

# City of North Tonawanda

DONNA L. BRAUN  
City Clerk-Treasurer  
dbraun@northtonawanda.org

Lori Swartz  
Assistant City Clerk

Denise Proefrock  
Assistant City Treasurer

OFFICE OF THE CITY CLERK - TREASURER  
VITAL STATISTICS  
CITY HALL  
216 PAYNE AVENUE  
NORTH TONAWANDA, N.Y. 14120

Treasurer's Office: (716) 695-8575  
Clerk's Office: (716) 695-8555  
Fax: (716) 695-8557

## COMMON COUNCIL WORKSHOP AGENDA

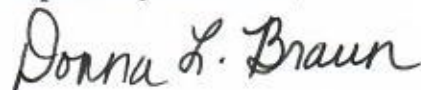
March 4, 2021

The following meeting has been scheduled for TUESDAY MARCH 9, 2021:

Meeting will be held in the Common Council Chambers – Due to the COVID-19 (Coronavirus) the meeting will not be open to the public.

6:30 P.M. Jesse Gooch	Re: Thursdays on the Water
6:45 P.M. Mark Zellner Supt. Of Public Works	Re: New Sanitation Codes
7:00 P.M. Alex Domaradzki Dir. Youth, Recreation, Parks & Seniors	Re: Botanical Gardens Green Infrastructure Project
7:15 P.M. Cosimo Capozzi – Building Inspector & Robert Pecoraro	Re: Solar Farms & Outdoor Dinning
7:30 P.M. Council President Robert Pecoraro Clerk-Treasurer Donna Braun	Re: Re-Opening Council Meetings to the Public
7:45 P.M. Common Council	Re: General Discussion

Respectfully submitted,



Donna L. Braun  
City Clerk-Treasurer



February 23, 2021

Common Council,

We are writing this proposal on behalf of Thursdays On the Water Concert Series at Gratwick Park. As you know, the COVID-19 Pandemic has disrupted and destroyed many events across the nation and in our community. Many of the events that have canceled are tax payer funded and were municipality based events. Thursdays On the Water is a privately owned company (JG Productions and Entertainment) We rely on sponsorships and patrons to provide a free music event for the community to enjoy on Thursday nights in the summer.

Many of the small businesses that are sponsors count on and include their sponsorships for Thursdays On the Water in their marketing budgets to attract new clients for their businesses. The food vendors count on this as a part of their annual income for their catering services as well. Some other jobs and income this event creates include stage rentals, production crews and staff, outhouse rentals, bartenders, and local sign companies. It also includes income directly to the city for the park rentals and the police security.

This will be the fourth year of Thursdays On the Water. This event has grown every year in a very positive way. We were nominated for festival of the year last year, and came in second place overall! We currently ran 28 events at this venue without any incidents or issues to report.

**Our proposed dates and times are:**

June 24<sup>th</sup>, July 8<sup>th</sup>, July 15<sup>th</sup>, July 22<sup>nd</sup>, July 29<sup>th</sup>, August 5<sup>th</sup>, August 12<sup>th</sup>, August 19<sup>th</sup> and August 26<sup>th</sup> from 5:30-10:00pm.

We believe we have a fair and responsible reopening proposal that has previously been approved by the health department. We would like to be on the schedule for the next available council meeting seeking approval of these events. We would like to thank you for working with us in previous years. We would like to thank you for the years we have worked with the council, and are look forward to working together for many years to come!

Regards,

Jesse Gooch & Kaile Donoughe

2021 FEB 25 PM1:32  
NORTH TONAWANDA NY

2021 FEB 25 PM1:31  
NORTH TONAWANDA NY

RECEIVED  
CITY CLERK'S OFFICE

## Lori Swartz

---

**From:** Justine Stevens  
**Sent:** Thursday, March 4, 2021 11:33 AM  
**To:** Lori Swartz  
**Cc:** Joe Aiello; Mark Zellner  
**Subject:** Common Council Workshop 3/9/2021  
**Attachments:** City of North Tonawanda Sanitation Code.doc

Good afternoon, Lori! Could you please add the attached amended City of North Tonawanda Sanitation Code to the Common Council Workshop Agenda for 3/9/2021? Thanks!



Best,

### **Justine M. Stevens**

*Account Clerk Typist*

North Tonawanda Department of Public Works

758 Erie Ave, North Tonawanda, NY, 14120

 716.695.8585  JStevens@NorthTonawanda.org

---

**CONFIDENTIALITY NOTICE:** *This e-mail and attachments, if any, may contain confidential information which is privileged and protected from disclosure by Federal and State confidentiality laws, rules, or regulations. This e-mail and attachments, if any, are intended for the designated addressee only. If you are not the designated addressee, you are hereby notified that any disclosure copying or distribution of this e-mail and its attachments, if any, may be unlawful and subject to legal consequences. If you received this e-mail and attachments in error, please contact Justine Stevens, North Tonawanda Public Works, immediately at 716-695-8585 and delete the e-mail and its attachments.*

**City of North Tonawanda, NY / The Code**  
**Chapter 45 Solid Waste**

[HISTORY: Adopted by the Common Council of the City of North Tonawanda 8-18-1992.<sup>[1]</sup> Amendments noted where applicable.]

**GENERAL REFERENCES**

Abandoned refrigerators — See Ch. 7.

Littering — See Ch. 55.

Tire disposal businesses — See Ch. 87A.

[1]

*Editor's Note: The Common Council readopted this ordinance over the Mayor's veto on 9-1-1992. This legislation also superseded former Ch. 45, Garbage and Waste Material, adopted 1-9-1950, as amended.*

§ 45-15 Penalties for offenses.

§ 45-1 Findings.

§ 45-2 Legislative purposes.

§ 45-3 Program established.

§ 45-4 Designated powers.

§ 45-5 Ownership of recyclables.

§ 45-6 Definitions.

§ 45-7 Collection.

§ 45-8 Prohibited deposits or accumulations.

§ 45-9 Separation and preparation.

§ 45-10 Placement of materials for collection.

§ 45-11 Receptacles and storage.

§ 45-12 Tires.

§ 45-13 Waste container prohibitions; liability.

§ 45-14 Supervision and enforcement.

§ 45-15 Penalties for offenses.

§ 45-16 Severability; supersession of legislation.

§ 45-17 When effective.

§ 45-1 Findings.

The City of North Tonawanda finds that:

**A.** The New York State Solid Waste Management Act of 1988<sup>[1]</sup> requires that municipalities adopt a local law or ordinance by September 1, 1992, for separating solid waste into recyclable, reusable or other components for which economic markets for alternate uses exist.

[1] *Editor's Note: See Laws of 1988, Chapter 70.*

**B.** Continued use of landfills for solid waste disposal poses a concern to human health and safety through increased risks of groundwater pollution and other environmental, health and safety hazards.

**C.** Removal of certain materials from the solid waste stream will decrease the flow of solid waste to landfills, aid in the conservation of valuable resources and reduce the required capacity of existing and proposed resource facilities.

**D.** Landfill capacity is not adequate to meet New York State's long term solid waste disposal needs.

**E.** Methods of solid waste management emphasizing source reduction, recovery, conversion and recycling of solid wastes are essential to the long range preservation of health, safety and well-being

of the public, to the economic productivity and environmental quality of the City of North Tonawanda, and to the conservation of resources.

**§ 45-2 Legislative purposes.**

In enacting this ordinance, the City of North Tonawanda supports the following statutory purposes:

- A.** To increase the life expectancy of existing and potential landfill areas and to decrease the need for alternative refuse disposal facilities through a comprehensive program of waste stream reduction and recycling.
- B.** To identify the methods of collection, reduction and separation which will encourage the more efficient utilization of solid waste disposal facilities and contribute to more effective programs for the reuse of solid wastes.
- C.** To conserve energy by using recovered materials in manufacturing.
- D.** To set forth a methodology for efficient separating and collecting of reusable and recyclable materials from the community's waste stream.
- E.** To implement the applicable provisions of the New York State Solid Waste Management Act of 1988 (Chapter 70).

**§ 45-3 Program established.**

- A.** There is hereby established a program for the separation, preparation for collection and collection of waste materials. The program shall be under the supervision of the City of North Tonawanda, its Superintendent of Public Works and any authorized agents.
- B.** The City of North Tonawanda and its Superintendent of Public Works will determine recyclables and notify North Tonawanda residents by publishing said information in an official city newspaper or newspapers at least 30 days before said declaration will be incorporated into the city program.

**§ 45-4 Designated powers.**

- A.** The collection and disposal of solid waste shall be under the supervision and control of the Department of Public Works for the City of North Tonawanda.
- B.** The Superintendent of Public Works shall be empowered to designate the days and hours of collection, subject to the approval of the Common Council. The Superintendent shall have the authority to make rules and regulations, subject to the approval of the Common Council, concerning all matters pertaining to the collection and disposal of waste materials.
- C.** The Department of Public Works shall instruct its collectors to report any violation of this ordinance to the Superintendent of Public Works, the Assistant Superintendent or his delegated agent.
- D.** The Superintendent or Assistant Superintendent of Public Works shall determine, subject to the approval of the Common Council, the dates and times for heavy pickups (major appliances, large household furnishings, tree parts and construction debris).

**§ 45-5 Ownership of recyclables.**

**A.** From the time any person places any recyclable materials at or near any curb, sidewalk, street or transfer station for purposes of collection by the City of North Tonawanda, those recyclable materials shall become the property of the City of North Tonawanda or its authorized agent. No person who is not acting under the authority of the City of North Tonawanda or its authorized agent shall collect, pick up, remove or cause to be collected, picked up or removed any recyclable materials so placed for collection; each such unauthorized collection, pickup or removal shall constitute a separate violation of this ordinance; provided, however, where the City of North Tonawanda has refused to collect certain recyclables because they have not been placed or treated in accord with the provisions of this ordinance, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or street side.

**B.** Nothing herein shall prevent any person from making arrangements for the private collection of recyclables, provided that recyclables to be privately collected shall not be placed curbside.

**§ 45-6Definitions.**

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

**BRUSH**-Cuttings from shrubs, hedges and trees which are less than six inches in diameter.

**CONSTRUCTION DEBRIS**-Discarded building material, concrete stones, earth from excavations or grading and all other refuse matter resulting from the erection, repair or demolition of buildings, structures or other improvements of property.

**DANGEROUS WASTE**-Wastes that represent an immediate threat to the safety of the City employees. This includes jagged glass and sharp or protruding objects (e.g., broken glass or nails).

**GARBAGE**-Animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food; table cleanings; offal from meat, fish and fowl; fruit and vegetable parings; decaying vegetables, animal and fruit matter.

**GARBAGE RECEPTACLE**-A permanent container which the City may issue from time to time to the properties of residential and nonresidential producers of garbage for public collection, including ninety-five-gallon or other volume containers, for semi-automated or automated collection methods. The residential or nonresidential producer shall use the container furnished by the City and use it pursuant to this chapter and the rules and regulations of the Superintendent. Nonresidential producers using a solid waste collector other than the City to collect garbage receptacles shall have them marked in such a way as to identify the solid waste collector being utilized.

[Amended 6-2-2004]

**HAZARDOUS WASTES**-A solid waste or a combination of solid wastes which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an

increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed. "Hazardous wastes" generally display one or more of the qualities of ignitability, corrosivity, reactivity or toxicity. This definition may include but is not limited to the following products and their empty containers: insecticides, herbicides, petroleum products, caustic chemicals, paint and batteries.

**HEAVY PICKUP**-Includes but is not limited to large household furnishings, major appliances, large bulky items or items over 60 pounds in weight, such as, windows, gutters and bicycles.

[Amended 3-4-2021]

**LARGE HOUSEHOLD FURNISHINGS**-All large or bulky articles other than major appliances actually used in the home and which equip it for living (as chairs, sofas, tables, beds, carpets, etc.).

**MAJOR APPLIANCES**-A large and/or bulky household mechanism (as a refrigerator, washer, dryer, stove, etc.), ordinarily operated by gas or electric current.

**MULTIFAMILY RESIDENTIAL COMPLEX**-Five or more residential apartments located on a single property or continuous properties under common ownership, control or management.

[Amended 6-2-2004]

**NON-RECYCLABLE RUBBISH**-Plastic containers, rags, ashes, rubber, leather, crockery, shells, clothing, and straw. Small quantities of lightweight interior building materials that neatly fit in a garbage receptacle will be considered non-recyclable rubbish.

[Amended 6-2-2004]

**NON-RESIDENTIAL PRODUCERS**-Any producer of solid waste other than a residential producer, including, but not limited to, commercial or industrial businesses, schools, churches, post offices, restaurants and multifamily residential complexes.

[Amended 6-2-2004]

**PERSON**-An individual, owner, occupant, society, group, firm, partnership, corporation or association of persons, and the singular number shall include the plural number.

**REAR YARD**-A yard extending between the side lot lines of a lot and situated between the rear lot line and the rear lines of the principal building or use, projected to the side lot lines; in a corner lot, a yard extending between the interior side lot line and the exterior side yard and situated between the rear lot line and the rear line of the principal building or use, projected to interior side lot line and exterior side yard.

**RECYCLABLE RUBBISH**-Clean metal containers and cans; glass food containers and bottles with metal rings and tops removed; discarded newspaper, cardboard and flat paper.

**A. METAL CANS**-Containers fabricated mainly of metal or tin or a combination thereof which contained or formerly contained only food and/or beverage substances, but not including aluminum cans.

**B. GLASS BOTTLES**-Transparent or translucent jars, bottles and containers which are primarily used for packaging and bottling of various matters, but only those glass bottles that are clear (flint) in color.

[Amended 3-4-2021]

**C. NEWSPRINT**-The common, inexpensive machine-finished paper made chiefly from wood pulp for newspapers, newspaper advertisements, supplements and enclosures. This term excludes magazines and glossy inserts.

**D. PAPER**-All high grade office paper, fine paper, bond xerographic paper, mimeo paper, duplication paper, magazines, paperback books, school paper, catalogs, junk mail, computer paper, telephone books and similar cellulosic material, but shall not mean newspaper, wax paper, plastic or foil coated paper, styrofoam, wax-coated food and beverage containers, carbon paper, blueprint paper, food contaminated paper, soiled paper and cardboard.

**E. CARDBOARD**-Wood pulp based material which is usually smooth on both sides with a corrugated center; commonly used for packing, mailing, shipping of containerized goods, merchandise or other material, but shall not mean wax-coated or soiled cardboard.

**F. PLASTIC CONTAINERS**-Containers used primarily for milk, water and similar items, most common being PET (polyethylene terephthalate) and HDPE (high-density polyethylene), but may selectively include other common plastic resin types.

[Amended 6-2-2004]

**G. COVERED ELECTRONIC EQUIPMENT**-The NYS Electronic Equipment Recycling and Reuse Act (Environmental Conservation Law, Article 27, Title 26) classifies CEE as **Computers, Computer Peripherals, Small Electronic Servers, Small Scale Servers and Televisions, including any cable, cord or wiring accompanying the product.** These include Tube-type, flat screen and projection television sets. These materials are banned from disposal. Residents may deliver television sets to the Department of Public Works for recycling between the hours of 7:00 a.m. and 3:00 p.m., Monday through Friday, except holidays.

[Added 11-3-2009; Amended 3-4-2021]



**RECYCLING**-Any process by which materials which would otherwise become waste are collected, separated and/or processed, treated, reclaimed, used or reused to produce raw material or product.

**RESIDENTIAL PRODUCERS**-Those persons, owners or occupants of one-, two-, three-, or four-family dwelling units which produce solid waste and are used exclusively for residential purposes.

[Amended 6-2-2004]

**SOLID WASTE**-Garbage, non-recyclable rubbish, recyclable rubbish, plumbing fixtures, major appliances, large household furnishings, yard organics and tree parts.

[Amended 6-2-2004]

**TREE PARTS**-Cuttings from shrubs, hedges and trees which are more than six inches in diameter.

**WASTE CONTAINER**-Any container or vessel used for the bulk collection of waste material. This shall include but is not limited to dumpsters, front-end loaders, lugger boxes and roll-offs.

[1] *Editor's Note: This ordinance also stated that the City will pay for the cost of the recycling tipping fee for residents only.*

**YARD ORGANICS**-Leaves, grass clippings, cuttings up to two inches in diameter and other mulch-like organic materials. This does not include tree roots, trunks and stumps.

**§ 45-7 Collection.**

**A.** The City of North Tonawanda shall provide for the collection and disposal of solid waste from all residential and qualifying non-residential producers. Non-residential producers requesting service must have an active, occupied dwelling on the parcel and are limited to a maximum of four (4) carts collected once per week, on the designated collection day for the street, from the curb line. All garbage and non-recyclable rubbish placed in the terrace for collection shall be contained within the garbage receptacle(s) issued by the City. Residential producers shall be issued one garbage receptacle per dwelling unit up to a maximum of four garbage receptacles. The Superintendent of Public Works shall issue nonresidential producers up to a maximum of four garbage receptacles for each parcel of property as deemed necessary. The Superintendent of Public Works may issue nonresidential producers up to four garbage receptacles if the parcel demonstrates that no other means of sanitation collection and management can be achieved.

[Amended 3-4-2021]

**B.** Those parcels of property which generate garbage and non-recyclable rubbish in excess of the amount which can be contained within the maximum of four garbage receptacles shall receive a written notice by ordinary mail that they are not serviced by the City of North Tonawanda and must personally provide for the collection and disposal of their solid waste and shall comply with those

sections of this ordinance which may be applicable and the rules and regulations hereinafter adopted by the Common Council regarding collection by independent contractors and commercial agencies.  
[Amended 6-2-2004]

**C.** The City of North Tonawanda will not collect or remove cut grass, brush or tree parts produced by commercial contractors. Cut grass, brush and tree parts produced by commercial contractors must be removed from the premises by the contractor or the owner or occupant of the premises.

**D.** City employees or equipment shall not enter private property or structures in making collections.

**E.** The City shall have no obligation to pick up and remove any solid waste which was not used in a residence or produced by a resident of the City of North Tonawanda.

**F.** Ownership of recyclable rubbish which has been placed at the curb for collection in accordance with this chapter shall be vested in the City of North Tonawanda. It shall be unlawful and a violation of this ordinance for any person without authority from the City to collect, pick up, remove or cause to be collected, picked up or removed any recyclable rubbish. Each such collection, pickup or removal of recyclable rubbish from one or more premises shall constitute a separate and distinct offense in violation of this ordinance.

**G.** All commercial/industrial property, including non-residential producers and/or multifamily residential complexes of more than four units, who elect to be serviced exclusively by an independent commercial refuse collector or commercial, institutional or multi-residential users who have had public collection service discontinued shall provide commercial containers or alternate containers sufficient in number to hold all refuse accumulating between scheduled refuse collections and shall not allow refuse to be stored or to accumulate on their property. Any substantial accumulation of refuse or waste is hereby declared to be a sanitary health hazard and public nuisance.

[Amended 3-4-2021]

**§ 45-8 Prohibited deposits or accumulations.**

**A.** No person shall allow, permit or cause to exist any unsanitary or filthy condition in or about any premises owned, used or occupied by said person. Any unauthorized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited as being detrimental to the health, safety and welfare of the residents of North Tonawanda.

**B.** No person shall cart to, dump, burn, deposit or otherwise dispose of or cause to be carted, dumped, burned, deposited or otherwise disposed of solid waste upon any public highway, street or

other public place or upon any private property, except as provided in this ordinance or under the authorization, supervision and direction of the Superintendent of Public Works.

**C.** Vehicular tires and tire casings will not be picked up or removed by the City of North Tonawanda or any agency thereof. The City of North Tonawanda will dispose of tires for a nominal charge, as provided in this ordinance, if said tires are dropped off to the Department of Public Works garage.

**D.** The City of North Tonawanda shall not collect dangerous, hazardous or chemically toxic wastes, including but not limited to the following:

**(1)** Dangerous wastes: wastes that represent an immediate threat to the safety of City personnel, such as jagged or sharp protruding objects (e.g., broken glass, nails, etc.)

**(2)** Hazardous wastes: as defined in the New York State Environmental Conservation Law and regulations thereto, including but not limited to:

**(a)** Ignitable wastes, such as paint thinners, solvent based cleaners, degreasers (e.g., acetone, xylene) or hot ashes.

**(b)** Corrosive wastes, such as battery acid, metal cleaning bath sludge (e.g., sodium hydroxide, sulfuric or hydrochloric acid).

**(c)** Reactive wastes, such as cyanide metal plating sludge or any waste that will react violently to water (e.g., sodium metal) or generates toxic gases, vapors or fumes.

**(d)** EP toxicity waste, which produces an extract containing contaminants such as arsenic, lead, chromium, silver or herbicides; or industrial process wastes, contaminated soil from a spill or other solids containing any of the metals or organic materials in excess of the concentrations listed in the state law and regulations thereto.

**(e)** Toxic wastes, such as sludge from solvent, recovery solvents and the industry-specific wastes listed in Part 371 Section 371, Subsection 4(b) of said law. Dangerous, hazardous or chemically toxic wastes shall be disposed of by the owner or producer of the same.

**E.** It shall be the duty of every person, owner or occupant of every dwelling within the City to keep such buildings free and clear of all kinds of solid waste and to keep sidewalk and yard areas clean.

**F.** All building materials from either new buildings or remodeled buildings where building permits are required shall not be placed at the curbs. The owner or contractor shall be responsible for the disposal of the same. The Building Inspector shall stamp this notice on all building permits.

**G.** No dirt, stone, brick, concrete or other substances that may accumulate as a result of building construction, demolition, remodeling or repair operations shall be set out for collection by the Department of Public Works, but shall be otherwise disposed of by the contractor or owner.

**H.** The City of North Tonawanda shall not collect waste motor oil, transmission fluids or any other petroleum oils/fluids used for mechanical purposes and otherwise.

**§ 45-9 Separation and preparation.**

[Amended 3-4-2021]

**A.** Each person who places items at the curb for collection and disposal by the City of North Tonawanda, as well as all other generators of solid waste within the City, shall separate garbage and non-recyclable rubbish from recyclable rubbish at the point of generation and prepare the same for collection and disposal in accordance with this ordinance.

[Amended 8-4-1998]

**B.** Garbage and non-recyclable rubbish placed at the curb for collection shall be placed in garbage receptacles issued by the City. Solid waste including garbage and recycling receptacles shall not be placed in the street.

[Amended 6-19-2001; 6-2-2004]

**C.** Recyclable rubbish shall be placed in suitable containers and separate from garbage placed out for disposal.

[Amended 3-4-2021]

**D.** Construction debris may not be placed for collection by the City of North Tonawanda.

[Amended 6-2-2004]

**E** Large items.

[Amended 6-2-2004; 3-4-2021]

**(1)** All large household furnishings, large bulky items, items over 30 pounds in weight or items not capable of being placed in garbage receptacles may be placed at the curb line only on the scheduled heavy pick up collection day for that area. Each property is limited to three (3) items. It shall be the sole responsibility of the property owner to dismantle any item so that it will not be a hazard to the public.

**(2)** All items placed for collection must be boxed, bagged or bundled. The City will no longer collect large, unconsolidated debris piles.

[Added 3-4-2021]

**F.** Yard organics shall be placed in transparent plastic bags securely closed and not exceeding 30 pounds in weight. No more than two such bags may be placed outside of the garbage receptacle for each collection day. Major appliances such as hot water tanks, stoves, refrigerators, washers and dryers; large metal items such as swing sets or bicycles, and tree parts may be placed outside of the garbage receptacle for each collection day. It shall be the sole responsibility of the property owner to have a sticker affixed to any appliance which uses Freon refrigerant, stating that such appliance has been certified as Freon-free by an individual qualified to certify same, prior to its placement at the street for collection.

[Amended 6-19-2001; 6-2-2004; 3-4-2021]

**G.** Solid waste shall not be placed on any public street or on any premises unless the same is contained or otherwise complies with this chapter.

[Amended 6-2-2004]

**H.** Protruding nails, glass and other sharp objects that might inflict bodily harm to personnel or residents of the City of North Tonawanda shall be removed from all solid waste prior to being placed for collection.

[Amended 6-2-2004]

**I.** Placement of recyclable rubbish and non-recyclable rubbish at the curb line or the pavement line shall be separate. Where applicable, recyclables are to be placed on the right side of the resident's driveway and non-recyclables are to be placed on the left side of the resident's driveway. Otherwise, separation will be five feet apart.

**§ 45-10 Placement of materials for collection.**

[Amended 3-4-2021]

**A.** No containers, receptacles, bags, bundles or other materials shall be placed at the curb for collection more than 24 hours prior to the regularly scheduled collection date.

**B.** Containers or receptacles shall be removed from the curb line or pavement line within 12 hours after being emptied by the Department of Public Works sanitation personnel, and returned to their original location.

**C.** No solid waste, including the garbage and recycling receptacles, shall be placed in the street for collection. Garbage receptacles shall be placed behind the curb or street line, with handles and wheels toward the house.

[Added 6-2-2004]

**D.** Solid waste and its containers shall not be placed atop snow accumulations.

[Added 6-2-2004]

**§ 45-11 Receptacles and storage.**

[Amended 3-4-2021]

**A.** Every person, owner or occupant of any building, premises or place of business within the City shall provide or cause to be provided receptacles bearing the seal or brand of the City of North Tonawanda for receiving and containing solid waste that may accumulate or be used upon said premises.

[Amended 3-4-2021]

**B.** Garbage receptacles shall not overflow and the lid must be tightly closed at all times. No solid waste shall be placed on top of, next to, or around the garbage receptacle as to impede its movement.

[Amended 6-2-2004]

C. Any garbage or recycling receptacle that is issued by the City of North Tonawanda shall remain the property of the City. The Common Council shall prescribe rules and regulations regarding the initial and replacement cost of such containers.

[Amended 6-19-2001; 6-2-2004]

D. Garbage and recycling receptacles issued by the City to certain properties shall not be removed from those properties nor painted or otherwise defaced.

[Amended 6-2-2004]

E. No solid waste, except for recyclable rubbish, shall be deposited in cardboard boxes or paper bags. Recyclable rubbish shall not be placed in plastic bags.

[Amended 6-2-2004]

F. All garbage and recycling receptacles shall be kept as sanitary as possible in view of the use to which they are put and shall be thoroughly cleaned by the owner or occupant of the premises after solid waste has been removed by the collector.

[Amended 6-2-2004]

G. All garbage receptacles, yard organic bags and bundles shall be stored in the rear yard, as that term is defined in this ordinance, except when placed at the curb line or pavement line for collection.

[Amended 6-2-2004]

#### § 45-12 **Tires.**

A. Vehicular tires and tire casings will not be picked up or removed by the City of North Tonawanda or its authorized agent. The City will dispose of vehicular tires for a nominal charge per tire if said tires are dropped off at the Department of Public Works garage between the hours of 7:00 a.m. and 3:00 p.m., Monday through Friday, except holidays. Said nominal charges shall be as follows:

- (1) For any size unmounted auto tire: \$5.
- (2) For any size unmounted truck tire: \$15.
- (3) For any mounted auto tire: \$10.
- (4) For any mounted truck tire: \$20.
- (5) For any tractor or agriculture tires: \$55.

[Amended 3-4-2021]

B. Nothing herein shall prevent any person from making arrangements for the private collection or disposal of vehicular tires and tire casings, provided that tires and tire casings to be privately collected or disposed of shall not be placed curbside.

#### § 45-13 **Waste container prohibitions; liability.**

A. It shall be deemed a violation for any person who or which owns, leases or uses a waste container for private or commercial use:

- (1) To permit any garbage or rubbish to overflow from the waste container, or to place or allow the same to accumulate outside the waste container.
  - (2) To permit any cover lid on the waste container to be open and unsecured at any time.
  - (3) To fail to cause the waste container to be cleaned and sterilized as necessary to avoid noxious or offensive odors or to prevent rodent breeding and infestation.
  - (4) To cause or permit the waste container to be located on any City right-of-way without prior consent of the Department of Public Works.
  - (5) To cause or permit the waste container to be located where a required off-street parking space is eliminated from any parking lot.
- B.** No waste container shall be located on property so as to be injurious or offensive to the owners or occupants of adjacent or neighboring property. The failure to remove or relocate said waste container within seven days of an order by the North Tonawanda Police Department directing the same shall be deemed a violation of this ordinance.
- C.** Any damages to person or property that occur through the use of a waste container shall henceforth be the responsibility of the person using said solid waste container.

**§ 45-14 Supervision and enforcement.**

- A.** The collection and disposal of solid waste shall be under the supervision and control of the Department of Public Works for the City of North Tonawanda.
- B.** The Superintendent or Assistant Superintendent of Public Works shall be empowered to designate the days and hours of collection. The Superintendent or Assistant Superintendent of Public Works shall have authority to make rules and regulations, subject to the approval of the Common Council, concerning all matters pertaining to the collection and disposal of solid waste.
- C.** The Superintendent or Assistant Superintendent of Public Works shall determine, subject to the approval of the Common Council, the dates and times for heavy pickups (major appliances, large household furnishings, tree parts and construction debris).
- D.** The Superintendent or Assistant Superintendent of Public Works, a police officer or such other person as may be designated by the Common Council are authorized and directed to enforce this ordinance and cause collections to be made accordingly.
- E.** The Department of Public Works shall instruct its collectors to report any violation of this ordinance to the Superintendent or his delegated agent.

**§ 45-15 Penalties for offenses.**

A. A violation of any provision of this ordinance is hereby declared to be an offense punishable, upon conviction thereof, for residential users by a fine not exceeding:

<b>OFFENSE</b>	<b>Fine</b>
First	Not more than \$250 for each violation, plus cost of cleanup and disposal
Second	Not more than \$500 for each violation, plus cost of cleanup and disposal
Third	Not more than \$750 for each violation, plus cost of cleanup and disposal

[Amended 3-4-2021]

For All commercial/industrial property, including nonresidential producers and/or multifamily residential complexes:

<b>OFFENSE</b>	<b>Fine</b>
First	Not more than \$1,000 for each violation, plus cost of cleanup and disposal
Second	Not more than \$2,500 for each violation, plus cost of cleanup and disposal
Third	Not more than \$5,000 for each violation, plus cost of cleanup and disposal

B. However, any violation of §§ **45-8B** or **45-12** of this ordinance shall constitute an offense punishable, upon conviction thereof, by a fine not exceeding \$250 for the first offense and by a fine of \$500 or by imprisonment of not more than 15 days for each subsequent offense, or by both fine and imprisonment.

[Amended 6-2-2004]

C. Each and every day in which a violation of any provision of this ordinance exists shall constitute a separate violation, and the person allowing or permitting the continuation of the violation may be punished as above provided for each separate offense.

D. In addition to the financial penalties imposed above, the Superintendent of Public Works or Assistant Superintendent of Public Works shall have the right to contact by writing, in person or through normal mail, the owner of the property abutting the City right-of-way upon which such waste material has been deposited in violation of this ordinance and advise that if such material remains upon the City right-of-way for a period in excess of three days, the Police may issue an appearance ticket for the violation and a fine shall be issued. If the fine remains unpaid, a lien against the property shall be placed. This lien shall be and become a lien upon the parcels of real property. This notice shall be satisfied by the recipient by removal of the material from the City's right-of-way within the three days.

[Amended 6-2-2004; 3-4-2021]

E. Violations of this ordinance shall be reported to the Police Department, which shall have the responsibility of enforcing this ordinance and of issuing appearance tickets, when necessary.

§ 45-16 **Severability; supersession of legislation.**



**A.** The declaration of any section of this ordinance by a court of competent jurisdiction to be invalid shall not invalidate the entire ordinance, but only the part thereof so declared to be invalid, and the remainder of said ordinance shall remain in full force and effect.

**B.** Any and all laws, regulations or ordinances affecting the collection of garbage and refuse to the City of North Tonawanda are hereby declared to be superseded by this ordinance.

**§ 45-17 When effective.**

This ordinance shall take effect upon being adopted by the Common Council and publication in the official newspaper of the City of North Tonawanda.

**NORTH TONAWANDA**  
**Dept. of Youth, Recreation, Parks & Seniors**

500 Wheatfield Street  
North Tonawanda, NY 14120  
Phone: (716) 695-8520  
Fax: (716) 695-8533



March 4, 2021

The Honorable Mayor Pappas and Common Council  
216 Payne Avenue  
North Tonawanda, New York 14120

RECEIVED  
CITY CLERK'S OFFICE

2021 MAR 4 AM 9:11  
NORTH TONAWANDA NY

Dear Mayor Pappas and Common Council,

The North Tonawanda Botanical Gardens Organization has been working diligently alongside our department to put a plan in place for a Green Infrastructure Project Plan at the Botanical Organization Site (see project description below).

*Installation of a new facility parking lot at the North Tonawanda Botanical Gardens, reimagined with the goal of preventing or capturing greater than 90% of all stormwater runoff originating from the current 2.5-acre parking lot area. Contaminated runoff from vehicle traffic, animal waste and other pollutants is currently funneled to the boat launch area flowing directly into Tonawanda Creek / Erie Canal, a historic waterway; tributary to a Class A drinking water source for the City - the Niagara River; is heavily used for recreational fishing, boating, and kayaking; and forms over five miles of the City's border. The goal is to protect the water quality of Tonawanda Creek by capturing and preventing 61,097 gallons per one inch rainfall of contaminated stormwater runoff from entering the Creek, with a total of 2,419,421 gallons prevented in an average year. Runoff capture and prevention will be accomplished through a combination of asphalt removal; regrading; installation of pavers, permeable asphalt, and bioswales; reinforced grass parking spaces; and installation of three bioretention "islands" within the center of the lot.*

We respectfully ask for time to present the project at the next council workshop scheduled for March 9<sup>th</sup>, as we seek approval to move forward with grant applications to fund the project.

Respectfully Submitted,

Alex Domaradzki  
Director of Youth, Recreation, Parks & Seniors

## Lori Swartz

---

**From:** Donna Braun  
**Sent:** Friday, February 26, 2021 9:54 AM  
**To:** Lori Swartz  
**Subject:** FW: solar farms

*Donna L Braun  
City Clerk/Treasurer  
City of North Tonawanda  
[dbraun@northtonawanda.org](mailto:dbraun@northtonawanda.org)  
716-695-8555 ext. 2101*

---

**From:** Robert Pecoraro <[RPecoraro@northtonawanda.org](mailto:RPecoraro@northtonawanda.org)>  
**Sent:** Friday, February 26, 2021 9:31 AM  
**To:** Cosimo Capozzi <[CCapozzi@northtonawanda.org](mailto:CCapozzi@northtonawanda.org)>  
**Cc:** Art Pappas <[Apappas@northtonawanda.org](mailto:Apappas@northtonawanda.org)>; Donna Braun <[DBraun@northtonawanda.org](mailto:DBraun@northtonawanda.org)>  
**Subject:** Re: solar farms

Hi Coz,

I am in agreement that we need to stay up with technology and with our surrounding communities actions and therefore welcome your input at a Work Session to update our codes. I've CC Donna to schedule you when you are able.

Sincerely,  
Robert E. Pecoraro, Colonel, USAF (ret)  
Common Council President and Alderman at Large  
North Tonawanda  
(716) 696-2851

---

**From:** Cosimo Capozzi <[CCapozzi@northtonawanda.org](mailto:CCapozzi@northtonawanda.org)>  
**Sent:** Friday, February 26, 2021 9:16 AM  
**To:** Robert Pecoraro <[RPecoraro@northtonawanda.org](mailto:RPecoraro@northtonawanda.org)>  
**Cc:** Art Pappas <[Apappas@northtonawanda.org](mailto:Apappas@northtonawanda.org)>  
**Subject:** solar farms

Good morning;

I have received inquiries regarding on ground solar farms, there is some interest in locating one in the City however presently our Codes do not permit this. It is my understanding that adjoining municipalities have already addressed this issue and some have approved applications. I am wondering if the Council would considering a workshop to review our codes to address this issue. Please let me know.

**Cosimo R. Capozzi  
Building Inspector  
216 Payne Ave  
North Tonawanda NY 14120**