.

The duty to defend and indemnify hereunder shall survive the expiration or earlier termination of this Purchase and Sale Agreement.

**9. ENTIRE CONTRACT:** This contract and its Exhibits when signed by both Buyer and Seller will be the record of the complete agreement between the Buyer and Seller concerning the purchase of the property. No verbal agreements or promises will be binding.

**10. NOTICES:** All notices under this contract shall be deemed delivered upon receipt. Any notices relating to this contract may be given by the attorneys for the parties.

**11. JURISDICTION:** Both the County and City irrevocably submit to the exclusive jurisdiction of any New York State court sitting in the County of Ontario, State of New York, over any suit, action or proceeding arising out of or relating to this Agreement. This Agreement and the rights and obligations of the parties under this Agreement shall in all respects be governed by, and construed and enforced in accordance with, the laws of the State of New York applicable to the interpretation, construction and enforcement of contracts and indemnities (without giving effect to New York's principles of conflicts law).

**Seller: County of Ontario**

**Buyer: City of Canandaigua**

By: \_\_\_\_\_

By: \_\_\_\_\_

Christopher DeBolt  
County Administrator

John Goodwin  
City Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## EXHIBIT A TO PURCHASE AND SALE AGREEMENT

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Canandaigua, County of Ontario and State of New York, being a portion of the southwest corner of the lands now owned by the County of Ontario having been deeded to the supervisors of the County of Ontario by Oliver Phelps and Nathaniel Gorham by deed dated July 18, 1800, and recorded in Ontario County Clerk's Office in Liber 7 of Deeds at Page 16 and more particularity bounded and described as follows:

BEGINNING at a point in the southerly line of the "Public Square", so called, where it is intersected by the east line of the stone base on the east side of the Hubbell Block, and which point of beginning is also a point in the west line of Main Street at the northeasterly corner of lands conveyed to Katharine B. Perego and Edwin C. Perego by Rochester Trust and Safe Deposit Company, Executor under the Last Will and Testament of Stewart B. Hubbell, Deceased, by deed dated February 24, 1945, and recorded in the Ontario County Clerk's Office in Liber 423 of Deeds at page 130; thence south seventy-one (71) degrees, six (6) minutes west along the northerly line of said Perego's lands and lands of Randolph V. Miller; a distance of two hundred sixty-one and twenty-eight one hundredths (261.28) feet to the southwesterly corner of the Public Square and being also the southeasterly corner of lands conveyed by E. Raymond Church et al to Ray O. Nicholson by deed dated April 13, 1944, and recorded in Ontario County Clerk's Office in Liber 414 of Deeds at page 131; thence north nineteen (19) degrees, thirty-four (34) minutes west along the easterly line of said Nicholson's lands and crossing a lane fifteen (15) feet wide and continuing along the easterly line of a part of lands conveyed by George T. Thompson to George T. Thompson Sons, Inc., by deed dated February 7, 1940, and recorded in Ontario County Clerk's Office in Liber 410 of Deeds at page 397, a distance of about one hundred twenty-nine (129) feet to a point which is ten (10) feet southerly from the center line of a spur or switch running to the lands of the said George T. Thompson Son, Inc., thence easterly on a curved line parallel to and ten (10) feet south of the center line of the said spur or switch to a point which is ten (10) feet southerly from a point made by the intersection of the center line of said spur or switch with the center line of the southerly main track of the New York Central Railroad Company; thence continuing easterly on a curved line ten (10) feet south of and parallel to the center line of said southerly main track for an overall or total distance of about two hundred seventy-six (276) feet to a point in the west line of Main Street produced northerly and which is also the continuation of the east line of the stone base on the east side of the "Hubbell Block", so called, now owned by Katharine B. Perego, and Edwin C. Perego, thence south nineteen (19) degrees, no (0) minutes east, a distance of about forty-six (46) feet to the place of beginning and containing four hundred fifty-seven thousandths (0.457) acres more or less, according to a map or survey made by Charles J. Brown, licensed surveyor.

MUNICIPAL ACKNOWLEDGMENT

STATE OF NEW YORK            )  
   :ss.:  
 COUNTY OF ONTARIO         )

On the \_\_\_ day of \_\_\_\_\_, in the year 2022 before me personally appeared Christopher DeBolt, known to me to be the person who executed the within instrument, who being duly sworn by me did depose and say that \_\_he resides in the County of Ontario, State of New York; that \_\_he is the County Administrator of Ontario County, the Municipality described in said instrument; that, by authority of the Legislative Body of said Municipality, \_\_he is authorized to execute the foregoing instrument on behalf of the Municipality for the purposes set forth therein; and that, pursuant to that authority, \_\_he executed the foregoing instrument in the name of and on behalf of said Municipality, as the act and deed of said Municipality.

\_\_\_\_\_  
 Notary Public

MUNICIPAL ACKNOWLEDGMENT

STATE OF NEW YORK        )  
  :ss.:  
COUNTY OF YATES        )

On the \_\_\_ day of \_\_\_\_\_, in the year 2022 before me personally appeared \_\_\_\_\_, known to me to be the person who executed the within instrument, who being duly sworn by me did depose and say that he resides in the County of Ontario , State of New York; that he is the City Manager of the City of Canandiagua, the Municipality described in said instrument; that, by authority of the Legislative Body of said Municipality, he is authorized to execute the foregoing instrument on behalf of the Municipality for the purposes set forth therein; and that, pursuant to that authority, he executed the foregoing instrument in the name of and on behalf of said Municipality, as the act and deed of said Municipality.

\_\_\_\_\_  
Notary Public





## Chapter 585. Solid Waste

### § 585-1. Definitions.

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

#### BLUE BOX

~~An approved blue plastic container designated for recycling by a governmental authority.~~

#### 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.

#### 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, without the specific approval of the Director of Public Works.~~

#### 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:~~

~~(1) Size: Containers must be a maximum of 64 gallons.~~

~~(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~~

#### 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) Size: Containers must be a minimum of 64 gallons and a maximum of 96 gallons.~~

~~(2) Identification: Containers must be clearly marked on the outside of the container with the property address and the recycle symbol or the word "recycle."~~

~~(3) 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.

#### DPW or DEPARTMENT

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

**DIRECTOR or DIRECTOR OF PUBLIC WORKS**

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

**DUMPSTER**

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

**GARBAGE**

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

**GARDEN AND YARD WASTE**

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

**GARDEN AND YARD WASTE CAN or RECEPTACLE**

A watertight, galvanized or 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 receptacle is capable of being lifted by mechanical means by City vehicles, specifically, the can or receptacle must have a steel or metal bar that allows the container to be securely lifted and deposited.

**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 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.

#### **RECYCLABLE RECEPTACLE**

~~A.~~

~~An approved plastic container designated for recycling by the City of Canandaigua, including "blue boxes" and containers that are capable of being lifted by mechanical means by City vehicles. Containers that are capable of being lifted by mechanical means by City vehicles shall meet the following specifications:~~

~~(1)~~

~~Size: Containers must be a minimum of 64 gallons and a maximum of 96 gallons.~~

~~(2)~~

~~Identification: Containers must be clearly marked on the outside of the container with the property address and the recycle symbol or the word "recycle."~~

~~(3)~~

~~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 "receptacle" throughout this chapter shall include recyclable receptacles.~~

#### **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, 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 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. ~~Plastic bags may be deposited in a can or receptacle as herein defined.~~

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

C. Recyclables shall be deposited in a ~~City-approved~~ supplied recyclable receptacle. All recyclables shall be physically separated from other cans or receptacles when placed for collection. The Director of Public Works may from ~~time to time~~ 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. Garbage and rubbish may be deposited in the same can or receptacle.~~

~~F.~~ E. All City issued garbage and recycling containers and garden and yard waste cans, receptacles, ~~recyclable receptacles, blue boxes, plastic bags~~ 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.

~~G.~~ 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.

~~H.~~ 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.

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

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

~~A.~~ All City issued garbage and City issued recycling containers, cans, receptacles or recyclable 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 the user must notify the Department of Public Works of a deteriorated City issued container. The Department of Public Works will issue a replacement.

~~B.~~ All garden and yard waste cans and receptacles shall be maintained in a good, clean and sanitary condition by the owner or user thereof and shall not be permitted to have any ragged or sharp edges or other defects to hinder or harm the person(s) handling the contents thereof. Should the container deteriorate to such an extent that the same becomes dangerous or liable to injure or hinder the person collecting the contents thereof or if it should leak, then it must be replaced by a proper container within one week of receipt of written notification from the Department of Public Works. The cost of such replacement container shall be the responsibility of the container owner.

~~B-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 approved cans, receptacles or receptacles, recyclable receptacles or blue boxes 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, recyclable receptacles, or blue boxes 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.

~~C-D.~~ It shall be unlawful for anyone other than the owner, tenant or occupant of any premises from which garbage, rubbish, garden and yard waste, or recyclables are collected, or the authorized employees or agents of the Department, or a duly licensed collector to disturb any City issued container, can or receptacle or to remove the cover or any of the contents thereof when placed for collection.

~~D-E.~~ It shall be unlawful for anyone to strew or scatter the contents of any City issued container, garden and yard waste can or receptacle containing garbage, rubbish, yard waste or recyclables

upon any lawn, sidewalk, street, alley, lane, park, parkway, playground, parking lot, empty lot, or upon the waters of Canandaigua Lake, or of any creek, slip, basin or any other place in the City of Canandaigua, New York.

E-F. It shall be unlawful for any owner, tenant, or occupant of any premises within the City of Canandaigua, after due notice from the Department to permit or allow garbage, rubbish or recyclables to accumulate or be stored or remain along or around City issued container, cans or receptacles.

F-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.

G-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

H-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.

#### § 585-45. 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, ~~and~~ 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 ~~week~~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. ~~blue boxes or recyclable receptacles.~~

B. The collection of garbage, rubbish, garden and yard waste and recyclables by the Department shall be limited to garbage, rubbish, garden and yard waste and recyclables of single-family dwellings and two- to four-family dwellings, and such collections shall not include commercial waste, industrial waste, trade waste, hazardous household waste, building waste or waste from multiple dwellings, ~~rooming houses~~ 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 ~~annual all~~ refuse collection fees pursuant to this chapter. ~~Collections from such organizations shall be limited to five thirty nine gallon containers per week.~~

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.<sup>111</sup> Exemptions are renewable every two years (anniversary date). Applications for exemption from curbside collection of garbage, rubbish and recyclables are obtainable from the Department of Public Works and shall be forwarded, upon completion by the applicant's physician, to the ADA Coordinator.



§ 585-~~56~~. 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 ~~Treasurer~~ 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-~~76~~. 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, 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-~~87~~. Trade waste.**

A. Trade waste shall not be collected by the City of Canandaigua and shall not be buried, burned, deposited or dumped within the boundary limits of the City. All of said trade waste shall be removed from the premises or place of origin by the manufacturer and/or processor in accordance with the rules and regulations promulgated by the Department.

B. Any accumulation of garbage, rubbish, garden and yard waste or recyclables in an amount in excess of one cubic yard for a period of seven consecutive days shall be classified and designated as trade waste except garbage from schools and hospitals.

**§ 585-~~89~~. 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-~~109~~. 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-~~4011~~. 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 § 585-5585-6 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 585-6585-7 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 § 585-7585-8 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 § 585-9585-10 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-~~11~~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 § ~~585-10~~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.

**§ ~~585-12~~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 § ~~585-4A-585-5~~ shall not be paid within ~~230~~ 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 ~~180-60~~ 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 ~~320~~ days of the rendering of the bill shall accrue a penalty of ~~4%~~ 15% per month 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.

