

LEGAL NOTICE

AMENDMENT TO THE NORTH TONAWANDA CITY CODE CHAPTER 45 – SOLID WASTE

MOVED by Alderman DiBernardo **SECONDED** by Alderman Zadzilka
That the Common Council at a regular meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 p.m. on April 6, 2021 approves the Amendment to Section 45 of the City Code of the City of North Tonawanda – Solid Waste and it reads as follows:

CHAPTER 45 – SOLID WASTE

§45-15 Penalties for Offenses.

- E. Notwithstanding the penalties set forth above, unauthorized dumping shall be punishable by a mandatory fine of \$1,000.**
- F. 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 Removal by city; charges.

- A. It shall be unlawful for any person, firm or corporation to maintain or use any plot or parcel of land in the City as a dump or a place for the reception of and disposition of waste materials, heavy pickup, garbage, rubbish or refuse as defined in this chapter. It shall be the duty of every owner of any such plot or parcel of land to remove or cause to be removed from the premises any uncontained exterior accumulation of such materials described herein within 72 hours of the notice of noncompliance from the City.**
- B. Noncompliance; notice to correct. If the provisions of this section are not complied with, the Superintendent of Public Works, Chief of Police or their designee shall cause to be served a written notice upon the owner to comply with the provisions of Subsections A and C.**
- C. Performance of work by City. If the person upon whom the notice provided for in Subsection B is served neglects or refuses to remove or cause to be removed such garbage, rubbish, refuse or wastes within 72 hours after receipt of such notice or if no person can be found in the City who either is or claims to be the owner of such lot or land or who either represents or claims to represent such owner, the Department of Public Works shall cause such garbage, rubbish, refuse or wastes to be removed.**

D. Collection of costs by City. The actual cost to the City for removing any such accumulated wastes as certified by the Superintendent of Public works, plus \$125 for inspection and any other additional costs incurred in connection with its enforcement herewith, shall be certified by the Department of Public Works to the City Treasurer and shall thereupon become and be a lien upon the property on which any such accumulated wastes as provided in this chapter were located and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced in the same manner as general City taxes.

§45-17 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.

§45-18 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.

Subject to further review by the City Attorney.

Ayes: Alderman Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro

(5)

Nays: None

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CARRIED.

Donna L. Braun
City Clerk-Treasurer