

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

August 17, 2011  
6:00 P.M.

Mayor Michael W. Tucker called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Kibler, Pasceri, Smith, McKenzie, Chapman, and Genewick.

**RECESS**

Recess for public input.

**081711.1**

**APPROVAL OF MINUTES**

On motion of Alderman Pasceri, seconded by Alderman Kibler, the minutes of the Regular Meeting of August 3, 2011 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**PUBLIC HEARING**  
**Refuse and Recycling Code**

The Mayor announced a public hearing on a proposed local law #2011-4 to amend the City Charter relative to Refuse and Recycling.

The Mayor asked the City Clerk if any petitions or communications relative to the proposed local law have been received.

8/15/11      Gerald & Dolores Watson, 324 Lincoln Avenue, Lockport, NY – letter in favor of voting to approve the Refuse and Recycling proposal.

**FROM THE CITY CLERK**

The Clerk submitted payrolls, bills for services and expenses, and reported that the Department Heads submitted reports of labor performed in their departments. Referred to the Finance Committee.

**Communications** (which have been referred to the appropriate City officials)

8/15/11 Richard P. Mullaney, City Clerk – Notification that the Lockport Municipal Offices will be closed on Monday, September 5, 2011 in observance of Labor Day. Garbage scheduled to be collected on Monday, Sept. 5<sup>th</sup> will be picked-up on Tuesday, Sept 6<sup>th</sup>. Referred to the Media.

8/15/11 Richard P. Mullaney, City Clerk - bid proposal for Asbestos Abatement & Structure Demolition - Dussault Building were received and opened on August 12, 2011:

Cambria Contracting Inc. Lockport, NY	\$183,800.00
Geiter Done of WNY, Inc. Buffalo, NY	\$241,000.00
Scott Lawn Yard, Inc. Sanborn, NY	\$178,000.00
Mark Cerrone Inc. Niagara Falls, NY	\$147,800.00
R.B. Mac Construction Co., Inc. Lockport, NY	\$155,600.00
Metro Contracting & Environmental Inc. Niagara Falls, NY	\$164,921.00
Regional Environmental Demolition, Inc. Niagara Falls, NY	\$ 76,000.00
ARIA Contracting Corporation Orchard Park, NY	\$ 112,000.00
Epic Contracting Orchard Park, NY	\$229,000.00
Danair, Inc. Leighton, PA	\$240,000.00
Jupiter Environmental Services, Inc. Rochester, NY	\$207,362.00

Referred to the Committee of the Whole

**Notice of Defect:**

8/10/11 133 Spalding Street, Lockport, NY – trees  
8/11/11 33 Morrow Avenue, Lockport, NY – storm sewer  
Referred to the Highways & Parks Department.

**Notice of Claim:**

8/1/11 State Farm Insurance Company, PO Box PO Box 8015, Ballston Spa, NY for Dennis M. Hodil, 323 Green Street, Lockport, NY  
8/8/11 Bonny Soro, 203 Elmwood Avenue, Lockport, NY  
Referred to the Corporation Counsel.

**Petition:** (Small Claims Assessment Review)

8/4/11 Ronald A. Franco, 401 Locust Street, Lockport, NY  
8/9/11 Agnes Townsend, 26 Center Street, Lockport, NY  
Referred to the City Assessor

**Notice of Petition:** (To review real property tax assessment pursuant to Article 7 of the Real Property Tax Law)

8/4/11 Lana's Lockport Properties, Inc, 272 East Avenue, Lockport, NY –vs- Joe Macaluso as Assessor of the City of Lockport and The Board of Assessment Review for the City of Lockport, New York  
8/4/11 David E. Blackley, 4 South Street, Lockport, NY –vs- Joe Macaluso as Assessor of the City of Lockport and The Board of Assessment Review for the City of Lockport, New York  
8/5/11 Michael S. Hare Pro Se, 119 Irving Street, Lockport, NY –vs- Joe Macaluso as Assessor of the City of Lockport and The Board of Assessment Review for the City of Lockport, New York  
Referred to the City Assessor

**Notice of Petition:** (Order to Show Cause Pursuant to Article 78)

8/8/11 H&M Plumbing & Mechanical Contracting Inc. and David Morrison –vs- City of Lockport  
Referred to the Corporation Counsel

**MOTIONS & RESOLUTIONS**

**081711.2**

By Alderman Kibler:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on August 19, 2011.

Seconded by Alderman Pasceri and adopted. Ayes 6.

**081711.3**

By Alderman Kibler:

Resolved, that claims authorized for payment by the Department of Community Development, and subsequently paid from the Community Development Escrow Account, be and the same are hereby approved.

Seconded by Alderman Genewick and adopted. Ayes 6.

**081711.4**

By Alderman Pasceri:

Resolved, that resolution #072011.10B be amended to include installation of the fiber optic cable proceeding along Bear Ridge Road at the intersection of Hinman Road, approximately 500 feet south.

Seconded by Alderman McKenzie and adopted. Ayes 6.

**081711.5**

By Alderman Pasceri:

Resolved, that the 2011 General Fund Budget line item 001-1440-100 be and the same is hereby amended by deleting the title "Senior Engineering Technician" and inserting therefore and in its place "Assistant Director of Engineering."

Seconded by Alderman McKenzie and adopted. Ayes 6.

By Alderman Kibler:

Resolved, that the reading of the foregoing resolution be and the same is hereby waived.

Seconded by Alderman McKenzie and adopted. Ayes 6.

The Common Council completed the State Environmental Quality Review Short Environmental Assessment Form for unlisted actions. A copy of which is attached hereto.

**081711.6**

By Alderman Pasceri:

City of Lockport

Local Law No. 4 of the year 2011

A local law enacting the Refuse and Recycling Code

Be it enacted by the Common Council of the City of Lockport as follows:

**REFUSE and RECYCLING CODE**

**I. GENERAL MATTERS**

**A. Scope** This local law establishes rules for the collection and management of residential, commercial and institutional refuse and recyclables. It is not intended to regulate refuse collectors involved in hazardous or infectious waste collection and transportation.

**B. Purpose and Short Title** It is the purpose of this local law to provide for the protection of the public health, safety and general welfare of the people of the City of Lockport by establishing rules and regulations governing (1) the generation, separation, storage, collection, transportation, processing and disposal of refuse and recyclables within the City limits; (2) residential commercial and institutional refuse and recyclable management; (3) licensure of refuse and recyclable collectors; and (3) the preparation, collection, transportation and disposal of refuse and recyclable items in accordance with all state laws. Methods of solid waste management emphasizing source reduction, reuse and recycling are essential in Lockport for long term preservation of public health, economic productivity and the environment quality. This local law is adopted pursuant to GML 120-aa. This local law shall be known as the "Refuse and Recycling Code."

**C. Definitions** As used in this Code, the following terms shall have the meanings ascribed to them:

**Ashes** The residue of the combustion of solid fuels.

**Brush Cuttings** from shrubs, hedges and trees which are less than four inches in diameter.

**Authorized Recycling Facility** A permitted or specifically exempt facility or facilities for processing, reprocessing and/or recycling recyclable materials as defined herein or listed in the rules and regulations promulgated by the Director of Engineering. This term shall exclude incineration facilities, waste-to-energy facilities and landfills.

**Building Refuse/Construction Waste** Any and all refuse or residue resulting from building construction, reconstruction, repair or demolition; from grading, shrubbing or other incidental work in connection with any premises; or from replacement of building equipment or appliances, which work is performed by the owner or resident.

**Bulk Solid Waste** Solid Waste which is too large or too heavy to place inside City issued Refuse Cart. The term includes discarded small household furniture, bedding and mattresses, hot-water tanks, carpet (minimum 3 rolls, each no larger than 4ft long and 18 inches wide. This will also include Large Appliances to include stoves, refrigerators, dishwashers, dryers, washing machines, scrap metal and other large appliances. Residents are responsible for removing refrigerant, must present adequate information indicating refrigerant has been removed and door shall be removed. This term DOES NOT include air-conditioners, microwave-emitting equipment, microwave ovens and regulated material.

**Central Business District** That collection area of between and including Washburn Street and South Transit Street and Walnut Street and Main Street.

**City** The City of Lockport, a municipal corporation incorporated in 1856 pursuant to the laws of the State of New York.

**City Disposal Sticker/Tag** A sticker or tag available from the city or its agents which shall bear an identification mark established by the City.

**City-Issued Container** A roll-away (wheeled) refuse cart issued by the City to property owners or their representatives, capable of semi-automated and or automated refuse collection, for the sole purpose of storage, collection and disposal of source-separated solid waste.

**City Sticker Items** City sticker items must be refuse bags and cannot exceed 33 gallons. In no instance shall the bags be packed so as to contain more than their intended weight. Collectible material must be properly sealed and presented and set at curbside, adjacent to refuse cart (not on top), and contain a city sticker or tag.

**City User** A person who is a legal resident of the City and who subscribes to City Refuse and Recycling Program and used City disposal stickers or tags in accordance with the rules.

**Commencement Date** August 17, 2011

**Commercial Refuse** Any producer of solid waste other than single family, two family, three family producer, including multi-family, businesses, schools, churches, post offices, restaurants, governmental properties, institutional properties, parking lots, parking garages and parking ramps. Commercial Refuse excludes all hazardous, regulated medical and infectious waste.

**Commercial Refuse Collector** A person or company engaged in the business of collection, removal, transportation or disposal of residential, commercial, and institutional refuse.

**Commercial Refuse Management** The purposeful, systematic control of the generation, separation, storage, collection, processing and disposal of residential, commercial and institutional refuse.

**Commercial User** Any producer of solid waste other than single, double or triple family producer, institutional waste and Industrial waste, including multi-family, businesses, schools, churches, post offices, restaurants, parking lots, parking garages and parking ramps.

**Commingled Recyclables** Mixed recyclable materials separated from MSW at the point of generation.

**Composting** A controlled microbial degradation of organic waste yielding a nuisance-free product of potential value as a soil conditioner.

**Construction Waste** See Building Refuse above.

**Collector** The company under contract with the City that is engaged in the business of collection, removal, transportation or disposal of residential, commercial, and institutional refuse and recyclables.

**Curbside Collection** The collection at individual households, institutions and commercial buildings by a collector or independent collector, for subsequent transport to management facility.

**Commercial Container User** An improved parcel of land which is permitted by the Director of Engineering to have a commercial container.

**Dead Animals** Dead animals or parts of animals from slaughterhouses are not included in this category.

**Default Service** Residential properties (single, double and triple family parcels that do not respond to the cart survey within 14 days of issuance, will automatically default to:  
Single Family one (1) – 96 gallon refuse cart  
Double Family: Two (2) – 96 gallon refuse carts  
Triple Family: Three (3) – 96 gallon refuse carts  
Four Family: four (4) – 96gallon refuse carts or present to the Director of Engineering appropriate documentation of a service contract engagement with another independent contractor.

**Director** The Director of Engineering or his designee.

**Double/Two Family Parcel** A person who owns or occupies an improved Parcel of land in the City which is designated for or occupied by a residential use with two dwelling units.

**Facility** The structures, land, and other improvements on the land, used for treating, sorting, or disposing of waste. A facility may consist of several treatment, storage, or disposal operational units.

**Four Family Residence** A person who owns or occupies an improved Parcel of land in the City which is designated for or occupied by a residential use with four dwelling units.

**Garbage Receptacle** A permanent container made of metal or vinyl which is provided with a tight-fitting cover and appropriate handles, or a disposable plastic garbage bag which, when closed by lacing, is of sufficient strength to prevent breakage.

**Hazardous Waste** A solid waste or 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, disposed or otherwise managed. From a regulatory standpoint hazardous waste is defined on a basis of regulations in the Resource Conservation and Recovery Act administered by the USEPA.

**Heavy Pickup** Includes but is not limited to large household furnishings, major appliances, tree trunks, construction debris, large bulky items or items over 50 pounds in weight and lawn mowers.

**Independent Collector** A person or company not under contract with the City that is engaged in the business, licensed and authorized by the Director to collection, removal, transportation or disposal of residential, commercial, and institutional refuse and recyclables.

**Industrial User** Any producer of solid waste other than single, double or triple family producer, commercial, and institutional users.

**Industrial Waste** Any and all residue resulting directly from industrial or manufacturing operations. It shall not include refuse originating from office operations of an industrial establishment, nor shall it include refuse resulting from the commercial operations of persons, firms or corporations engaged in the construction of buildings, the repairing of streets and buildings, demolition or excavation. Residue or waste resulting from tree or landscaping services shall also be excluded. Industrial waste excludes all hazardous, regulated medical and infectious waste.

**Infectious Waste** Includes but is not limited to human and animal surgical wastes, blood and blood product wastes, human tissue or parts. Biological waste products and laboratory wastes which have come in contact with pathogenic organisms generated by organizations such as medical institutions, biological research organizations, laboratories and hospitals.

**Institutional Refuse** Refuse originating in and around governmental institutions, tax-exempt hospitals and public, charitable, philanthropic or religious institutions. All refuse from institutions not included in this definition shall be considered commercial refuse. Institutional waste excludes all hazardous, regulated medical and infectious waste.

**Integrated Waste Management** Coordinated use of a hierarchy of management methods, including recycling, composting, incineration, and land filling.

**Landscape Waste** All accumulations of grass or shrubbery cuttings, leaves, tree branches, and other materials accumulated as the result of the care of the lawn, shrubbery, vines and trees.

**Large Household Furnishings** All other large and/or bulky articles actually used in the home which equip it for living (such as chairs, sofas, tables, beds, carpets, etc.)

**Licensed Commercial Refuse and or Recyclable Collector** A commercial refuse and/or recyclable collector licensed in accordance with New York State Department of Environmental Conservation.

**Littering** Littering is dumping, throwing, placing, depositing or leaving, or causing to be dumped, thrown, deposited or left any refuse of any kind or any object or substance which tends to pollute, mar or deface, into, upon or about: (a) Any public Street, highway, alley, road, right-of-way, park or other public place, or any lake, stream, watercourse, or other body of water, except by direction of the City of Lockport; or (b) Any private property without the consent of the owner or occupant of such property. See Sections 129-5, 133-7 and 153-1 of the City of Lockport Code.

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

**Materials Recovery Facility (MRF)** A materials recovery facility

**Multi-Family User** A person who owns or occupies an improved parcel of land in the City of Lockport which is designated for or occupied by a residential use with four or more dwelling units.

**Multi-Family Complex** Four (4) or more residential units that are either attached or detached on a single parcel of land.

**Non-Recyclable Material** That portion of the waste stream not included under the definition of "recyclables" and not treated separated as hazardous waste under § 27-0903 of the New York State Environmental Conservation Law, Source, special nuclear or by-product material as defined in the United States Atomic Energy Act of 1954, or low-level radioactive waste as defined in § 29-0101 of the New York State Environmental Conservation Law. The municipality may change classification of "nonrecyclable" as defined herein in the event it determines that reclassification is cost effective or that economic markets exist for that product. The municipality shall notify all generators of the change in classification.

- A. Garbage — Putrescible solid waste, including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods. "Garbage" originates primarily in home kitchens, stores, markets, restaurants and other places where food is stored, prepared or served.
- B. Rubbish — Rags, sweepings, excelsior, rubber, leather, crockery, shells, clothing, dirt, filth, ashes, wastepaper and similar waste material.
- C. Construction and Demolition Debris — Waste resulting from construction, remodeling, repair and demolition of structures, road building and land clearing. Such wastes include but are not limited to bricks, concrete and other masonry materials, soil, rock, lumber, road spoils, paving material and tree or brush stumps.
- D. Medical and Infectious Waste — As that term is defined herein.
- E. Styrofoam.
- F. Propane Tanks.
- G. Paint Cans.
- H. Flammable Liquids
- I. Household Cleaners.
- J. Chemicals Dry or Liquid.
- K. Wood Items.
- L. Concrete.
- M. Garden Hose.
- N. Electrical Cords.

**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 units containing three or more apartments.

**Occupant** An owner occupying premises which he or she owns or controls or a tenant or renter of such premises.

**Other Recoverable Materials** Any material, substance, by-product, compound or any other item generated or originated within the City and separated from solid waste at the point of generation for separate collection, sale, external reuse or reprocessing and/or disposition other than by disposal in landfills, sewage treatment plants or incinerators. Other recoverable materials do not include recyclable materials as defined herein. Other Recoverable Materials excludes all hazardous, regulated medical and infectious waste.

**Owner** The owner of premises within the City or another person who has agreed to be the owner's agent for purposes of fulfilling the owner's obligations under this code.

**Parcel** A single address or location that may have a single, two or three family residency, commercial business or institution that requires collection of solid waste and recyclables.

**Person** Any natural person, partnership, association, joint venture, corporation, estate, trust, association, improvement district, governmental entity or other legal entity.

**Premises** A building or group of buildings constituting a single property and the lot or parcel of land on which such building or buildings are located.

**Rear Yard** A yard extending between the side lot lines of a lot and situated between the rear lot line and the rear line 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 the interior side lot line and exterior side yard.

**Recyclable Material** Any solid waste generated or originated within the City as designated in the rules and regulations promulgated hereunder and defined by the most current recycling menu issued by Contractor, including but not limited to:

- A. Aluminum cans — Containers fabricated primarily of aluminum and commonly used for soda, beer or other beverages.
- B. Kitchen Cookware – Metal pots, pans, tins and utensils.
- C. Steel & Tin Cans – Empty cans only.
- D. Glass — Clear or colored jars, bottles and containers which are primarily used for packaging and bottling of various matters.
- E. Newspaper — The common, inexpensive machine finished paper made chiefly from wood pulp used for newspapers without bags, strings or rubber bands.
- F. Paper board — Wood-pulp-based material without any wax coating such as cardboard, pizza boxes and paper bags.
- G. Office Paper & Junk Mail – envelopes, flyers, brochures and postcards.
- H. Phone Books – all types and sizes.
- I. Magazines & Catalogs – all types and sizes.
- J. Milk & Juice Cartons – Empty containers only.

H. Yard Organics — Grass clippings, leaves, branches up to four inches in diameter and other like organic garden materials.

I. Plastic Containers — Containers used primarily for laundry products, dishwashing detergents, milk, water most common being PET (polyethylene terephthalate) and HDPE (high-density polyethylene) but may selectively include other common plastic resin types.

**Recycling Container** A bin, roll-away cart or other container set at curbside, supplied by the City or designee of the City, for use by waste generators within the City, which is readily identifiable by a hauler as a container for recyclable materials. Containers supplied by the City designee shall be used exclusively for the storage and collection of recyclables pursuant to a city-sponsored recycling program, and such containers shall, at all times, remain the property of the City.

**Recycling or Recycled** Any method, technique or process utilized to separate, process, modify, convert, treat or otherwise prepare solid waste so that its component materials or substances may be beneficially used or reused as raw materials.

**Refuse** Solid waste generated at residences, commercial establishments, and institutions. Means garbage, refuse or other waste, and other material resulting from residential dwellings or establishments and existing public areas which are not defined as recyclables or landscape waste.

Excluded from the definition of refuse (municipal solid waste) are the following which the Collector shall have no obligation to accept or process (herein the “excluded wastes”): any radioactive, volatile, highly flammable, explosive, toxic, biomedical, or hazardous material or any other waste or material not meeting the requirements of this Code. The term “hazardous material” shall include, but not be limited to, any amount of waste listed or characterized as hazardous by the United States Environmental Protection Agency or any state agency of jurisdiction. However, it is reasonable to expect that there is a chance of accidental mixing of such waste with the normal refuse stream. The Collector must be prepared to deal with such situations. The City must be contacted if the Collector finds such material.

**Refuse Cart** See City Issued Container

**Residential Building Refuse** Any and all refuse or residue resulting from building construction, reconstruction, repair or demolition or other incidental work in connection with any premises; or from replacement of building equipment or appliances, which work is performed by the owner or resident.

**Refuse Management** The purposeful, systematic control of the generation, separation, storage, collection, transportation, processing and disposal of refuse generated by residential and commercial users.

**Residential Producer** Those persons, owners or occupants of single-family, two-family or three -family dwelling units which produce solid waste and are used exclusively for residential purposes.

**Residential Refuse** Refuse originating in and around Single Family Residences, Two-Family Residences, and Three-Family Residences.

**Residential User** A person who owns or occupies and improved parcel of land in the City of Lockport which is designed for or occupied by a residential use with three or fewer dwelling units. This term includes, but is not limited to vacant lots and two residential structures on one parcel.

**Scavenging** The uncontrolled removal of materials at any point in waste management.

**Separate and Additional Collection Service** Residents desirous of disposing quantities of refuse may separately contract with City approved hauler using additional container service rates included in this Code.

**Single Stream Recycling** A system in which all paper fibers and containers (glass, plastic, aluminum) are mixed together in the same receptacle for recycling.

**Solid Waste** Includes but is not limited to garbage, refuse, nonrecyclable rubbish, recyclable rubbish, construction debris, major appliances, large household furnishings, brush and tree parts.

**Source Separation** The segregation of recyclables and other recoverable materials from non-recyclable solid waste at the point of generation for separate collection, donations, sale or other disposition.

**Tagged Item** See City Disposal Sticker

**Transfer Station** A location where certain types of waste can be temporarily stored, in between being dropped off by domestic waste collection lorries and being carried off by larger vehicles for subsequent treatment and ultimate disposal.

**Three Family Residence/Unit** A person who owns or occupies and improved parcel of land in the City which is designated for or occupied by a residential use with three dwellings.

**Tree Parts** Cuttings from shrubs, hedges and trees which are more than four inches in diameter.

**Two Family Residence/Unit** A person who owns or occupies an improved parcel of land in the City which is designated for or occupied by a residential use with two dwelling units.

**Waste Stream Reduction Program** Programs designed to reduce the volume of solid waste, to enhance reclamation and recovery of solid waste or recyclables otherwise destined for the municipal waste stream, and includes recycling programs; changes to the packaging portion of the waste stream to reduce solid waste generated; and activities and enterprises of scrap dealers.

**Variable Cart Selection Options** Single, Two, Three and Four Family Residents/units and individual tenants will have the option to select from three varying capacities for disposal of solid waste on a weekly collection schedule:

Single Family: Single container service of 35, 64 or 96. Multiple container service will not exceed four (4) total 96-gallon carts. Only 96-gallon carts are available for multiple container service.

Two Family: Property owner may select two (2) individual container sizes (35, 64 or 96 gallon). Service selection greater than two (2) refuse carts will default to three (3) 96-gallon refuse carts. Multiple container service is not to exceed four (4) total 96-gallon carts.

Three Family: All units must subscribe to a minimum of three (3) 96 gallon refuse cart service, not to exceed four (4) total 96-gallon carts.

Four Family units must either present appropriate documentation of service contract engagement to City or select a minimum of four (4)-96 gallon refuse cart service.

**Yard Waste** Compost material, organic yard and garden waste, leaves, grass clippings and brush. This term does not include regulated material.

**D. Duties and Powers of the Director of Engineering**

1. The Director of Engineering, in addition to other powers cited in this Code, shall have the authority and responsibility to:
  - a. Enforce all provisions of applicable state and Codes regulating residential, commercial, institutional and industrial refuse and recycling licensure, collection and management in the City of Lockport.
  - b. Provide for the orderly administration of all applicable state and Codes regulating refuse and recycling licensure, collection and management in the City of Lockport.
  - c. Promulgate rules and regulations regarding the methods of collection of residential, commercial, and institutional and recyclables and the fees charged for residential, commercial, and institutional users in the City of Lockport and rules and regulations governing exemptions subject to the approval of the Common Council.
  - d. Add to or delete from the list of items to be recycled and establish rules and regulations regarding the separation, preparation, collection, transport and disposal of recyclables in accordance with state and Code subject to the approval of the Common Council.
  - e. Abate any refuse-related health hazard or public nuisance and charge the property owner the cost of the abatement. Unpaid charges shall be the personal liability of the owner and shall be a lien upon the real property upon which such hazard or nuisance was found in accordance with sectionVII below.

2. In addition to other powers granted in this Code, the Director is hereby empowered to establish regulations governing refuse and/or recyclable collectors subject to the approval of the Common Council as follows:

- a. Operation of refuse and/or recyclable collectors to ensure that the standards and methods of collection of refuse and recyclables and general customer service all minimize the adverse impact of collection upon the health, safety and welfare of the residents of the City.
- b. Storage and transportation of refuse and recyclables to ensure that refuse, its attendant odors, and recyclables are securely contained during all phases of its management and do not become nuisances.
- c. Disposal of refuse by refuse and/or recyclable collectors to ensure that such disposal minimizes detrimental impacts on City residents.
- d. Storage of refuse and/or recyclables on a street or sidewalk to ensure that refuse and/or recyclable collectors have appropriate access to refuse and that such storage will not harm the public health, safety and welfare.

## II REFUSE

### A. Public collection and disposal of refuse

1. All residential refuse originating in the City will be collected by the Collector under contract with City as further delineated in this Code. Such refuse shall be stored and prepared for collection by property owners and occupants in accordance with the provisions of this Code.
2. The Collector may collect and dispose of commercial, institutional refuse originating in the City as further delineated by this Code.
3. The Collector shall not collect industrial, infectious or hazardous refuse/waste.
4. The Collector shall collect residential refuse, and commercial and institutional users that elect to participate in the program, at a minimum of once per week.
5. Refuse collection at a frequency greater than once per week will be handled on a case by case basis. User fees shall be charged consistent with the frequency of collection.
6. Single, double and triple family units may place bulk solid waste out once per month at a date established by the collector. Bulk solid waste excludes all hazardous, regulated medical and infectious waste.
7. Commercial, institutional and industrial users must provide for the lawful collection and disposal of refuse.

8. Commercial and institutional users who do not produce industrial waste may elect to be serviced exclusively by the Collector under contract with the City or may be serviced by an independent refuse collector.
9. Commercial and Institutional users not serviced exclusively by the Collector under contract with the City must establish to the satisfaction of the Director of Engineering that an independent commercial refuse collector is providing collection and disposal services for the commercial or institutional user and that refuse collection is being made at a frequency determined by the Director of Engineering to be consistent with public health requirements. Failure to provide for adequate collection and disposal services or to provide satisfactory proof to the Director shall constitute a violation.
10. Commercial and institutional users who elect to be serviced exclusively by an independent commercial refuse collector or commercial or institutional 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 a public nuisance.
11. The Director shall have the authority to abate any sanitary health hazard or public nuisance and to impose the fees, charges and penalties of this Code as well as the cost of disposal for such abatement.
12. Commercial and institutional users who produce industrial waste must be serviced exclusively by licensed commercial refuse collector unless the owner establishes to the Director's satisfaction that such exclusive service is impracticable and the user will not offer industrial waste for City collection.
13. No person or company, except the Collector or its designee, or an independent collector approved by the Director, shall engage in the collection of residential refuse placed between the sidewalk and curb by residential users for public collection.
14. The City of Lockport will not collect or remove brush or tree parts produced by commercial contractors. Brush and tree parts produced by commercial contractors must be removed from the premises by the contractor or by the owner or occupant of the premises.
15. City employees or equipment shall not enter private property or structures in making collections unless it can be demonstrated that it is in the best interest of the City and more feasible to enter certain private property to make collection. When it is determined that City employees will enter private property in making collections, the owner of said private property must execute a release and hold harmless agreement with the City of Lockport releasing the City of Lockport from any liability as a result of entering the property as well as holding the City harmless against any claims made against the City.

16. The City shall have no obligation to pick up and remove any solid waste which was not used in a residence or produced by the resident of the City of Lockport. However, upon notification by a citizen of the City of Lockport, the City shall remove any solid waste which has been dumped illegally in the City of Lockport.

17. Vehicular tires and tire casing will not be picked up or removed by the City of Lockport or any agency thereof. The City of Lockport will dispose of unmounted passenger vehicular tires for a charge per tire, if said tires are dropped off to the Department of Public Works garage, said charge to be determined by the Department of Public Works.

18. It shall be the duty of every person, owner or occupant of every dwelling within the City to keep the public sidewalk and area between the public sidewalk and street free and clear of all kinds of solid waste.

19. All items, in order for collection, must be placed 3-5 feet from the streets edge, with latch bar facing the street.

20. No person shall cart to, dump, burn, deposit or otherwise dispose of or cause to be carted, dumped, burned, deposited or otherwise disposed of any solid waste upon any public highway, street or other public place or upon any private property except as provided in this Code.

**B. Residential Refuse Containers**

1. The City will provide City issued container for the sole purpose of refuse storage and collection as follows:

a. Single Family Unit: The user will select from three (3) varying refuse containers capacities: 35 gallon, 64 gallon and 96 gallon. Only multiple 96 gallon containers are permitted and no single family unit shall exceed four (4) 96 gallon containers.

b. Two Family Unit: users will select (2) container sizes of varying capacity (35 gallon, 64 gallon and 96 gallon). No two family unit shall exceed four (4) 96 gallon containers.

c. Three Family Unit: users must select a minimum of three (3) 96 gallon refuse carts and no three family unit shall exceed four (4) 96 gallon containers.

2. The City will provide replacement City issued containers to residents as necessary. The City reserves the rights to charge property owners a replacement fee for these containers equal to the cost of a new container, in accordance with rules and regulations established by the Director.

3. The City issued container is owned by the City, shall remain at the premises, and shall be used solely for the purpose of storage and collection of refuse.

4. Disposable plastic bags may be placed adjacent to the City issued refuse carts which are waterproof, strong, and securely tied, and do not exceed more than 30-lbs in weight (each) and have affixed City issued tagged or stickers. However, glass and other objects in refuse that are sharp or that could cause injury shall not be placed in plastic bags. The Director is authorized to revoke the use of plastic bags where safety and health conditions warrant. Only Single, Two and Three Family units subscribing to refuse collection services are permitted to purchase additional tags for use.

5. Single, Two and Three Family Units may place one (1) bulk item placed at the curb at a monthly frequency (first collection of the month). Bulk items must be placed in a location that does not impede with the collection of the refuse or recycling receptacles.

**C. Commercial and Institutional Refuse Containers**

1. Commercial and institutional users must adhere to this Code and shall have the option to select up to four (4) 96 gallon containers.

2. Commercial and institutional users must have a sufficient number of receptacles to hold all solid waste accumulated between scheduled collections and shall not allow solid waste to be sorted or to accumulate on their property in a manner or amount Collector to the rules and regulations of the City's Code. No property shall have more than four (4) 96 gallon refuse carts for collection.

3. Commercial and institutional users may place one (1) bulk item placed at the curb at a monthly frequency (first collection of the month). Bulk items must be placed in a location that does not impede with the collection of the refuse or recycling receptacles.

**D. Storage of Refuse and Recyclables**

1. No refuse or recyclable shall be placed or stored on any premises within the City except as permitted by this Code.

2. Residential refuse and recyclables shall be deposited promptly and stored in City-issued containers or plastic bags as set forth in this Code.

3. Commercial and institutional refuse and recyclables shall be deposited promptly and stored in City-issued containers or commercial containers as authorized by this Code.

4. All refuse and recyclable containers, receptacles, bags and bundles shall be stored in the rear or side yard, as that term is defined in the Lockport City Code, and shall not be stored in the front yard of any residence, business, commercial or industrial site, except when placed at the curb line for collection..

5. Such refuse and recyclables shall be stored in a manner so as not to create a health hazard or public nuisance.
6. Any substantial accumulation of refuse or recyclables is hereby declared to be a sanitary health hazard and a public nuisance.
7. Refuse and recyclables shall not be placed or stored in the street, sidewalk or in any public place except as authorized by this Code.
8. The Director shall have the authority to abate any emergency sanitary health hazard or public nuisance and to impose the fees, charges and penalties as set forth in this Code as well as the cost of disposal for such abatement.

**E. Preparation of Refuse for Collection**

1. Each person who places items at the curb for collection and disposal by the City of Lockport shall separate garbage and nonrecyclable material from recyclable material and prepare the same for collection and disposal in accordance with this Code.  
Refuse offered for collection shall be prepared for collection by the owner and/or occupant of the premises as provided in this section. The placement of refuse for collection in front of the premises other than a premises at which the refuse originated constitutes illegal dumping and is prohibited by this Code.
2. All residential, commercial and institutional refuse shall be placed for collection between the sidewalk and the curb or alongside the roadway in front of the premises at distance between 3 and 5 feet from the street edge, at which the refuse originated, in an area free of snow to allow for the placement of the owners/occupants refuse and recycling containers no earlier than twenty-four (24) hours before the scheduled refuse and recycling collection day.
3. Any and all brush and tree parts produced by the individual activity or efforts of the owner or occupant of the premises shall be in bundles not exceeding four feet in length and 50 pounds in weight. The bundles or packages shall be placed at the curb in a reasonable manner to permit ease of handling by one man. Leaves may be left in loose piles at the curb or alongside the roadway for collection by the City sometime between October 15 and November 30 of each year.
4. City-issued containers must not be filled over their level capacity. City issued containers placed at the street edge must have lids completely closed.
5. All commercial and institutional refuse shall be properly deposited in City-issued containers or commercial containers for collection by either the Collector or an Independent Collector as set forth in this code.
6. All containers shall be removed from the area between the sidewalk and the curb or alongside the roadway within 24 hours after collection and returned to their storage area at the rear or side yard of the premises as defined above.

7. The Mayor, Director or Common Council is hereby authorized to grant an exemption from the curbside or roadside collection requirements to any person who is physically unable to deliver the refuse to the curbside or roadside and who lives alone or in a house where no other person is able to deliver the refuse to the curbside or roadside.

**F. Responsibility of Owners and Landlords**

Owners of premises shall be responsible for compliance with the provisions of this Code and shall remain responsible therefore regardless of the fact that this code may also place certain responsibilities on occupants and regardless of any agreements between owners or occupants as to which party shall assume such responsibility.

Owners of rental property located in the City shall provide to Tenant a document specifying the requirements that the tenant shall meet as to the storage and disposal of refuse and the legal penalties for violation of those requirements.

**III. RECYCLABLES**

**A. Public collection of recyclables**

Every residential producer/user and commercial or institution that elects to participate in the City's program shall be issued a recyclable container as set forth herein, The Collector shall collect recyclables from its residential, commercial and institutional refuse customers and deliver them to an authorized recycling facility as further limited by this code. Such recyclables shall be stored and prepared for collection by property owners and occupants (residential and commercial users) according to the provisions of this Code. The frequency and amount of recyclables a residential producer or commercial or institutional that elects to participate in the City's program shall be at the residential producer's or commercial/institutional producer's sole discretion.

**B. Preparation of recyclables**

1. Recyclables shall be prepared for collection according to the rules and regulations established by the Director subject to the approval of the Common Council.

2. All residential producers/users and commercial and institutional users that elect to participate in the City's program recyclables shall be placed for collection between the sidewalk and the curb or alongside the roadway in front of the premises at distance between 3 and 5 feet from the street edge, at which the refuse originated, in an area free of snow to allow for the placement of the owners/occupants recycling containers no earlier than twenty-four (24) hours before the scheduled refuse and recycling collection day. Recycling containers shall be removed from the curb no later than 24 hours after collection and returned to their storage area at the rear or side yard of the premises as defined above.

4. Only items identified by the Director subject to Common Council approval as recyclable in the rules and regulations shall be placed in the recycling container.
5. Materials placed in the recycling container which are improperly prepared and/or which are deemed not recyclable will be issued a warning by the Collector and the failure by the owner/occupant to cure such defect shall be considered in violation of this code and subject to the fines and penalties provided herein.
6. Large appliances to be recycled shall also be placed between the sidewalk and the curb and shall not be used as containers for refuse. All locking mechanisms shall be disabled or doors removed before such items are placed out for collection.
7. Bulk Solid Waste as defined above originating in the City will be collected at a frequency determined by the Common Council.

**C. Ownership**

Recyclable materials placed between the sidewalk and the curb for collection immediately become the property of the City with the exception of the owner/occupant and may not be scavenged.

**D. Residential collection of recyclables**

1. The Collector shall collect properly prepared recyclables placed at the curb from all of its residential producers/users and commercial and institutional users who elect to participate in the City program on the same day it collects residential refuse at intervals determined by the Common Council.
2. The City will deliver collected recyclable materials to an authorized recycling facility.

**E. Recyclables Containers**

1. The City will provide one recycling container to a Single Family Unit, two recycling containers to a Two Family Unit and three recycling containers to a Three Family Unit at no extra charge.
2. The City will provide replacement recycling containers to residents as necessary. The City reserves the right to charge property owners a replacement fee for these containers equal to the cost of a new recycling container, in accordance with rules and regulations established by the Director.
3. The recycling container is owned by the City, shall remain at the premises and shall be used for the sole purpose of storage and collection of recyclables. The property owner bears the responsibility for the proper use, storage and care of the recycling container.

**F. Commercial and Institutional Recyclables**

1. Commercial and institutional users shall provide for the lawful collection and disposal of recyclables. Every commercial or institution that elects to participate in the City's program shall be issued a recyclable container as set forth herein, The Collector shall collect recyclables from commercial and institutional customers and deliver them to an authorized recycling facility as further limited by this code. Such recyclables shall be stored and prepared for collection by property owners and occupants (residential and commercial users) according to the provisions of this Code. The frequency and amount of recyclables shall be at the commercial or institutional producer's sole discretion.
2. It is the responsibility of the commercial and institutional user to identify any items designated as recyclable in this Code and/or in the rules and regulations adopted by the Common Council and to prepare a plan for the collection of its recyclables subject to approval by the Director. Failure to do so will be considered a violation of this Code and will be subject to the fines and penalties provided herein.
3. The City shall offer recycling collection to all of its commercial and institutional users.
4. Commercial and institutional users may develop an alternate plan for the collection of recyclable materials. Such a plan must be consistent with all of the provisions of this Code and is subject to approval by the Director.
5. All Independent Collectors shall offer commercial recycling service to all of their commercial and institutional users, either directly or through an authorized agent. Such recycling must be in accordance with this code and with the rules and regulations established by the Director subject to the approval of the Common Council.
6. All independent collectors shall deliver collected recyclables to an authorized recycling facility.
7. The Director shall have the authority to abate any emergency sanitary health hazard or public nuisance and to impose the fees, charges and penalties of this code as well as the cost of disposal for such abatement.

**G. Tenant responsibility for recycling**

Notwithstanding the provisions above, a property owner may apply to the Director for approval of a waiver of primary responsibility for compliance with recycling laws, rules and regulations, provided that such property owner shall furnish to the Director adequate proof, as promulgated by the Director in rules and regulations governing recycling, that the tenants have assumed responsibility for compliance with recycling laws, rules and regulations. This approval may be revoked by the Director in accordance with promulgated rules and regulations.

**H. Exemption for requirement to recycle**

The Mayor, Director and Common Council are hereby authorized to grant exemptions from compliance with recycling laws to any person with a physical disability or age and who lives alone or in a house where no other person is able to carry the recycling container to the curb.

**IV. Residential, Commercial and Institutional User Fees.**

- A. Authorization to advance moneys from General Fund to Special Revenue Fund-Recycling and Refuse.** The City of Lockport is hereby authorized to advance from the City of Lockport 2011 General Fund such sums of funding to the City of Lockport 2011 Special Refuse and Recycling Revenue Fund for the purposes of funding the costs incurred by the City of Lockport for the collection and disposal, including recycling, of refuse from January 1, 2011 through September 12, 2011 in accordance with the Special Revenue Budget enacted November 17, 2010 in anticipation of this Code. All actions heretofore taken by or on behalf of the City of Lockport in connection with or in furtherance of the authorization and purposes of this subsection A of this Code, including, but not limited to, (i) the advance of any moneys from the City of Lockport 2011 General Fund to the City of Lockport 2011 Special Revenue Fund-Recycling and Refuse or otherwise to pay such costs incurred for the collection and disposal of refuse, (ii) the execution and delivery of any and all contracts, agreements, instruments and documents in connection with the provision of, and/or payment for, such services, and (iii) all authorizations, consents and approvals of and by any officer, official or employee of the City of Lockport with respect thereto are hereby ratified and confirmed.
- B. Repayment of City of Lockport 2011 General Fund; Imposition of Surcharge for 2011 Services.** The City of Lockport, through its 2011 Special Refuse and Recycling Revenue Fund, is hereby authorized and directed to repay prior to the end of its fiscal year 2011 the City of Lockport 2011 General Fund for all sums heretofore advanced by such General Fund to such Special Revenue Fund pursuant to subsection A of this Code. For the first fiscal year 2011, a surcharge shall be imposed on all residential, commercial and institutional users of refuse and/or recycling services in an amount to recover the amount advanced by the City of Lockport out of the 2011 General Fund to cover the costs incurred and paid by the City of Lockport for the collection and disposal, including recycling, of refuse from January 1, 2011 through September 12, 2011 in accordance with the Special Revenue Budget enacted November 17, 2010 in anticipation of this Code. The City Treasurer shall collect this surcharge by a supplemental bill as determined by the Budget Director and deposit the proceeds thereof in the 2011 Special Revenue Fund-Recycling and Refuse whereupon the same shall be repaid to the City of Lockport 2011 General Fund as hereinbefore set forth.
- C. User fees for collection of Single Family, Two Family, Three Family, Commercial and Institutional refuse and recycling placed for collection shall be established as follows: On or before the 15<sup>th</sup> day of September preceding the expiration of each fiscal year thereafter, the Budget Director shall make an estimate of the user fees**

and probable revenues to be received by the city for the Special Revenue Refuse and Recycling Fund during the said fiscal year, and also an estimate of the several sums of money which it deems necessary to pay the expenses of the refuse and recycling program and for the various purposes contemplated by this Code, and otherwise by law for the succeeding fiscal year. After the Budget Director has determined the user fees and made such estimates, he shall submit them in writing, with such reasons for them in detail as he may have to give, to the Common Council, which shall convene and consider such user fees and estimates. The Common Council shall hear any taxpayer who wishes to be heard in reference thereto. After such hearing, it may adopt such estimates so submitted to it, may add items thereto or increase, diminish or reject any item therein contained except such as relates to the city indebtedness. On or before the first regular meeting of the Common Council of the City of Lockport held in the month of October preceding the expiration of each fiscal year, the Common Council shall, by separate resolution for the Special Revenue Refuse and Recycling Fund, adopt the user fees and estimates as thus amended. When it shall have adopted the sums as herein provided, the same shall be entered at large in its minutes and published in its proceedings. The several sums contained in the final estimates of revenue to be received by the city, applicable for such purpose, and of moneys necessary to be raised by user fees in addition thereto, to pay the expenses of conducting the business of refuse and recycling, shall be and become appropriated in the amounts and for the purpose named therein for the following fiscal year. The several amounts specified in such fiscal estimate as necessary to pay the expenses of the Special Revenue Refuse and Recycling Fund and for the various purposes contemplated by this Code and otherwise by law for the following fiscal year, after deducting that portion of the estimated revenue from user fees applicable for such purpose, shall constitute the Special Revenue Refuse and Recycling budget, and the amount of such budget shall be raised by charging user fees as herein provided.

- D. The fees for collection and disposal of residential and commercial refuse and recyclables and the cost for a new container shall be proposed annually by the Director subject to the approval of the Common Council as a part of the annual budget process. Such fees must be approved by the City Council and maintained on file in the Director's office and in the office of the City Clerk.
- E. The Director of Engineering may negotiate fees subject to the approval of the Common Council for each type or class of commercial and institutional entity based on volume and time requirements for collection for such commercial and container service within the City, provided that such fees shall in all instances cover at a minimum the incremental full costs of providing said service, as certified by the Budget Director.
- F. Parcels of land which are not improved by a structure or which are improved by a vacant structure which has been inspected by the Chief Building Inspector and found to be properly secured and not receiving City service shall not be charged a user fee until improved or occupied or City service begins.

## V. MISCELLANEOUS

- A. Severability** Should any section, paragraph, sentence, clause or phrase in this Code be declared unconstitutional or invalid for any reason, the remainder of the Code shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Code are declared to be severable.
- B. Dead animals** Dead animals shall be removed by the City on request, except that an animal hospital or other business caring for or harboring animals must remove and dispose of dead animals without the aid of the City. The owner or custodian of an animal may remove and dispose of any dead animal by contract with a licensed commercial refuse and/or recyclable collector. In no event shall a dead animal remain undisposed of for a period longer than 12 hours.
- C. Emergency collection and disposal** In the event of a public emergency declared by the Mayor, the Director may provide by contract for the public collection, removal and disposal of refuse without competitive bidding. In such case, the Director may impose such conditions as he or she may deem advisable and shall supervise all work under such contracts.
- D. Scavenging** No person shall interfere with, remove or scavenge for any material in any City-issued container, recycling container, plastic bag or in any bulk refuse or building refuse which has been placed between the sidewalk and the curb by the owner and/or occupant for public collection.
- E. Litter containers and recycling for special events** Refuse containers and recycling bins provided by the City and placed by the City in the public right-of-way, parks or other public places shall be used only for deposit of litter and recyclables generated on the public right-of-way by pedestrians and motorists or generated by persons using the parks or other public places. The placing into such litter baskets or recycling bins of refuse or recyclables originating from homes or commercial or industrial establishments constitutes illegal dumping and is prohibited by this Code. Containers provided by the City for special events or projects shall be used only for deposit of refuse and recyclables generated at the special event or project. The placing into such containers of refuse or recyclables originating from homes or commercial or industrial establishments constitutes illegal dumping and is prohibited by this Code.
- F. Illegal Dumping** No person shall place, throw, deposit or dump or cause to be placed, thrown, deposited or dumped any refuse, residential refuse, building refuse, bulk refuse, commercial refuse, institutional refuse, waste, construction waste, hazardous waste, industrial waste, infectious waste and/or recyclable materials in or upon any premises, street (including the area between the sidewalk and the curb), sidewalk or park, or in any litter basket, recycling bin or container placed in a right-of-way, park or public place, or provided for a special project or event. This section shall not apply to refuse placed for collection in front of the premises in which it originated, to filling for which a permit has been granted pursuant to this Code or to the deposit of litter and recyclables generated on the public right-of-way in City litter baskets and street recycling bins by pedestrians and motorists, the placement of refuse generated in parks or other

public places in provided receptacles, or to the deposit of refuse from special events or projects in containers placed for the collection of such refuse.

**G. Regulations governing collection of refuse and or recyclables.**

No Collector or refuse and/or recyclable collector shall:

1. Violate a rule or regulation established by the Director.
2. Dispose of refuse at a site not approved by the New York State Department of Environmental Conservation.
3. Litter.
4. Scavenge.
5. Collect refuse or recyclables placed between the sidewalk and curb by residential or commercial users for collection without prior written approval by the Director.

**VI. ENFORCEMENT**

- A. The Mayor of the City of Lockport is empowered to designate public servants who shall be specifically authorized pursuant to this Code to issue and serve appearance tickets to appear before the Lockport City Court to persons where such designee has reasonable cause to believe such person has violated any provision of this Code.
- B. A police officer or such other persons as may be designated by the Common Council are authorized and directed to enforce this Code and cause collections to be made accordingly.
- C. As an alternative to or in addition to above, the Director may, at his or her discretion, direct City employees or the Contractor to collect and to dispose of refuse and or recyclables which has been improperly prepared, stored or disposed of as required by the provisions and standards of this Code. The Director shall have the right to establish by regulation appropriate charges for such services subject to the approval of the Common Council. The Director shall promptly bill the owner for such services, and such charges shall be a lien upon the real estate from the first day fixed for payment of such charges. Charges remaining unpaid 60 days after billing will be added to taxes pursuant to § 6-94 of the City Charter.

**VII. PENALTIES**

- A. **Unpaid residential and commercial user fees** Unpaid residential, commercial and institutional user fees for collection of refuse and recycling shall be the personal liability of the owner and charges remaining unpaid 60 days after billing will be added to taxes as follows. Any delinquent assessment, penalty, charge or fee remaining unpaid by May 15 may be added to the upcoming year's tax bill for the parcel of property against which it is a lien. The amount added to taxes shall

include late payment charges accrued through June 30 plus an additional administrative charge equal to \$15 for each delinquent account. Late payment charges shall not continue to accrue after June 30 against any assessment, penalty, charge or fee which is added to taxes. The City Treasurer shall submit to the City Council any delinquent assessments, penalties, charges or fees and any other amounts to be added to taxes at the same time as the annual budget is submitted to the Council by the Mayor. The Council shall, after a public hearing and after making any amendments or corrections to any of said amounts as it may deem proper, confirm said amounts no later than the date the annual budget is adopted by the Council. When said amounts are confirmed, they shall be inserted in the annual tax rolls and shall become a part of the annual tax upon the respective parcels against which such amounts are charged and shall be subject to all the provisions of the City Charter. Judgments against a property owner resulting from violations of Code shall, if unpaid, be added to the property taxes as set forth above. All fees and or taxes collected in accordance with this section shall be paid over to the Special Revenue Fund – Recycling and Refuse.

**B. Discontinuance of service for nonpayment of fees** The Director of Engineering may order the discontinuance of a residential, commercial or institutional user's public collection service when, after due notice, the user has not paid user fees upon direct billing by the City or after such delinquent fees have become a lien upon the real property. Upon discontinuance of public collection service for nonpayment of user fees, the user must establish to the satisfaction of the Director that a licensed commercial refuse and/or recyclable collector will service the user.

**C. Penalties for offenses** The fines and penalties for any violation of Code, the Refuse and Recycling Code, shall be as follows:

1. **For residential Users:**

<u>Offense</u>	<u>Fine</u>
First	\$100, plus cost of cleanup and disposal
Second	\$200, plus cost of cleanup and disposal
Third and Subsequent	\$300, plus cost of cleanup and disposal

2. **For Commercial and Institutional Users:**

<u>Offense</u>	<u>Fine</u>
First	\$1,000, plus cost of cleanup and disposal
Second	\$2,500, plus cost of cleanup and disposal
Third and Subsequent	\$5,000, plus cost of cleanup and disposal

This local law shall take effect immediately.

Seconded by Alderman Kibler. A roll call vote was taken which resulted as follows:

Alderman Chapman	VOTING	Y
Alderman Genewick	VOTING	Y
Alderman Kibler	VOTING	Y
Alderman McKenzie	VOTING	Y
Alderman Pasceri	VOTING	Y
Alderman Smith	VOTING	N

The local law was thereupon declared duly adopted.

**081711.6A**

By Alderman Pasceri:

Resolved, that pursuant to the request of Lake Effect Ice Cream, 20 Lock Street, Lockport, NY, permission is hereby granted to erect a 2-foot by 4-foot A-Frame sign in the City's right-of-way at the corner of Ontario Street and Lock Street subject to the following provisions:

that upon motion of the Common Council, duly adopted by a majority vote only, and thirty days notice from the City Clerk, the sign must be removed,

that the sign can only be displayed during business hours,

filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, leaving the City free and clear of all liability in connection therewith,

payment of the revocable permit fee of \$100.00 renewable annually.

Seconded by Alderman Genewick and adopted. Ayes 6.

**081711.6B**

By Alderman Pasceri:

Resolved, that pursuant to their request, the Erie Canal Discovery Center/Penney Gallery and the Charles Rand Penney Gala Committee is hereby granted permission to close Church Street from Canal Street to Ontario Street, Ontario Street from Church Street to the Pine Street Bridge and Canal Street from Church Street to the entrance of the Erie Canal Discovery Center parking lot on August 20, 2011 starting at 4:00PM for the Past, Penney, and Future Gala, and be it further

Resolved, that the Highways & Parks Department be and the same is hereby authorized and directed to deliver barricades, traffic cones, and street closed signs to the designated streets on Thursday August 18, 2011, and be it further

Resolved, that parking in lot # 6 (employee parking lot at the corner of Niagara and Church Streets) be prohibited on Saturday August 20, 2011, except for patrons of the Past, Penney and Future Gala event, and be it further

Resolved, that the Police and Fire Chiefs are hereby directed to direct their employees to park in the Big Bridge parking Lot or either of the City owned parking lots on Main Street.

Seconded by Alderman Kibler and adopted. Ayes 6.

**081711.7**

**ADJOURNMENT**

At 7:55 P.M. Alderman Pasceri moved the Common Council be adjourned until 6:00 P.M., Wednesday, September 7, 2011.

Seconded by Alderman Genewick and adopted. Ayes 6.

RICHARD P. MULLANEY  
City Clerk