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# City of North Tonamanda

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# **COMMON COUNCIL WORKSHOP AGENDA**

March 18, 2021

The following meeting has been scheduled for TUESDAY MARCH 23, 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. Special Session

Re: Approval of the proposed amendments

to the Solid Waste Code and Pandemic

**Operation Plan** 

6:45 P.M. Jeffrey Zellner – Accountant Jason Koepsell – Supt. Water/Wastewater

Re: Purchase of Correlator

7:00 P.M. Jeffrey Zellner - Accountant

**Re: RFP for City Auditors** 

7:15 P.M. Alderman Austin Tylec

Re: Climate Smart Community Task Force

7:30 P.M. Peter Chenier

Re: Canal Fest

7:45 P.M. Common Council

Re: General Discussion

8:00 P.M. Executive Session

**Re:** City Contracts

Respectfully submitted,

Donna L. Braux

Donna L. Braun

City Clerk-Treasurer



# CITY OF NORTH TONAWANDA, NEW YORK **DEPARTMENT OF PUBLIC WORKS**



TO-

Mayor Arthur Pappas & Common

DATE - March 18th, 2021

Council

FROM-

Mark Zellner

Superintendent of Public Works

RE:

Proposed Amendments to the Solid

Waste Code

Enclosed you will find our proposed adjustments to the Solid Waste Code (Chapter 45). I am requesting that this be added to the agenda to be voted on during the meeting taking place on Tuesday, March 23<sup>rd</sup>, 2021.

Superintendent Public Works

MAZ/jms

Orig: Mayor Pappas

cc: Common Council

cc: Nick Robinson

cc: Luke Brown

cc: Journal

# City of North Tonawanda, NY / The Code

### Chapter 45Solid Waste

[HISTORY: Adopted by the Common Council of the City of North Tonawanda 8-18-

1992.[1] 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 This legislation also superseded former Ch. 45, Garbage and Waste Material, adopted 1-9-1950, as amended.

# § 45-15Penalties for offenses.

- § 45-1Findings.
- § 45-2Legislative purposes.
- § 45-3Program established.
- § 45-4Designated powers.
- § 45-50wnership of recyclables.
- § 45-6Definitions.
- § 45-7Collection.
- § 45-8Prohibited deposits or accumulations.
- § 45-9Separation and preparation.
- § 45-10Placement of materials for collection.
- § 45-11Receptacles and storage.
- § 45-12Tires.
- § 45-13Waste container prohibitions; liability.
- § 45-14Supervision and enforcement.
- § 45-15Penalties for offenses.
- § 45-16Severability; supersession of legislation.
- § 45-17When effective.
- § 45-1Findings.

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.

# § 45-2Legislative 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).

### § 45-3Program established.

- **A.** There is hereby an established 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.

# § 45-4Designated 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 their 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).

### § 45-50wnership 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 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-RECYCLABLES - 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.

[Amended 6-2-2004]

**NONRESIDENTIAL 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.

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

[Amended 3-15-2021]

**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 green, amber (brown) or clear (flint) in color.
- **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.
- G. TELEVISIONS 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<sup>[1]</sup>, 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-recyclables, recyclables, 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.

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.

[Amended 6-2-2004, 3-15-2021]

**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.

### § 45-7Collection.

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, on the designated collection day for the street, from the curb line. All garbage and non-recyclables 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 6-2-2004; 3-15-2021]

**B.** Those parcels of property which generate garbage and non-recyclables 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.

[Amended 3-14-2021]

**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 recyclables 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 recyclables. Each such collection, pickup or removal of recyclables 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 6-2-2004; 3-4-2021]

### § 45-8Prohibited 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.

### § 45-9Separation and preparation.

**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-recyclables from recyclables 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-recyclables 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. Recyclables shall be placed in suitable containers and separate from garbage placed out for disposal.

[Amended 3-15-2021]

- **D.** Any and all brush and tree parts produced by the individual activity or efforts of the occupant of the premises shall be tied in bundles not to exceed 48 inches in length and 36 inches in diameter and not weighing more than 60 pounds.
- **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]

(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. 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.

[Added 3-15-2021]

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

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

**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]

### § 45-11Receptacles 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. Garbage receptacles as issued by the City shall not have construction/demolition debris placed in them. Garbage receptacles as issued by the City shall not exceed 200 pounds for the ninety-five-gallon, 150 pounds for the sixty-five-gallon, or 100 pounds for the thirty-five-gallon, including the contents.

[Amended 6-19-2001; 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 recyclables, shall be deposited in cardboard boxes or paper bags. Recyclables 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.

# § 45-13Waste 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.

### § 45-14Supervision 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.

### § 45-15Penalties 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:

OFFENSE	FINE
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:

OFFENSE	FINE
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
<b>Third</b>	Not more than \$5,000 for each violation, plus cost of cleanup and disposal

[Amended 3-4-2021]

B. However, any violation of §§ 45-8 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 for the second offense, or by both fine and imprisonment, and by a fine of \$750 or by imprisonment of not more than 15 days for each, and every subsequent offense for the second offense, or by both fine and imprisonment.

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

**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.

# § 45-16Severability; 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.

# § 45-17When 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.

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

> Lori Swartz Assistant City Clerk

Denise Proefrock Assistant City Treasurer

# City of North Tonawanda

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

SS. #2

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

Fax: (716) 695-8557

MAR 2 3 2021

March 19, 2021

Honorable Mayor and Common Council City Hall 216 Payne Avenue North Tonawanda, NY 14120

Re: North Tonawanda Pandemic Operational Emergency Plan

Dear Honorable Body:

I ask your Honorable Body to pass the Pandemic Operational Emergency Plan, which will be submitted to the Governor's Office April 1<sup>st</sup>, 2021. The plan will be filed with our existing Emergency Plan that is available in the Clerk's Office.

The attached plan has been developed in accordance with NYS legislation S8617B/A. All departments within the city worked together with the Clerk/Treasurer to develop this plan.

Sincerely,

Donna L Braun

City Clerk/Treasurer

nna L. Braun

# CITY OF NORTH TONAWANDA PUBLIC HEALTH EMERGENCY OPERATIONS PLAN



This plan has been developed in accordance with NYS legislation S8617B/A10832 March 23, 2021

# **Purpose**

This plan has been developed in accordance with the amended New York State Labor Law section 27-c and New York State Education Law paragraphs k and l of subdivision 2 of section 2801-a (as amended by section 1 of part B of chapter 56 of the laws of 2016), as applicable. The plan includes the identification of essential positions, facilitation of remote work for non-essential positions, provision of personal protective equipment, and protocols for supporting contact tracing.

# **Authority of The Mayor**

The Mayor of the City of North Tonawanda holds the authority to execute and direct the implementation of this plan.

In the event of a public health emergency, all employees and contractors of the City of North Tonawanda shall be notified by notice posted on official City's official website, direct personal communication when possible and/or phone or email communication, with details provided when possible. Additional information and updates will be provided on a regular basis. City of North Tonawanda residents will be notified of pertinent operational changes by way of notice posted on official City's website, and by other applicable media notifications. Other interested parties, such as vendors, will be notified by these means and by phone and/or email as necessary. The Mayor's office will maintain communications with the public and constituents as needed throughout the implementation of this plan if possible.

When the public health emergency ends, the Mayor of North Tonawanda will direct the resumption of normal operations or operations with modifications as necessary.

### **Essential Functions**

When confronting events that disrupt normal operations, the City of North Tonawanda is committed to ensuring that essential functions will be continued even under the most challenging circumstances.

Essential functions are those functions that enable an organization to:

- 1. Maintain the safety of employees, contractors, and our constituency.
- 2. Provide vital services.
- 3. Provide services required by law.
- 4. Sustain quality operations.
- 5. Uphold the core values of the City of North Tonawanda.

# **Essential Positions Defined**

The following is a list of positions and titles considered essential in the event of a state ordered reduction of in-person workforce.

<b>Essential Function</b>	Essential Position/Title	Justification			
North Tonawanda Police Department	-Chief of Police -Captains, Lieutenants, Detectives -Patrol Officers, Police Matrons -Dog Control Officer -Training/Support Staff -Senior Clerk Typist, Account Clerk Typist-Senior Typist	Essential for Public Safety			
North Tonawanda Fire Department	-Fire Chief, Assistant Chiefs -Captains, Firefighters -Fire Prevention Officer -Training Officer-Mechanic -Account Clerk Typist	Essential for Public Safety			
Department of Public Works	-Superintendent -Assistant Superintendents, Dispatcher -Storekeeper -Senior Account Clerk -Account Clerk Typist -Heavy Equipment Supervisor -Heavy Equipment Mechanic -Tree Trimmers & Helpers -Road Maintenance Mechanic -Watchman -Building Maintenance Mechanic -Motor Equipment Operators -Cleaners, Seasonal Laborers -Sanitation Workers	Essential to protect the basic infrastructure of the City while addressing the needs and safety of the residents.			
Wastewater/Water Department	-Superintendent of WW -Chief Water Treatment Operator -Senior Water Operators -Water Plant Operators -Mechanics, Laborers -Senior Account Clerk Typist -Water Distribution Maintenance SuprAssistant Water Distribution SuprLift Station Operators -Sewer Maintenance Workers -Sewer Maintenance Helpers -Instrument Technician -Sanitary Chemist, Electrician	Essential to protect the basic infrastructure of the City while addressing the needs and safety of the residents.			

Assessors Department	-City Assessor -Assessor Information Clerk -Real Property Appraiser Technician -Clerk	Essential to assistant residents with information, along with working with department throughout the city.			
Department of Recreation, Youth, Parks & Seniors	-Director of Recreation, Youth, Parks & Seniors -Groundskeepers, Mechanics -Youth Program Coordinator -Senior & Recreation Coordinator -Clerical Staff -Seasonal Staff -Parks Maintenance	Essential workers to maintain our Parks for the safety of our residents. Essential to the welfare of the City's Senior and Youth needs.			
Mayor's Office	-Mayor -Administrative Assistant -Secretary to the Mayor	Essential as the Chief Executive Officer to the City.			
Accounting Department	-Accountant -Junior Accountant -Payroll/Personnel Specialist	Essential to direct financial obligations for the City and to and to administer payroll.			
Clerk/Treasurer Office	-City Clerk, Assistant City Clerk -City Treasurer, Assistant Treasurer -Deputy of Registrar of Vital Statistics -Account Clerk Typist -Typist	Essential to communicate with public, maintain records, issue Birth, Death certificates. Collection of bills for the city.			
City Attorney Office	-City Attorney -Assistant City Attorney -Legal Stenographer	Essential to provide legal counsel required to interpret laws, rules and regulations to administration			
Department of Building Maintenance	-Building Maintenance Supervisor -Building Maintenance Person -Laborers	Essential to maintain buildings and grounds during pandemic, to provide supplies necessary for safety			
Department of Building Code Enforcement	-Building Inspector -Assistant Building Inspector -Code Enforcement Officer -Clerical Staff -Plumbing/Electrical Inspector	Essential to enforce city and state codes regarding building changes and modifications during restriction time period			
Engineer Department	-City Engineer -Assistant Engineer -Typist -Engineer Technicians	Essential to protect the basic infrastructure of the City while addressing the needs and safety of the residents.			
Community Development	-Director of Community Development -1 Full Time Staffer -1-Part Time Staffer	Essential to the City's Economic Development. Coordinating projects with departments throughout the city.			

All City Employees deemed non-essential, to the greatest extent possible, would be expected to continue their duties remotely.

The City of North Tonawanda's will coordinate as necessary with City Court personnel and the New York State Office of Court Administration to ensure safe and effective continuity of the City's Court.

### Remote Work Protocols

As possible, essential staff may be assigned to work remotely for part of their work week to reduce exposures. Further, business hours and locations of City government may be altered to best accommodate public health protective actions for employees and the public. Alterations to building access and the means by which the public interacts with City's employees may also take place to support these protections. Protective actions may include, but are not limited to occupancy restrictions, protective barriers, and increased conduct of business by internet, phone, or other means. Protective actions will be taken in accordance with County and State Health Department, and CDC guidelines and requirements.

To every extent possible the City of North Tonawanda will follow protocols included, but not limited to, the City of North Tonawanda's Emergency Plan unless otherwise directed. The Pandemic Plan will be filed in the Clerk's office with the City's Emergency's Plan.

All staff deemed essential by the City will contact the Mayor's Office or Department Head to obtain equipment and provisions necessary to work at an alternate or assigned location.

# **Staggered Shifts**

Implementing staggered shifts may be possible for personnel performing duties which are necessary to be performed on-site but perhaps less sensitive to being accomplished only within core business hours. As possible, management will identify opportunities for staff to work outside core business hours as a strategy of limiting exposure. Regardless of changes in start and end times of shifts, the City of North Tonawanda will ensure that employees are provided with their typical or contracted minimum work hours per week. Staggering shifts requires:

- 1. Identification of positions for which work hours will be staggered.
- 2. Approval and assignment of changed work hours.

All essential staff which are deemed necessary for staggered shifts can obtain the work schedules from their Department Head.

# Daily Health Questionnaire

Each employee shall complete the City's Daily Health Questionnaire each workday.

The Daily Health Questionnaire shall be signed and submitted by the employee. Department Heads shall be responsible for maintaining these records.

Any resident or outside contractor shall complete a Daily Health Questionaire.

# **Personal Protective Equipment**

The use of personal protective equipment (PPE) to reduce the spread of infectious disease is important to supporting the health and safety of our employees and contractors. PPE which may be needed may include:

- Masks
- Face shields
- Gloves

Note that while cleaning supplies are not PPE, there is a related need for cleaning supplies used to sanitize surfaces, as well as hand soap and hand sanitizer. The Coronavirus Pandemic demonstrated that supply chains were not able to keep up with increased demand for these products early in the pandemic. As such, we are including these supplies in this section as they are pertinent to protecting the health and safety of our employees and contractors.

Protocols for providing PPE include the following:

- 1. Identification of need for PPE based upon job duties and work location.
- 2. Procurement of PPE
- a. As specified in the amended law, public employers must be able to provide at least two pieces of each required type of PPE to each essential employee and contractor during any given work shift for at least six months.
- b. Public employers must be able to mitigate supply chain disruptions to meet this requirement.
- 3 Storage of, access to, and monitoring of PPE stock
- a. PPE must be stored in a manner which will prevent degradation.
- b. Employees and contractors must have immediate access to PPE in the event of an emergency.
- c. The supply of PPE must be monitored to ensure integrity and to track usage rates.

The City will provide workers with an acceptable face covering at no cost to the employees. A supply of face masks will be kept on hand for the use of visitors who do not have one. Facemasks shall not be shared and must be properly cleaned.

Objects and work implements should not be shared unless required (i.e., copy machines). Shared objects should be disinfected regularly. Employees should use hand sanitizer after use of common objects.

The City will provide and maintain hand hygiene stations in the offices, including hand sanitizer and bathrooms with soap, water and paper towels.

Equipment will be regularly cleaned and disinfected using registered disinfectants, at least daily and more often as required in high volume or frequent touch areas.

The City of North Tonawanda will procure and store an amount of face masks to provide to scheduled workers and will maintain in a safe, dry and accessible location in event of an emergency. The Coronavirus Pandemic demonstrated the need for flexibility in procuring Personal Protective Equipment (PPE) and as such, the Mayor will address specific PPE procurement in the initial stage of a future public health emergency.

# **Staff Exposures**

Staff exposures are organized under several categories based upon the type of exposure and presence of symptoms.

The Coronavirus Pandemic of 2021 demonstrated that the Center for Disease Control (CDC) and New York State government's protocols change rapidly. The City of North Tonawanda will be guided by those rapidly changing protocols and policies.

We recognize there may be nuances or complexities associated with potential exposures, close contacts, symptomatic persons, and those testing positive. We will be guided by the Center for Disease Control (CDC) and public health recommendations and requirements, and we will coordinate with our local public health office for additional guidance and support as needed.

# Cleaning and Disinfection

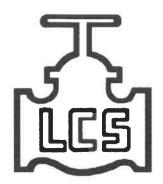
The Center for Disease Control (CDC) and public health guidelines will be followed for cleaning and disinfection of surfaces and/or areas. The City of North Tonawanda will regularly clean and disinfect all surfaces that are used by employees to the greatest extent possible. Employees are required to clean their areas at the beginning and end of their shift.

# **Employee and Contractor Leave**

The City of North Tonawanda will be guided by all Federal and New York State rules and guidelines, and to the greatest extent possible will protect the health and safety of any exposed employee and their families and will prioritize the health and safety of the Town employees. Factors considered will include unknown incubation period of disease, degree of infectiousness, etc. The City of North Tonawanda will rapidly assess the need for employee and contractor leave when implementing the emergency operations plan.

# **Documentation of Work Hours and Locations**

In a public health emergency, it may be necessary to document work hours and locations of each employee and contractor to support contact tracing efforts. Identification of locations shall include on-site work and off-site visits. This information may be used by the City of North Tonawanda to support contact tracing within the organization and may be shared with local public health officials.



# LOCK CITY SUPPLY INC.

650 West Avenue P.O. Box 481

Lockport, NY 14094 Phone (716) 625-8666 Fax (716) 434-0296

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# LOCK CITY SUPPLY INC.

650 WEST AVENUE P.O. BOX 481 LOCKPORT, NY 14095

# **PRICE QUOTE**

Phone 716-625-8666 Fax 716-434-0296

Page 1

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- Ship To -SAME

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# LOCK CITY SUPPLY INC.

650 WEST AVENUE P.O. BOX 481 LOCKPORT, NY 14095 Phone 716-625-8666 Fax 716-434-0296

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# A RESOLUTION SUBMITTED BY ALDERMAN-AT-LARGE AUSTIN TYLEC

# **RE: Creation of a Climate Smart Community Task Force**

WHEREAS, recent city energy improvement projects have shown the economic benefit of reducing energy consumption; and

WHEREAS, there are further economic and environmental benefits from reducing energy consumption and waste in local governments; and

WHEREAS, The Department of Environmental Conservation (DEC)'s Climate Smart Communities framework outlines ways to strategically reduce natural resource and energy consumption including the following elements:

- 1. Build a climate-smart community
- 2. Inventory emissions, set goals, and plan for climate action
- 3. Decrease energy use
- 4. Shift to clean, renewable energy
- 5. Use climate-smart materials management
- 6. Implement climate smart land use
- 7. Enhance community resilience to climate change
- 8. Support green innovation economy
- 9. Inform and inspire the public
- 10. Engage in an evolving process of climate action

and

WHEREAS, the City needs to work across departments to coordinate actions and focus resources toward issues related to the above elements; and

WHEREAS, a Climate Smart Task Force including internal and external stakeholders shall be created with membership including, but not limited to:

- Climate Smart Communities Coordinator
- Energy Manager
- Village Council Person / liaison to the Village Board
- DPW / Engineer
- Grants manager
- Community Stakeholder(s)/volunteers
  - Lumber City Development Corporation (LCDC)
  - o Business Groups
  - o Environmental Groups
  - o Other engaged community stakeholders
- Legal (optional)

and

WHEREAS, this body does not need to be large, but the makeup of the group should have knowledge of past, ongoing, and future community projects/developments.

NOW, THEREFORE, BE IT

RESOLVED, the City of North Tonawanda adopts the Climate Smart Communities Pledge; and be it further

RESOLVED, this Honorable Body hereby establishes the creation of the Climate Smart Task Force; and be it further

RESOLVED, that Alderman Tylec is hereby appointed as the Climate Smart Coordinator.



March 18, 2021

To the City of North Tonawanda Common Council, Mayor Art Papas

I am writing this proposal on behalf of the Canal Fest of the Tonawandas.

The 2021 Canal Fest will see many changes this year, partly due to the current Covid pandemic and available street access. Our goals have not changed. Our purpose is to raise money for our local non-profits, create a family atmosphere for our community to enjoy, and to bring people in from outside our cities to support our non-profits and our local merchants. Of course, doing all of this while following New York State Covid-19 guidelines.

As in the past, Canal Fest is planning on an 8-day event starting Sunday July 18th thru Sunday the 25<sup>th</sup>. We are asking for the following:

- The use of Main St. between Sweeney and Goundry St. to place rides, games, and food venders for the entire 8 days.
- Closure of the Renaissance Bridge for the entire event
- The use of Sweeney St. from the Webster to Main St. for the entire 8 days for food venders and entertainment.
- The use of Webster St from the Sweeney to Goundry St. and Tremont from Main St to Manhattan St. on Wednesday 21st and Friday the 23rd for our annual Car Cruise and Bike Cruise.
- The use of Webster St. from Sweeney to Goundry and Goundry from Webster to Main St. on Tuesday July 20<sup>th</sup> for our annual Parade. Route to be determined.
- The use of Webster St. from Sweeney to Goundry St and Tremont from Manhattan to Main St. for the annual Craft Show on Saturday the 24<sup>th</sup> thru Sunday the 25<sup>th</sup>.
- Last but not lease the use of any safe street or shoreline to view the fireworks display off the bridge on Sunday the 25th.

As in previous years, North Tonawanda to provide Law Enforcement and sanitation in the form of garbage cans and pick-up. Canal Fest to pay a TBD fee.

Our campus layout will be designed to use the least amount of space as to not hinder the everyday business of the North Tonawanda merchants.

As in years past, Powers Great American Midways (Amusements of Rochester) will be our Ride vender. Powers GAM comes with a top-notch rating with a focus on safety and cleanliness.

We are looking forward to a great Canal Fest 2021!

Thank you for your consideration,

Rick Maier

Peter Chenier

Canal Fest President

Canal Fest Vice President 716-523-0896

716-846-4296 prc141@msn.com

Fkmaier123@yahoo.com