

ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE

TUESDAY, MAY 9, 2023, 7:00 PM

HURLEY BUILDING, 205 SALTONSTALL STREET

VIRTUALLY: <https://us06web.zoom.us/j/84936309067>

LIVE STREAM: <https://fingerlakestv.org/live/>

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

1. Tree Removal Ordinance

The Ordinance Committee requested that the City Arborist Stephanie Crim answer questions about the proposed ordinance and provide some tree education to the City Council. The drafted ordinance recommended by the Tree Advisory Board would require property owners to notify the City prior to removing a mature tree. Another potential ordinance for general discussion would involve amending the Historic Zoning to also include landscape which would require a review of any changes to the site viewable from the street to preserve significant site features including trees.

2. Local Natural Gas Ban

The New York State Budget includes the elimination of fossil-fuel equipment and building systems (natural gas hookups) in new residential buildings of seven stories or less and commercial buildings under 100,000 square feet on or after December 31, 2025 and prohibits the installation in all new buildings after December 31, 2028. Councilmember Dittmar requested a discussion of adopting a similar local measure moving these dates up for the City of Canandaigua.

3. Mandatory Inspection of Water Service Lines at Property Transfer

The City protects residents and neighboring municipalities from exposure to lead with the utilization of a corrosion control system to reduce lead levels in water by reducing the corrosion of the lead service lines on private property. City Staff also informed the community that the United States Environmental Protection Agency (EPA) 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 recommended 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. The Committee has discussed this ordinance at several meetings and this is a continued discussion.

4. Short Term Rentals

The City Council enacted a six (6) month moratorium on short rental approvals at their May 4, 2023 meeting. Recommendations and draft proposed changes have been presented to the Council. This is a continued and ongoing discussion.

5. Solid Waste Collection Program

At the May 4, 2023 City Council meeting, the Solid Waste Ordinance was tabled to work on the definition of mixed-use with a primary commercial use.

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

1. Community Choice Aggregation (CCA) Update

The City's third-party administrator, Joule Assets, will provide a brief update on the bidding of our CCA program.

2. Kershaw Park Concessions

At the April 4, 2023 Finance Committee meeting, City Staff recommended rejecting the lone bid received from the previous lease holder for Kershaw Park Concessions due to several issues that occurred during the lease. The City Manager approached potential concessionaries and found an interested party in Kix on Main.

3. City Public Safety Boat

Councilmember White has some additional questions related to the public safety boat. Specifically, the environmental and safety impact of the of mooring the boat at the City Pier and her concern that the motors will leak oil/gas 24/7 into the lake.

Next Meeting: June 20th

ORDINANCE 2023-_____

AN ORDINANCE ADDING A NEW CHAPTER 634 TO THE CITY OF CANANDAIGUA CITY CODE ENTITLED “REMOVAL OF TREES ON PRIVATE PROPERTY”.

WHEREAS, the City of Canandaigua is committed to protecting the environment and the City’s natural beauty and assets, in particular the abundance of mature trees in the City; and

WHEREAS, the City has previously adopted its Urban Forestry Ordinance, which regulates and protects public trees and other property from damage or destruction; and

WHEREAS, the City Tree Advisory Board has considered how to protect mature trees on private property while also taking into account public safety and the interests of private property owners; and

WHEREAS, the Tree Advisory Board has provided recommendations to City Council in the form of this ordinance as to how to best achieve these goals; and

WHEREAS, City Council has determined that it is also in the best interest of the City and the general welfare and safety of City residents to ensure that mature trees on private property are maintained and/or removed in accordance with proper practices, while balancing the needs of the private property owner; and

WHEREAS, City Council has determined that these goals can best be achieved through the implementation of a notification requirement prior to the cutting of mature trees on private property;

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

SECTION 1: A new Chapter 634 entitled “Removal of Trees on Private Property” is hereby added to the City Code of the City of Canandaigua as follows:

Section 634-1 Purpose and Scope.

- A. The purpose of this chapter is to regulate the removal of mature trees on private property, by requiring notification to the City prior to the cutting of mature trees on private property within the City.
- B. This Chapter does not apply to trees on public property as regulated in Chapter 633.

Section 634-2 Definitions.

The following terms shall carry the meanings indicated:

MATURE TREE

A tree with a diameter of [9] inches or more measured at [4] ft from the ground.

CUTTING MATURE TREES

Cutting the main axis of the trunk of a mature tree below {10} feet

Section 634-3 Notification Required Prior to Cutting Mature Trees.

- A. Notification required. No person shall cut a mature tree on private property without first notifying the City Code Enforcement Officer in writing no less than {30} days in advance of the cutting.
- B. The written notification shall identify: i) the owner's name; ii) the subject property; iii) the identification of the mature tree(s) to be removed (including their species, size-height, diameter and location); iii) the individual or professional entity (~~if not the owner~~) performing the cutting; iv) the date(s) of the proposed method of cutting if not performed by a professional entity; and v) a certification that the cutting of the trees will be in compliance with the requirements for cutting trees in Annex [...]
- C. Upon receipt of notification, the Code Enforcement Officer shall mark the date of receipt, shall forward a copy of the notification to the Tree Advisory Board, and shall provide the notifier with a written acknowledgment of receipt of the notification within {75} business days. Such acknowledgment shall state the date of receipt of the notification, and that the proposed cutting of one or more mature trees can take place after {21} days in accordance with the notification, unless the Code Enforcement Officer indicates within {21} days otherwise by registered mail.

Section 634-4 Exemptions.

- A. This chapter shall not apply to emergency situations, including impending fall of a trees, in which the safety of private persons or public safety are endangered. In those cases the Code Enforcement Officer will be informed within {2} working days after the cutting of the tree.
- A.B. This chapter shall not apply to cutting of trees in as far as that is regulated in the Historic District Chapter of the City Code [add]

~~Section 634-5 Requirements For Cutting Mature Trees~~

~~Unless otherwise specified as referred to in article 634—3 C, cutting mature trees must comply with the conditions listed in Annex [...]~~

Section 634-5 Penalties For Offenses; Enforcement.

- A. Any person who shall violate any of the provisions of this chapter shall, upon conviction, be punishable by a fine not exceeding {250}.
- B. The Code Enforcement Officer is hereby charged with the responsibility for the enforcement of this chapter and may serve notice to any person in violation thereof or institute legal proceedings as may be required, and the City Attorney is hereby authorized to institute appropriate proceedings to that end.

SECTION 2: If any provision of this Ordinance or application thereof to any person(s) or circumstance is judged invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the Ordinance that can be given effect without the invalidated provision or application, and to this end the provisions of this Ordinance are declared severable.

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

ADOPTED this ____ day of _____, 2023

ATTEST:

Erin VanDamme

City Clerk

ORDINANCE 2023-_____
AN ORDINANCE AMENDING CHAPTER 669 REQUIRING MANDATORY INSPECTION AND REPLACEMENT OF LEAD WATER SERVICE LINES AT PROPERTY TRANSFER.

WHEREAS, the City of Canandaigua is committed to protecting the general health, safety, and welfare of its residents; and

WHEREAS, the City operates the City’s water distribution system, which services its residents and other neighboring municipalities; and

WHEREAS, the Canandaigua water system is and continues to be a clean source of water; and

WHEREAS, there exists an estimated approximately 250 privately owned properties serviced by hazardous obsolete lead service lines or galvanized service lines requiring replacement within the City of Canandaigua, and approximately an estimated 3400 properties within the Canandaigua water system; and

WHEREAS, these lead service lines or galvanized service lines requiring replacement connect to the City’s water distribution system, but are owned by the property owner; and

WHEREAS, in the 1986 Safe Drinking Water Act Lead Ban required the use of “lead-free” pipe, solder, and flux in the installation or repair of any public water system or any plumbing in a residential or non-residential facility providing water for human consumption; and

WHEREAS, the United States Environmental Protection Agency (the “EPA”) has adopted updated regulations to eliminate lead and copper in drinking water and the New York State Department of Health has directed municipalities to replace lead service lines or galvanized service line requiring replacement in accordance with the EPA’s regulations; and

WHEREAS, the City has determined that the provision of clean, lead-free drinking water to its residents is beneficial to the City as a whole and beneficial to any private landowner and the City has a strong interest in eliminating privately-owned lead service lines or galvanized service line requiring replacement; and

WHEREAS, as part of its comprehensive plan to protect residents from exposure to lead, the City introduced a corrosion control system expected to reduce the lead levels in the water by reducing the corrosion of the lead service lines on private property; and

WHEREAS, for the health, safety and welfare of City residents the City Council desires to require all premises serviced by lead service lines or galvanized service lines requiring replacement to replace such service lines at the owner/occupant’s own expense prior to the transfer of such premises and/or certify that lead service lines or galvanized service lines requiring replacement do not exist or have been replaced, or to replace such service lines when premises are inspected and lead service lines or galvanized service lines requiring replacement are discovered to be present;

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Canandaigua, that Chapter 669 is hereby amended to add a new Chapter 669-8.1, entitled “Mandatory Inspection and Replacement of Lead Water Service Lines at Property Transfer”:

Section 1:

A. Definitions.

~~PLUMBING CONTRACTOR shall mean a person, firm, corporation or other entity licensed by the State of New York and/or other City to perform plumbing work.~~

DWELLING, BUILDING, OR STRUCTURE shall be as those respective terms are defined in Chapter 850-12.

GALVANIZED SERVICE LINE REQUIRING REPLACEMENT shall mean a water service line constructed of galvanized steel that cannot definitively be shown to never have been downstream from a lead service line.

LEAD SERVICE LINE shall mean a water service line on private property that is constructed of lead ~~or galvanized service lines requiring replacement.~~

WATER SERVICE LINE shall mean the water line on private property that leads to the dwelling, structure, or building that is connected to the main City of Canandaigua water line.

B. Lead Services Lines Prohibited. It is hereby established that the existence of lead service lines or galvanized service lines requiring replacement is prohibited in the City of Canandaigua.

C. Lead Service Line Replacement or Certification Prior to Property Transfer.

- a. No person shall transfer to any other person, nor accept from any other person, the transfer of the title to any dwelling, building, structure, or premises, unless and until:
 - i. the owner/occupant provides the City Water ~~Bureau-Department~~ with a certification of inspection by a plumbing contractor of the absence of a lead service line or galvanized service lines requiring replacement and/or that the lead service line was previously removed and replaced; or
 - ii. the City Water ~~Bureau-Department~~ shall have examined and issued a certificate of inspection that no lead service line or galvanized service line requiring replacement exists and that no otherwise unlawful or unmetered water service line connection exists between the dwelling, building, or structure and the main City water line.
- b. This Section C shall be applicable only to those transactions in which such premises is transferred by the owner of record, the owner's heirs, assigns, representatives or agents, to a bona fide purchaser or purchasers for value, and shall not be applicable to involuntary sale proceedings of any kind or to non-sale transfers. This requirement

may be waived in the case of transfers of undeveloped premises with no facilities for water services.

- D. Mandatory Replacement of Lead Service Line. The owner/occupant of any dwelling, building or structure serviced by a lead service line or galvanized service line requiring replacement is required to replace the lead service line on their premises in accordance with Subsection C.
- E. Any lead service lines or galvanized service line requiring replacement shall be replaced at the expense of the owner/occupant. Replacement water service lines must be NSF certified for water and be composed of brass, copper (type L or K), DI, SS, CPVC, HDPE, PE, PEX or PVC manufactured to recognized standards for cold water distribution systems outside buildings.
- F. Replacement of Lead Service Lines Prior to Property Transfer.
- a. In the event that a lead service line or galvanized service line requiring replacement is discovered upon inspection by the Water ~~Bureau~~Department, the Water ~~Department~~Bureau shall immediately notify the owner/occupant in writing of the existence of the lead service line.
 - b. The owner/occupant shall provide proof of arrangements with a plumbing contractor for replacement of the lead service line to the Water ~~Bureau~~Department within thirty (30) days of the date of the Water ~~Bureau's~~Department's notice letter.
 - c. The owner/occupant shall complete replacement of the lead service line or galvanized service line requiring replacement within one hundred and twenty (120) days of the notice letter and submit proof of completion of such replacement to the Water ~~Bureau~~Department.
 - d. Upon receiving proof of completion of replacement the Water ~~Bureau~~Department shall confirm replacement by inspecting the premises as provided for herewith and file an inspection report with the Water ~~Bureau~~Department.
 - e. An extension of time may be granted by the Water ~~Bureau~~Department where the owner can demonstrate that a good faith effort has been made to comply with this ordinance and/or that exigent circumstances prevent compliance.
 - f. No repair of a lead service line or galvanized service line requiring replacement, or reconnection of a lead service line to the main City water service line shall be permitted under any circumstance.
- G. Authorization to Access Premises for Inspection Prior to Property Transfer.
- a. The City shall secure access to the premises from the owner/occupant for the purpose of inspection for the existence of lead service lines or galvanized service line requiring replacement. The City shall incur no liability from the owner/occupant relating to such inspection. After such inspection the City shall

restore the premises to its original condition, or as close as possible to its original condition as reasonably possible; and

~~a.~~b. During such inspection the Water Department shall also inspect the premises to determine the existence of any uses or connections to the City's water or sewer system that may be in violation of this Chapter or Chapter 567. If any such violations are discovered, the City shall undertake enforcement action as may be permitted by this Chapter or ~~Chapter~~Chapter 567.

~~b.~~c. In the event of refusal or failure to provide such access for an inspection as herein provided, a warrant may be issued by a judge or acting judge of the City Court upon application by the City Water ~~Bureau~~Department to allow inspection ~~of the water service line.~~

Section 2: If any provision of this Ordinance or application thereof to any person(s) or circumstance is judged invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the Ordinance that can be given effect without the invalidated provision or application, and to this end the provisions of this Ordinance are declared severable.

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

ADOPTED this ___ day of _____, 2023

ATTEST:

Erin VanDamme
City Clerk

City of Canandaigua
Office of Development and Planning

Richard E. Brown, AICP
Director

Phone (585) 337-2180
Fax: (585) 919-0605

DATE: April 26, 2023
FROM: Richard E. Brown, AICP
TO: John Goodwin, City Manager
RE: Short Term Rentals – Discussion Points for May 2 meeting

The following is a brief summary of changes within the proposed ordinance amending the regulation of Short-Term Rentals.

1. The “Primary Residence” requirement in residential zone districts is refined to restrict the number of nights the property may be used as a STR.
 - What is an acceptable number? 30 days; 60 days; 90 days?
2. The “Primary Residence” requirement would not apply in the R-O (Residential Office) and R-I (Residential Institutional) zone districts, as it does not currently apply in the MU (Mixed Use) zone district and the commercial zone districts.
3. The Special Use Permit for STRs would be renewable every two years to review compliance and to address any complaints. The use permit may be revoked for noncompliance.
 - Would the renewal be done at an open meeting by the Planning Commission (with a public hearing) or could it be done administratively by the Zoning Officer?
 - Should B&Bs also be renewable to maintain “level playing field”?
4. Special Use Permit for STR shall not transfer to a new property owner.
 - B&Bs are currently transferable
5. How will previously approved STRs be addressed if they are made nonconforming?
 - Option A: All previously approved STRs shall allowed to continue as approved without regard to zone district. All previously approved STRs shall be made renewable and shall not be transferrable.
6. The numbering of standards has been restructured for both STRs and B&Bs to call out the similarities and differences between these uses. Standards are added to B&Bs (such as maintaining guest records and collecting lodging tax). While these are not actually new requirements, this restructuring simply calls out these requirements to show consistency.

ORDINANCE #2023-___

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
WITH REGARD TO SHORT-TERM RENTALS
AND BED & BREAKFAST ESTABLISHMENTS**

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 after further consideration has recommended amending the Short-Term Rental ordinance;

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

Sec. 1 Article II “Terminology” hereby amended as follows:

SHORT-TERM RENTAL

A **complete** residential dwelling unit ~~or portion thereof rented for habitation~~ **that provides lodging without a host present** for a period of less than 30 days. Such properties are regulated under §850-110.5.

TOURIST HOME/BED-AND-BREAKFAST

~~A building or part thereof other than a hotel, motel or restaurant~~ **A single-family dwelling with a resident host that provides lodging and possibly meals** for persons primarily for overnight accommodations and where no cooking or dining facilities are provided in individual rooms. **Such establishments are regulated under §850-101.**

Sec. 2 § 850-101 “Tourist Homes and Bed-and-Breakfasts” shall be deleted and replaced with the following:

- A. Tourist Homes and Bed-and-Breakfasts may be permitted in the R-1B, R-2, R-3, R-I, R-L, **R-O, and MU** zone districts, provided **that the Planning Commission determines that the following standards are met:**
 - 1. The Planning Commission finds that the proposed use is compatible with adjacent properties, will not adversely affect property values and is consistent with the objectives of the City Comprehensive Plan.
 - 2. **The use as a tourist home/bed-and-breakfast shall involve the rental of a partial dwelling unit within a single-family dwelling.**
 - 3. **A resident of the dwelling shall be present during the rental. There shall be no more than two, nonresident employees.**
 - 4. The proposed use shall be in compliance with Chapter 748, Housing Standards, of the Code of the City of Canandaigua and the New York State Uniform Fire Prevention and Building Code.
 - 5. The use of the premises as a bed and breakfast shall not require or involve any exterior alterations to the structure which will make it appear as other than a single-family residence
 - 6. The establishment shall not sell meals to persons other than overnight guests, unless otherwise permitted as a restaurant in compliance with §850-83.
 - 7. The establishment shall not operate as a rooming house or boardinghouse as defined in §850-12.
 - 8. **The establishment shall be considered a lodging facility. Applicable county and local lodging tax shall be collected.**
 - 9. **The owner shall maintain records identifying names and permanent addresses of all renters and the duration of their stay.**
 - 10. **The Planning Commission shall determine, on a case-by-case basis, the maximum occupancy, but in no case shall the occupancy exceed 10 guests at any one time.**
 - 11. Off-street parking shall be provided. The Planning Commission may determine, on a case-by-case basis, what the parking requirement shall be, provided that such requirement shall not exceed the requirements of Schedule II
 - 12. **The Special Use Permit shall be issued as a temporary, renewable permit, which shall expire two years from the date of approval of the use permit by the Planning Commission. The permit may be revocable at any time if the conditions of approval are not being met. The Special Use Permit shall not be transferable to a different property owner.**

Sec. 3. §850-110.5 “Short-Term Rentals. shall be deleted and replaced with the following:

- A. Short-term rentals may be permitted in a complete residential dwelling unit in any zone district provided that the Planning Commission determines that the following standards are met:
1. The Planning Commission finds that the proposed short-term rental is compatible with adjacent properties, will not adversely affect property values and is consistent with the objectives of the City Comprehensive Plan.
 - 2. Within the R-1A, R-1B, R-2, R-3, and R-L zone districts, the short-term rental unit shall be the owner's primary residence, and may not be rented for more than a total of 60 days in each calendar year.**
 - 3. The rental unit shall be registered and periodically inspected in compliance with the City of Canandaigua Rental Inspection Program.**
 4. The proposed short-term rental shall be in compliance with Chapter 748, Housing Standards, of the Code of the City of Canandaigua and the New York State Uniform Fire Prevention and Building Code.
 5. The use of the premises shall not require or involve any exterior alterations to the structure.
 6. The short-term rental property shall not sell meals to persons other than overnight guests, unless otherwise permitted as a restaurant in compliance with § 850-83.
 7. The short-term rental property shall not operate as a rooming house or boardinghouse as defined in § 850-12.
 8. The short-term rental property shall be considered a lodging facility. Applicable county and local lodging tax shall be collected.
 9. The owner shall maintain records identifying names and permanent addresses of all renters and the duration of their stay.
 10. The Planning Commission shall determine, on a case-by-case basis, the maximum occupancy.
 11. Off-street parking shall be provided. The Planning Commission may determine, on a case-by-case basis, what the parking requirement shall be, provided that such requirement shall not exceed the requirements of Schedule II.
 - 12. The Special Use Permit shall be issued as a temporary, renewable permit, which shall expire two years from the date of approval of the use permit by the Planning Commission. The permit may be revocable at any time if the conditions of approval are not being met. The Special Use Permit shall not be transferable to a different property owner.**

Sec. 4. This ordinance shall be effective thirty (30) days following its enactment.

ADOPTED this ____ day of _____, 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.