

**SPECIAL BUSINESS MEETING MINUTES  
CITY OF BATAVIA  
FEBRUARY 25, 2013**

The special business meeting of the City Council was held Monday, February 25, 2013 in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Buckley presiding.

Present were Council President Buckley and Councilpersons Pacino, Briggs, Christian, Canale, Cipollone, Doeringer, Hawley and Russell.

Council President Buckley called the meeting to order at 7:00 PM.

Councilperson Canale led the Invocation and the Pledge of Allegiance.

The Council President assigned the regular agenda items.

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**New Business**

**#11-2013**

**RESOLUTION TO ADOPT LOCAL LAW NO. 3 OF 2013 ENTITLED A LOCAL LAW  
AMENDING §155, SOLID WASTE, OF THE BATAVIA MUNICIPAL CODE**

**Motion of Councilperson Christian**

**WHEREAS**, the solid waste program of the City of Batavia will be amended and the City Code will need to be updated accordingly; and

**WHEREAS**, an amendment of the City Code requires the adoption of a Local Law; and

**WHEREAS**, a public hearing on this proposed Local Law was held on February 11, 2013 before this Council, pursuant to public notice duly published in *The Daily News*.

**NOW, THEREFORE, BE IT RESOLVED**, that proposed Local Law No. 3 of 2013 entitled a **Local Law Amending §155, Solid Waste, of the Batavia Municipal Code** be and the same is hereby enacted by City Council of the City of Batavia, New York.

**Seconded by Councilperson Cipollone and on roll call failed, 2-7. Councilpersons Christian and Cipollone voted in favor of the local law.**

Prior to the vote, Councilperson Christian made a motion to add the option of having one 96-gallon tote for duplexes. The motion was seconded by Councilperson Doeringer and on roll call,

failed, 3-6. Councilpersons Doeringer, Cipollone and Christian voted in favor of the amendment.

Discussion – Councilperson Christian noted that in 155-2 it said items would be picked up once a month and she wondered what that was for. Mr. Molino noted that it was for bulk items and that trash would continue to be weekly. Councilperson Christian also asked if there could be other options for multi-family homes. Mr. Molino said the option could be added to allow one 96 gallon tote but with tenants, there could be a lot of change and the wording was meant to keep things consistent. Councilperson Cipollone noted that when Council started discussing the trash they were given a number of facts and realized when the bids were open they could save over \$1.2 million over five years. He noted that was very hard to do. He acknowledged that many members of the public were opposed to the proposed program, some said they were in favor but, even considering the petition, that only covered 7-8% of the population and making decisions based on that number of people didn't make sense. He noted that when Council was voted in, they were voted in to act in the best interest of the entire City, not just a select group and urged Council to vote for the resolution. Councilperson Briggs felt Council could still be fiscally sound and give the citizens the option to choose whoever they wanted for trash. Councilperson Christian said she thought it was going to be a mess for the City.

**LOCAL LAW NO. 3 OF THE YEAR 2013  
CITY OF BATAVIA**

**A LOCAL LAW TO AMEND §155, SOLID WASTE, OF THE BATAVIA MUNICIPAL  
CODE**

**Be It Enacted** by the City Council of the City of Batavia, New York as follows:

**Section 1. [Chapter 155. SOLID WASTE**

Article I. Refuse and Recyclables

**§ 155-1. General provisions.**

- A. Title. This chapter shall be known as the City of Batavia "Refuse and Recyclable Code."
- B. Scope. This chapter 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.
- C. Purpose.

(1) It is the purpose of this chapter to provide for the protection of the public health, safety

and general welfare of the people of the City of Batavia by establishing requirements governing:

- (a) The generation, separation, storage, collection, transportation, processing and disposal of refuse and recyclables within the City limits;
- (b) Residential, commercial and institutional refuse and recyclable management;
- (c) The preparation, collection, transportation and disposal of refuse and recyclable items in accordance with all state laws.

(2) Methods of solid waste management emphasizing source reduction, reuse and recycling are essential in Batavia for long term preservation of public health, economic productivity and the environment quality.

D. Definitions. As used in this chapter, the following terms shall have the meanings ascribed to them:

**ADMINISTRATIVE FEE**

Fees charged to users for administration and enforcement of this chapter.

**ASHES**

The residue of the combustion of solid fuels.

**AUTHORIZED RECYCLING FACILITY**

A permitted or specifically exempt facility or facilities for processing, reprocessing and/or recycling recyclable materials as defined herein. This term shall exclude landfills.

**BUILDING REFUSE/CONSTRUCTION WASTE**

Any and all refuse or residue resulting from building construction, reconstruction, repair or demolition; from grading, shrubbing, excavation 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**

- (1) Solid waste which is too large or too heavy to place inside a City-issued refuse cart. The term includes discarded small household furniture, bedding and mattresses, hot-water tanks, carpet (maximum three rolls, each no larger than four feet long and 24 inches wide. This will also include large appliances, to include stoves, refrigerators, dishwashers, dryers, washing machines, scrap metal and other large appliances.
- (2) This term does not include air conditioners, microwave-emitting equipment, microwave ovens, regulated material, hazardous, regulated medical and infectious waste.

**CITY**

The City of Batavia, a municipal corporation incorporated in 1915 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 STICKER ITEMS**

Refuse bags not exceeding 33 gallons.

**COMMERCIAL REFUSE**

Any producer of solid waste other than single-family, two-family, three-family, four-family or five-family producer, including multifamily, 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-, triple-, four- or five family producer, institutional waste and industrial waste, including multifamily, 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 the management facility.

**DEFAULT SERVICE**

Residential properties (single-, double-, triple-, four-, five-family parcels) that do not respond to the cart survey within 14 days of issuance will be issued carts as set forth in this chapter.

**DIRECTOR**

The Director of Public Works or his/her designee.

**DISPOSAL 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.

**DOUBLE/TWO-FAMILY PARCEL**

An improved parcel of land in the City which is designated for or occupied by a residential use with two dwelling units.

**EFFECTIVE DATE**

April 1, 2013.

**ELECTRONIC WASTE (E-WASTE)**

Any discarded electronic or electrical devices or their parts.

**FIVE-FAMILY RESIDENCE**

An improved parcel of land in the City which is designated for or occupied by a residential use with five dwelling units.

**FOUR-FAMILY RESIDENCE**

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 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. Hazardous waste is defined on a basis of regulations issued pursuant to Resource Conservation and Recovery Act administered by the USEPA.

**INDEPENDENT COLLECTOR**

A person or company not under contract with the City that is engaged in the business to collect, remove, transport or dispose of residential, commercial, institutional and industrial refuse and recyclables.

**INDUSTRIAL USER**

Any producer of solid waste other than single-, double-, triple-, four- or five-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. 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 by the New York State Department of Environmental Conservation.

**LITTERING**

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:

- (1) 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 Batavia; or
- (2) Any private property without the consent of the owner or occupant of such property.

**MAJOR APPLIANCES**

A large and/or bulky household appliances such as but not limited to a refrigerator, washer, dryer, stove, etc. ordinarily operated by gas or electric current.

**MATERIALS RECOVERY FACILITY (MRF)**

A materials recovery facility.

**MULTIFAMILY USER**

An improved parcel of land in the City of Batavia which is designated for or occupied by a residential use with six or more dwelling units.

**MULTIFAMILY COMPLEX**

Six or more residential units that are either attached or detached on a single parcel of land.

**NONRECYCLABLE MATERIAL**

That portion of the waste stream not included under the definition of "recyclables" and not treated or 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. Any waste which is outside the scope of recyclable material as defined in this chapter, including but not limited to the following:

- (1) 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.
- (2) Rubbish: rags, sweepings, excelsior, rubber, leather, crockery, shells, clothing, dirt, filth, ashes, wastepaper and similar waste material.
- (3) 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.
- (4) Medical and infectious waste: as that term is defined herein.
- (5) Styrofoam.
- (6) Propane tanks.
- (7) Paint cans.
- (8) Flammable liquids.
- (9) Household cleaners.
- (10) Chemicals dry or liquid.
- (11) Wood items.
- (12) Concrete.
- (13) Garden hose.
- (14) Electrical cords.

#### **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 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.

#### **OWNER**

The owner of premises within the City.

#### **PARCEL**

An address or location that requires collection of solid waste and recyclables.

#### **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 the collector, including but not limited to:

- (1) Aluminum cans: containers fabricated primarily of aluminum and commonly used for soda, beer or other beverages.
- (2) Kitchen cookware: metal pots, pans, tins and utensils.
- (3) Steel and tin cans: empty cans only.
- (4) Glass: clear or colored jars, bottles and containers which are primarily used for packaging and bottling of various matters.
- (5) Newspaper: the common, inexpensive machine-finished paper made chiefly from wood pulp used for newspapers without bags, strings or rubber bands.
- (6) Paper board: wood-pulp-based material without any wax coating such as cardboard, pizza boxes and paper bags.
- (7) Office paper and junk mail: envelopes, flyers, brochures and postcards.
- (8) Phone books: all types and sizes.
- (9) Magazines and catalogs: all types and sizes.
- (10) Milk and juice cartons: empty containers only.
- (11) 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 CART**

A roll-away cart 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**

- (1) Solid waste generated at residences, commercial establishments, and institutions. Municipal Solid Waste (MSW) includes 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.
- (2) 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 chapter. 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.

**REFUSE CART**

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.

**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 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.

**RESIDENTIAL REFUSE**

Refuse originating in and around single-family residences, two-family residences, three-family, four-family and five-family residences.

**RESIDENTIAL USER**

A person who owns or occupies an improved parcel of land in the City of Batavia which is designed for or occupied by a residential use with five or fewer dwelling units. Those persons, owners or occupants of single-family, two-family, three-family, four-family and five-family dwelling units which produce solid waste and are used exclusively for residential purposes.

**SCAVENGING**

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

**SINGLE-FAMILY RESIDENCE**

An improved parcel of land in the City which is designated for or occupied by a residential use with one dwelling unit.

**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 nonrecyclable solid waste at the point of generation for separate collection, donations, sale or other disposition.

**TAGGED ITEM**

See "City disposal sticker."

**THREE-FAMILY RESIDENCE/UNIT**

An improved parcel of land in the City which is designated for or occupied by a residential use with three dwelling units.

**TRANSFER STATION**

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

**TREE PARTS**

Cuttings from shrubs, hedges and trees.

**TWO-FAMILY RESIDENCE**

An improved parcel of land in the City which is designated for or occupied by a residential use with two dwelling units.

**USER**

An occupant, owner, parcel, person or premises within the City of Batavia who participates in the City Refuse and Recycling Program and uses City disposal stickers or tags in accordance with the rules.

**VARIABLE CART SELECTION OPTIONS**

A property owner who participates in the City Refuse and Recycling Program has the option to select from three different cart capacities for disposal of solid waste on a weekly collection schedule.

**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.

**YARD WASTE**

Compost material, organic yard and garden waste, leaves, grass clippings and brush.

E. Duties and powers of the Director of Public Works.

- (1) The Director, in addition to other powers set forth in this chapter, shall have the authority and responsibility to:
  - (a) Enforce all provisions of applicable state and local laws regulating residential, commercial, institutional and industrial refuse and recycling, collection and management in the City of Batavia.
  - (b) Subject to City Council approval promulgate rules regarding the methods of collection of residential, commercial, and institutional refuse and recyclables.
  - (c) Subject to City Council approval 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.
  - (d) Abate any refuse-related health hazard or public nuisance and charge the property owner the cost of the abatement.

**§ 155-2. 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 the 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 chapter.
- (2) The collector may collect and dispose of commercial, institutional and industrial refuse originating in the City as further delineated by this chapter.
- (3) The collector shall not collect industrial, infectious or hazardous refuse/waste.
- (4) The collector shall collect residential, commercial, institutional and industrial users that elect to participate in the program once per week.
- (5) Single-, double-, triple-, four-, five-family units may place bulk solid waste out once per month at a date established by the City.
- (6) Commercial, institutional and industrial users must provide for the lawful collection and disposal of refuse.
- (7) Commercial, institutional and industrial 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.
- (8) Commercial, institutional and industrial users not serviced exclusively by the collector under contract with the City must provide refuse collection and disposal services for the parcel. Failure to provide for refuse collection and disposal services for the parcel shall constitute a violation of this chapter
- (9) Commercial, institutional and industrial users who elect to be serviced exclusively by an independent commercial refuse collector or commercial, institutional and industrial 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.
- (10) 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 chapter as well as the cost of disposal for such abatement.
- (11) Commercial, institutional and industrial users who produce industrial waste must be serviced exclusively by licensed commercial refuse collector.
- (12) Yard waste, brush and tree parts produced by commercial contractors, property owners

or residents must be removed from the premises by the contractor or by the owner or occupant of the premises.

- (13) The City's collector will not pick up and remove any solid waste which was not used in a residence or produced by the resident of the City of Batavia.
- (14) Vehicular tires and tire casing will not be picked up or removed by the City's collector.
- (15) 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.
- (16) All carts and items for collection, must be placed three to five feet from the street's edge, with latch bar facing the street.
- (17) 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 chapter.

B. Residential refuse carts.

- (1) The City will provide City-issued carts for the sole purpose of refuse storage and collection as follows:
  - (a) Single-family unit. The user will select from three (3) varying refuse carts capacities: 35 gallons, 64 gallons and 96 gallons. Only multiple ninety-six-gallon carts are permitted, and no single-family unit shall exceed four (4) ninety-six-gallon carts.
  - (b) Two-family unit. Users will select two cart sizes of varying capacity (64 gallons and 96 gallons). Service selection greater than two (2) refuse carts will default to three ninety-six-gallon refuse carts. No two-family units shall exceed four (4) ninety-six-gallon carts.
  - (c) Three-family units. Users must select a minimum of two (2) ninety-six-gallon refuse carts, and no three-family units shall exceed four (4) ninety-six-gallon carts.
  - (d) Four-family units. The user must select a minimum of three (3) ninety-six-gallon refuse carts, and no four-family units shall exceed four (4) ninety-six-gallon carts.
  - (e) Five-family units. The user must select a minimum of four (4) ninety-six-gallon refuse carts, and no five-family units shall exceed five (5) ninety-six-gallon carts.
- (2) The City will provide replacement City-issued carts to users as necessary. The City reserves the rights to charge users a replacement fee for these carts equal to the cost of a

new cart, in accordance with rules and regulations established by the Director.

- (3) The City-issued cart 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 pounds in weight (each) and have affixed City-issued tags or stickers. However, glass and other objects 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.
- (5) Each parcel may place up to a maximum of three (3) bulk items at the curb monthly. Bulk items must be placed in a location that does not impede the collection of the refuse or recycling receptacles. Users are responsible for removing refrigerant, must present adequate information indicating refrigerant has been removed and the door shall be removed.
- (6) Default cart sizes: Residential properties (single-, double-, triple-, four and five-family parcels) that do not respond to the cart survey within 14 days of issuance, will automatically default to:
  - (a) Single family: one (1) ninety-six-gallon refuse cart.
  - (b) Double family: two (2) ninety-six-gallon refuse carts.
  - (c) Triple family: three (3) ninety-six-gallon refuse carts.
  - (d) Four family: four (4) ninety-six-gallon refuse carts.
  - (e) Five family: five (5) ninety-six-gallon refuse carts

C. Commercial, institutional and industrial refuse carts.

- (1) Commercial, institutional and industrial users must adhere to this chapter and will have the option to select up to four (4) ninety-six-gallon containers.
- (2) Commercial, institutional and industrial 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 contrary to the City's code. No property shall have more than four (4) ninety-six-gallon refuse carts for collection.

D. Storage of refuse and recyclables.

- (1) No refuse or recyclable shall be placed or stored on any parcel within the City except as permitted by this chapter.
- (2) Residential refuse and recyclables shall be deposited promptly and stored in City-issued carts or plastic bags as set forth in this chapter.
- (3) Commercial, institutional and industrial refuse and recyclables shall be deposited promptly and stored in City-issued carts as authorized by this chapter.
- (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 § 155-1, and shall not be stored in the front yard of any residence, business, commercial, institutional or industrial site, except when placed at the curblin for collection.
- (5) 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 chapter.
- (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 chapter as well as the cost of disposal for such abatement.

#### E. Preparation of refuse for collection.

- (1) A user who places items at the curb for collection and disposal by the collector shall separate garbage and non-recyclable material from recyclable material and prepare the same for collection and disposal in accordance with this chapter.
- (2) Refuse offered for collection shall be prepared for collection by the user and/or occupant of the premises as provided in this section.
- (3) 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.
- (4) All residential, commercial, institutional and industrial refuse shall be placed for collection between the sidewalk and the curb or alongside the roadway in front of the premises at a distance between three and five 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 6 p.m. on the day

before the scheduled refuse and recycling collection day.

- (5) Refuse carts must not be filled over their level capacity. Refuse carts placed at the street edge must have lids completely closed.
- (6) All commercial, institutional and industrial refuse shall be properly deposited in City-issued carts for collection by either the collector or an independent collector as set forth in this code.
- (7) All carts 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.
- (8) The City Manager or designee 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.
- (9) The owner of any private property who is granted an exemption from the curbside or roadside collection, as stated in the above section, must execute a release and hold harmless agreement with the City of Batavia releasing the City of Batavia from any liability as a result of entering the property as well as holding the City harmless against any claims made against the City.

#### F. Responsibility of owners and landlords.

- (1) Owners of premises shall be responsible for compliance with the provisions of this chapter and shall remain responsible therefor 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.
- (2) Owners of rental property located in the City shall provide to the tenant a document specifying the requirements that the tenant shall meet as to the storage and disposal of refuse.

#### G. Changing refuse cart size.

- (a) If a property owner requests an additional refuse cart or change in refuse cart size, the request must be made at the City Clerk's Office. A tenant, occupant or leasee of a property may not request additional or changes to refuse cart sizes. Proof of property ownership may be required at the time of the request.
- (b) At the time of the request the property owner shall pay an administrative charge of \$25 for each refuse cart change. In addition, if the refuse cart change is an increase in

size from the existing cart, the property owner will be responsible to pay the increase in annual user fee from the current user fee at the time of request. If the refuse cart change is a decrease in size from the existing cart, the property owner will receive a refund in the decrease between the current user fee and requested user fee. The refund will be mailed to the property owner within 30 days of the request. The increase or decrease in annual use fee shall be prorated on a daily basis from the day the refuse cart(s) is changed out to the end of the fiscal year.

- (c) In order to receive the new refuse cart the property owner shall bring the current refuse cart to the City of Batavia Bureau of Maintenance facility on Walnut Street. The property owner shall not receive a new refuse cart unless the existing refuse cart is exchanged at time of exchange and is in reasonable condition. If the property owner is requesting additional refuse carts no exchange is required.
- (d) If the property owner requests that the new refuse cart be delivered to the property address, there shall be an additional \$100 delivery charge for the first cart and \$50 for each additional refuse cart on a single request thereafter, due at the time of the request. The City shall then deliver a new refuse cart to the property address as soon as reasonably practical, depending on the availability of inventory and City staff. The property owner shall provide the existing cart available for exchange at the time of delivery.
- (e) Any delinquent refuse fees, penalties or interest must be paid in full prior to a change in refuse cart size being issued.
- (f) The City will keep a limited supply of additional carts for change-outs. The current inventory will be on a first come first serve basis once the existing supply is exhausted, a property owner requesting a cart exchange will be responsible for additional fees and charges related to exchange requests that require the City to order additional inventory.

### **§ 155-3. Recyclables.**

#### **A. Public collection of recyclables.**

- (1) Every residential, commercial, institution and industrial user that elects to participate in the City's program shall be issued a recyclable cart as set forth herein.
- (2) The collector shall collect recyclables from its residential, commercial, institution and industrial refuse customers and deliver them to an authorized recycling facility.
- (3) Recyclables shall be stored and prepared for collection according to the provisions of this chapter.



## B. Preparation of recyclables.

- (1) Recyclables shall be prepared for collection according to the rules and regulations established by the Director.
- (2) All residential, commercial, institution and industrial users shall place recyclable carts for collection between the sidewalk and the curb or alongside the roadway in front of the premises at a distance between three and five feet from the street edge, at which the refuse originated, in an area free of snow no earlier than 6 p.m. on the day before the scheduled refuse and recycling collection day.
- (3) Recycling carts 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 recyclables as delineated in Chapter § 155-1 and according to the rules and regulations shall be placed in the recycling carts.
- (5) A user that places materials in the recycling cart which are improperly prepared and/or which are deemed not recyclable will be issued a warning by the collector and the failure by the user 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 collected as bulk 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 to be determined by the City.

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, commercial, institution and industrial users who elect to participate in the City program on the same day it collects residential refuse at intervals determined by the City.
- (2) The collector will deliver collected recyclable materials to an authorized recycling facility.

E. Recyclables carts.

- (1) The City will provide one (1) sixty-four-gallon recycling carts to a single-family unit and one (1) ninety-six-gallon recycling container to a two- three-, four-, or five-family unit at no charge.
- (2) The City will provide replacement recycling carts to residents as deemed necessary by the Director. The City reserves the right to charge property owners a replacement fee for these carts equal to the cost of a new recycling carts, in accordance with rules and regulations established by the Director.
- (3) The recycling cart 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.
- (4) The City will provide additional recycling carts to residents who request one or increase recycling capacity at the cost of the new carts. There will be no additional collection charge for additional recycling carts or increased recycling capacity.

F. Commercial, institution and industrial recyclables.

- (1) Commercial, institution and industrial users shall provide for the lawful collection and disposal of recyclables. Every commercial, institution and industrial user that elects to participate in the City's program shall be issued a recyclable cart as set forth herein. The collector shall collect recyclables from commercial, institution and industrial 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 chapter.
- (2) The City shall offer recycling collection to all of its commercial, institution and industrial users.
- (3) 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.

**§ 155-4. Refuse and Recycling User Fees.**

- A. The user fee for collection and disposal of residential, commercial, institution and industrial refuse and recyclables and the cost for new carts shall be reviewed and proposed annually by the Director of Finance in order to determine whether they are sufficient to defray the fixed charges, amortization costs and annual costs of the operation. If the difference between the revenue derived from the user fee and the total annual costs is sufficient to justify an increase or decrease in the fees, the City shall make the appropriate change which shall be confirmed

- by resolution of the City Council and maintained on file in the office of the City Clerk.
- B. Bulk items or disposable plastic bags that may be placed adjacent to the City-issued refuse carts or at the curb that require City-issued stickers or tags for collection shall be affixed to the said bulk items or bags in accordance with this chapter and rules and regulations. The cost for stickers and tags shall be reviewed annually to ensure that the cost for collection and disposal of these items is recovered through the sticker or tag. If the cost is sufficient to justify an increase or decrease in the fees, the City shall make the appropriate change which shall be confirmed by resolution of the City Council and maintained on file in the office of the City Clerk.
  - C. All revenues derived from the user fee shall be kept in a separate fund to be known as the Refuse and Recycling Fund. No expenditures chargeable against the Refuse and Recycling Fund shall be incurred except upon appropriation of the City Council and such expenditures must be for a purpose for which such Refuse and Recycling Fund has been established.
  - D. The amount of the user fee on each parcel will be apportioned annually and shall be billed as a separate line item on the parcels tax bill. The user fee shall be due and payable as follows: one-half the total user fee on the first day of May and the balance of the user fee, without payment of interest, on the first day of August of each year.
  - E. Unpaid user fees shall be the personal liability of the owner of the property and charges remaining unpaid 30 days after the May and August tax bills shall become a lien upon the property and included in the following tax assessment. 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 local law, if unpaid, shall also be added to the property taxes as set forth above. User fees remaining unpaid 30 days after the May and August tax bills shall be immediately credited to the Refuse and Recycling Fund by the General Fund. The General Fund shall then assume all liability of unpaid user fees. All charges, penalties and interest collected in accordance with this section shall be paid to the General Fund.
  - 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 Director or designee 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.

**§ 155-5. Miscellaneous provisions.**

- A. Severability. Should any section, paragraph, sentence, clause or phrase in this chapter be declared unconstitutional or invalid for any reason, the remainder of the chapter shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this chapter are declared to be severable.
- B. Scavenging. No person shall interfere with, remove or scavenge for any material in any refuse cart, recycling cart, 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 collection.

- C. 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 chapter or to the deposit of lifter and recyclables generated on the public right-of-way in City lifter 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.
- D. 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.

**§ 155-6. Refuse and Recycling Rules.**

- A. The City Manager, or designee, shall be primarily responsible for all ministerial and administrative duties described or reasonably required by the terms of this chapter. He/she is hereby authorized and directed to develop, promulgate, implement and modify the Refuse and Recycling Rules governing the separation, collection, transportation and disposal of refuse and recyclables.
- B. The Refuse and Recycling Rules shall, among other things:
- (1) Identify, define, expand and amend categories of recyclables; and
  - (2) Establish a program to implement and enforce recycling, collection practices and solid waste composition; and

(3) Prescribe all other rules and regulations reasonably required by the terms of this chapter;  
and

(4) Establish the fees for replacement carts.

C. The Refuse and Recycling Rules shall be reviewed by the City Council of the City of Batavia and approved by resolution.

**§ 155-7. Penalties for offenses.**

A. The fines and penalties for any violation of local law, the Refuse and Recycling Code, and the Refuse and Recycling rules shall be as follows:

(1) Except as otherwise provided in this chapter, any person violating any provision of this chapter shall be punishable by a fine of not more than \$250 or imprisonment for not more than 15 days, or by both such fine and imprisonment.

(2) The continuation of any violation for each successive day shall constitute a separate offense, and the person allowing or permitting the continuation of a violation may be punished as above for each separate offense.

**§ 155-8. Effective Date.**

A. This chapter shall be effective April 1, 2013.]

~~Article I. Garbage and Refuse~~

~~§ 155-1. Title.~~

~~This chapter shall be known and may be cited as the "City of Batavia Garbage and Refuse Ordinance."~~

~~§ 155-2. Definitions.~~

~~As used in this chapter, unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:~~

~~**CONSTRUCTION WASTE**~~

~~Waste from building construction, alterations or repair, dirt from excavations or similar waste products from construction sites.~~

~~**EXCLUDED ITEMS**~~

~~Building demolition and construction wastes from nonresidential properties and lawn and yard waste material.~~

~~**GARBAGE**~~

~~Animal wastes, fish, fowl, fruit, vegetable matter and such similar wastes incident to the preparation, cooking and serving of food and the handling, storage and sale of food and~~

~~produce products.~~

**LAWN AND YARD WASTE MATERIAL**

~~Leaves, grass, garden clippings, hedge trimmings, weeds, brush and tree branches.~~

**PRIVATE COLLECTOR**

~~Any person offering to collect and dispose of refuse materials from private properties for financial remuneration.~~

**REFUSE**

~~Solid waste products and materials incident to housekeeping and the conduct of commercial enterprises, including, but not limited to, garbage, paper, cartons, boxes, wood, discarded furniture, metal, tin cans, glass, dirt, ashes and similar solid waste products. The term "refuse" shall be inclusive of all other terms therein defining any other wastes but shall exclude, however, all excluded items as herein defined.~~

**RUBBISH OR TRASH**

~~All other miscellaneous solid waste materials and refuse from housekeeping and commercial enterprises other than garbage and excluded items as herein defined.~~

~~§ 155-3. Refuse storage prior to collection.~~

~~A. Accumulations:~~

- ~~(1) Refuse shall not be permitted to accumulate on any private or public property within the City in such manner as would tend to create a nuisance, health menace or in any manner be injurious to the health or welfare of the inhabitants of the City.~~
- ~~(2) It shall be unlawful and a violation of the article for any person, corporation, association, etc., being the owner, tenant or person, etc., in title and/or in possession of real property to accumulate and/or store, for any purpose whatsoever, used vehicle tires exceeding, in the cumulative, 1,000 cubic feet.~~

~~B. Containers. All containers shall be a plastic trash bag, metal or plastic trash can with handles, or any other type of metal or plastic container that is suitable for the storage of solid waste, which will not deteriorate or break apart when wet. This definition shall specifically exclude cardboard, wood, paper or paperboard containers.~~

~~C. Regulations and restrictions:~~

- ~~(1) All solid waste shall be stored in containers.~~
- ~~(2) All containers shall be maintained in a clean, watertight and good condition. All containers kept or placed out of doors, other than plastic garbage bags, shall be provided with tight-fitting lids or covers. All plastic bags shall be securely tied. No container or plastic garbage bag shall exceed 35 gallons in volume or 50 pounds in weight.~~
- ~~(3) Except when set out for collection, containers shall be located either indoors, in a completely enclosed structure or facility, or in the rear of premises and hidden from view from any adjacent street and/or sidewalk.~~
- ~~(4) No refuse shall be placed at curbside more than 24 hours prior to scheduled collection.~~

§ 155-4. Refuse collection.

- A. ~~City's responsibility. The collection of refuse in the City shall be the responsibility of the City which shall make periodic refuse pickups throughout the City from refuse cans provided by property owners or tenants as may be provided by contract with a collector for the City or by employees of the City as the Council may determine.~~
- B. ~~Location of containers. Containers shall be placed for collection in such locations as may be designated by the Department of Public Works or as provided by contract for collection.~~
- C. ~~Disposal. Disposal of refuse so collected shall only be in such a manner specified by resolution of the Council or contract with a collector awarded by the Council.~~
- D. ~~Limitations on refuse pickup. Residential and commercial collections of refuse shall be limited to five containers, as defined in § 155-3B, per week.~~
- E. ~~Excess garbage and refuse. In the event that more than five containers as set forth in § 155-33B are placed for collection, or in the event that bulk items are not disposed of properly with the required tags or labels as set forth in Subsection G herein; the excess or bulk items will not be picked up by the City or its designee. The Department of Public Works will immediately notify in person or by first class mail the owner or the owner's executor, legal representative or agent, at the last known address of the same as shown by the records of the City Assessor, that the owner must remove the excess garbage, refuse, rubbish, trash or bulk items, at the owner's expense, within the following time periods: 48 hours from the receipt of notice if personally delivered or affixed to the front door; or 48 hours from deposit of the notice by first class mail. Upon the expiration of the time period herein, the City is authorized to employ a private contractor or utilize City forces to pick up and dispose of the excess garbage, refuse or bulk items. The cost of this disposal, plus a sum of \$50 as an administrative charge, shall be charged to the owner and an invoice shall be sent by first class mail by the City Clerk. If not paid within 30 days, the charge shall be a lien against the real property of the owner to the same extent as City taxes, and shall be included in the general tax roll and enforced in the same manner as other City taxes.~~
- F. ~~Vacant land. Vacant land which does not contain a building is not eligible for collection, and the owner thereof can not use such a parcel to increase the limits set forth in Subsection D herein.~~
- G. ~~Bulk items.~~
- ~~(1) Individual items of refuse, rubbish and trash, as well as metal items which can be recycled and may require a special collection all as hereinafter stated, will be collected from residential units by the City or its designee if each item is marked with the appropriate number of officially designated tags, labels or stickers as herein described. Businesses must make their own arrangements for disposal of these items. The cost for the tags, labels or stickers shall be as set from time to time by resolution of the City Council, and they may be purchased at locations designated by the City Manager.~~
- ~~(2) The bulk items are as follows:~~
- ~~(a) One tag, sticker or label for televisions, computers, chairs (single seat), three rolls of carpet or padding which are tied no larger than four feet in length and two feet in~~

diameter, large metal awnings, toilets or sinks weighing less than 50 pounds, tables, metal cabinets (over 50 pounds), and other small furniture items weighing less than 50 pounds.

~~(b) Two tags, stickers or labels for box springs, mattresses, couches (two or more seats/cushions), large furniture items, including dressers, chests, desks and other similar items weighing 50 pounds or more; white goods, including stoves, freezers, refrigerators, hot water heaters, air conditioners, clothes washers or dryers, dishwashers, furnaces and other similar appliance items, toilets, bathtubs or sinks weighing more than 50 pounds, large garden equipment (7 horsepower or larger), including riding lawn mowers and snowblowers and other similar items.~~

~~(c) The City reserves the right to reject any items which are too large or heavy for pick-up by the City or its designees.~~

#### H. Residential construction waste.

~~(1) Small quantities of construction waste generated by residential property owners may be set out for collection by the property owner as long as the waste meets the general criteria for refuse collection in §§ 155-3 and 155-4A and B.~~

~~(2) Construction waste must be placed in containers. No loose construction waste will be collected.~~

~~(3) No contractor generated construction waste will be collected. It is the responsibility of any contractor generating such waste to remove and dispose of the construction waste in a sanitary and safe manner, and in accordance with applicable state and federal regulations, at his own expense.~~

#### § 155-5. Private refuse collectors.

~~A. License required; regulations. Persons may be licensed as private collectors to collect refuse other than garbage at no cost to the City, provided that such collection is performed in accordance with the provisions of this chapter and any regulations adopted pursuant hereto and produces no objectionable conditions in or on the streets of the City.~~

~~B. Application. Private collectors shall apply to the City Manager for a license before engaging in the refuse collection business, and if such application is approved by the City Manager, a license shall be issued by the Clerk Treasurer.~~

~~C. Fee. The fee for a private collector's license shall be as set from time to time by resolution of the City Council.~~

~~D. Term; display. Each license shall be issued for the calendar year only, regardless of the date of issuance. The collector's license shall be publicly displayed on each vehicle so licensed.~~

#### § 155-6. Private rubbish collection vehicles.

~~Every vehicle used to collect and remove rubbish or trash in the City by a licensee under this chapter shall be constructed and equipped as follows:~~

~~A. Construction of the vehicle shall be such that trash or rubbish loaded thereon shall be securely contained.~~



- ~~B. The vehicle shall be equipped with a permanently attached cover either of rigid construction or a fabric material.~~
- ~~C. The vehicle shall be equipped with sides of rigid material, either wood or metal, of such type so as to securely contain trash and rubbish.~~
- ~~D. The vehicle shall be equipped with a solid tailgate or rear doors of rigid construction of a height equal to the sides of the truck which, when closed, shall securely hold or contain all trash or rubbish.~~

§ 155-7. Illegal disposal of items.

- ~~A. It shall be unlawful for any person to deposit, dump, scatter or leave any garbage, lawn and yard waste material, refuse, rubbish, trash, hazardous waste, recyclables or any other materials or items of any kind or nature, upon private property or any portion thereof, or upon any public street, alley, parking lot or other public property; except pursuant to the terms and conditions for the proper disposal of items in the relevant portions of the City of Batavia Municipal Code, and except upon approved public disposal sites as may be designated by the Council, and except where certain of these materials are used in a normal manner for improving property by grading, filling, fertilizing or resurfacing.~~
- ~~B. It shall be a violation of this section concerning private property or any portion thereof without regard to whether or not the person in violation owns the property in question or without regard as to whether or not the person in question has permission from the owner of the private property if the violator does not own the same.~~
- ~~C. The owner of private property shall be legally responsible for any violation of any provision of the Batavia Municipal Code regarding the proper disposal of items as set forth in Subsection A herein by any occupant or tenant of the owner's property.~~

§ 155-8. Disposal sites.

~~The Council may from time to time designate a site or sites for disposal of one or more types of material to be maintained and operated for the exclusive use of the residents of the City and private collectors of trash or rubbish licensed by the City. Any person making use of the disposal site for dumping of refuse may be required by the City's employees or its agents to furnish evidence that he or she is a resident of the City or representative of a business located in the City for whom he or she is handling refuse for disposal.~~

§ 155-9. Disposal site use restrictions.

- ~~A. All dumping or depositing of refuse at any City disposal site shall be done only at the direction of and in the manner prescribed by the City's employees or its agents. Dumping shall be confined to such area or areas as may be designated.~~
- ~~B. It shall be unlawful for any person or persons to dump or deposit any refuse at the disposal site except on the days and during the hours designated by resolution of Council. The days and hours when dumping is permitted shall be conspicuously posted at the disposal site.~~
- ~~C. It shall be unlawful for any person to start a fire at the disposal site.~~

D. No salvaging or scavenging shall be permitted on the disposal site.

§ 155-10. Excluded items.

~~Excluded items, as herein defined, are neither garbage and refuse nor recyclables. They shall not be placed at curbside for collection, nor shall they be collected by the City, its employees, agents and contractors. It is the responsibility of the owner, occupant or resident of premises within the City to provide for their safe disposal. It shall be a violation of this article to place any excluded items in with garbage and refuse or recyclables.~~

§ 155-11. Refuse originating outside of the City.

A. ~~No person shall bring in, place or deposit or cause to be brought into, placed or deposited in the City of Batavia any garbage, refuse, rubbish, trash, excluded items, recyclables as defined in § 155-22 of Article III, hazardous waste and/or material originating outside the City of Batavia for the purpose of disposing of the same in the City or for the purpose of having the same collected by the City, its employees, agents or contractors.~~

B. ~~No person who is a resident of the City of Batavia or owner, lessee or person in control of real property within the City shall permit any person to bring in, place or deposit any garbage, refuse, rubbish, trash, excluded items, recyclables as defined in § 155-22 of Article III, hazardous waste and/or material originating outside the City on any real property owned or leased by him or her or under his or her control, whether for accumulation or collection.~~

§ 155-12. Unauthorized removal of refuse.

~~No person other than an authorized employee or agent of the City shall disturb or remove any refuse placed for collection unless authorized by the owner, tenant or occupant of the premises from which the refuse originated.~~

§ 155-13. Additional rules and regulations.

~~The Director of Public Works may prepare and publish such additional rules and regulations, not inconsistent herewith, as may be necessary for the effective enforcement and administration of the provisions of this article. A violation of any such rules shall be punishable as a violation of this article.~~

§ 155-14. Penalties for offenses.

A. ~~Any person violating any provision of this article other than § 155-11 hereof shall be punishable by a fine of not more than \$250 or imprisonment in the county jail for not more than 15 days, or both.~~

B. ~~Any person violating § 155-11 hereof shall be guilty of an unclassified misdemeanor and shall be punished for each conviction by a fine of not less than \$500 and not more than \$1,000. In addition, any violation of said section shall be punishable in the court's discretion by imprisonment of not more than 30 days, or by both such fine and imprisonment.~~

C. ~~Each commission or omission of a single act under § 155-11 shall constitute a separate violation of this article. Each day of a separate violation shall constitute a separate offense, which may be punished and prosecuted as such.~~

## Article II. Separation and Recycling

### ~~§ 155-15. Findings and purpose.~~

- ~~A. The City finds that the removal of certain materials from the solid waste stream will decrease the amount of solid waste disposed of in landfills and aid in the conservation of valuable resources.~~
- ~~B. The City finds that the New York Solid Waste Management Act of 1988 requires all municipalities to adopt a local law or ordinance by September 1, 1992, requiring separation of recyclable and reusable material from solid waste.~~
- ~~C. The City finds that in order to protect the health, safety and welfare of the people of the City, it is necessary for the City to enact this article in order to encourage and facilitate the maximum recycling practicable on the part of every household, business and institution within the City.~~
- ~~D. The City declares that the purpose of this article is to establish, implement and enforce recycling related practices and procedures to be applicable to all waste generators within the City.~~

### ~~§ 155-16. Definitions.~~

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

#### **AUTHORIZED FACILITY**

~~A public or private facility or facilities where recyclables may be delivered for disposal, including but not limited to dropoff centers, materials recovery facilities or other such public or private facilities designated by the Director of Public Works pursuant to the recycling rules and regulations.~~

#### **CITY**

~~City of Batavia, New York.~~

#### **COUNTY**

~~Genesee County, New York.~~

#### **PERSON**

~~Natural persons and all other legal entities, including corporations.~~

#### **RECYCLABLES**

~~Any material so designated from time to time by the City, county, New York State, federal government or by the Director of Public Works pursuant to the recycling rules and regulations, provided that such material is not hazardous and can be reasonably separated from the solid waste stream and held for material recycling or reuse value.~~

#### **RECYCLING RULES AND REGULATION**

~~Those rules and regulations promulgated pursuant to § 155-17 of this article.~~

#### **SOLID WASTE**

~~All putrescible and nonputrescible solid waste, including but not limited to materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, or are being accumulated, stored or~~

physically, chemically or biologically treated prior to being discarded or rejected, having served their intended use, or as industrial, commercial and agricultural waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form, special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954, as amended, or waste which appears on the list or satisfies the characteristics of hazardous waste promulgated by the Commissioner of the Department of Environmental Conservation.

#### **SOURCE SEPARATION**

The segregation of recyclable material from the solid waste stream at the point of generation for separate collection, sale or other disposition.

#### **WASTE GENERATOR**

**A. RESIDENTIAL WASTE GENERATOR**—Any person owning and/or occupying a "single family private dwelling," as said term is defined in § 4 of the New York State Multiple Dwelling Law, that produces solid waste requiring off-site disposal.

**B. NONRESIDENTIAL WASTE GENERATOR**—Any person owning and/or occupying a "two family private multiple dwelling" or a "multiple dwelling," as said terms are defined in § 4 of the New York State Multiple Dwelling Law, as well as owner(s) and/or occupant(s) of all other businesses, governmental agencies, municipalities and other legal entities.

#### **WASTE HAULER**

All persons engaged in the commercial collection, transportation and/or disposal of solid waste and/or recyclables generated, originated or brought within the county.

§ 155-17. Administration; rules and regulations.

A. The City Manager or his designee shall be primarily responsible for all ministerial and administrative duties described or reasonably required by the terms of this article. The City Council, among other things, is hereby authorized and directed to develop, promulgate, implement and modify recycling rules and regulations governing the separation, collection, transportation and disposal of recyclables.

B. The recycling rules and regulations shall, among other things:

- (1) Identify, define, expand and amend categories of recyclables to be source separated and/or subject to special handling requirements;
- (2) Identify one or more authorized facilities to which recyclables may be delivered, subject to such expectations as the City Council may determine to be in the public interest;
- (3) Establish a program to implement and enforce source separation which may reflect local differences in population density, accessibility and capacity of markets and facilities, collection practices and solid waste composition; and
- (4) Prescribe all other rules and regulations reasonably required by the terms of this article.

~~C. In promulgating and enforcing such recycling rules and regulations, the City Council shall use such discretion as necessary to carry out the provisions of this article. When exercising such discretion, the City Council shall consider, among other things:~~

- ~~(1) Existing source separation, recycling and other resource recovery facilities and practices in the area;~~
- ~~(2) Expense incurred or to be incurred by waste generators and waste haulers to comply with such recycling rules and regulations;~~
- ~~(3) The capacity, handling, disposal and marketing capabilities of available facilities; and~~
- ~~(4) Other factors affecting the public interest.~~

~~§ 155-18. Preparation of recyclables for collection.~~

~~A. Each waste generator in the City shall source separate recyclables from solid waste as provided in the recycling rules and regulations and comply with all applicable rules and regulations for such source separation as specified therein.~~

~~B. Each waste generator in the City shall provide for the removal of recyclables from the property on which they are generated either through a service provided by a municipality, or a private hauler, or by direct haul by the individual waste generator to an authorized facility specified by the City Council pursuant to the recycling rules and regulations.~~

~~C. Nothing in this article is intended to prevent any waste generator from making arrangements for the reuse, private collection, sale or donation of recyclables; provided, however, that such recyclables shall be placed at curbside or at any other designated collection place only on the day the same is designated for collection by the City or after 7:00 p.m. on the day before the City's designated collection day. Recyclables placed at curbside for collection by other than the City of Batavia, or by its duly authorized agent, shall be placed in containers differing in color from City distributed containers so as to be readily distinguishable from containers used for curbside pickup of recyclables by the City or by its duly authorized agent. All collections of recyclables by other than City employees or agents shall be reported to the City Manager as required by the recycling rules and regulations.~~

~~D. From the time recyclables are placed at the curb by a waste generator for collection, they shall become the property of the City of Batavia. It shall be a violation of this article for any person without authority from the City of Batavia to collect, pick up, remove or cause to be collected, picked up or removed any recyclables from curbside. Each such collection, pickup or removal from any one premises shall constitute a separate and distinct offense in violation of this article.~~

~~§ 155-19. Waste haulers.~~

~~A. All waste haulers in the City shall offer or cause to be offered to their customers collection, transportation and disposal services for recyclables to the same extent any such waste hauler offers collection, transportation and disposal services for solid waste. Such services shall be provided on the same day(s) as solid waste pickup services are provided unless otherwise authorized by the recycling rules and regulations.~~

- ~~B. No waste hauler shall be required to accept for collection solid waste which has not been source separated or hazardous waste separated.~~
- ~~C. All waste haulers must maintain all records and supply all reports required by the recycling rules and regulations.~~

~~§ 155-20. Enforcement.~~

- ~~A. The City may inspect all portions of vehicles and/or containers used in the collection, transportation and/or disposal of solid waste and/or recyclables, including, but not limited to, containers placed at the curbside of residences, to ascertain compliance with the terms and conditions specified in this article and the recycling rules and regulations.~~
- ~~B. During any 12 consecutive month period of time, any residential waste generator violating any provision of this article and/or the recycling rules and regulations shall be punished for each violation as follows: for the first violation, by a written warning; for the second violation, by a fine not to exceed \$25; and for a third and each subsequent violation, by a fine not to exceed \$50.~~
- ~~C. During any 12 consecutive month period of time, any nonresidential waste generator violating any provision of this article and/or the recycling rules and regulations shall be punished for each violation as follows: for the first violation, by a written warning; for the second violation, by a fine not to exceed \$50; and for a third and each subsequent violation, by a fine of not less than \$100 and not more than \$250.~~
- ~~D. Any waste hauler violating any provision of this article other than § 155-18D hereof and/or violating any of the provisions of the recycling rules and regulations shall be punished for each violation as follows: for the first violation, by a fine of not less than \$25; for the second violation, by a fine of not less than \$50; and for a third and each subsequent violation, by a fine of not less than \$100.~~
- ~~E. During any 12 consecutive month period of time, any person violating § 155-18D of this article shall be punished for each violation as follows: for a first violation, by a fine of not less than \$50; for a second violation, by a fine of not less than \$125; and for a third and each subsequent violation, by a fine of \$250. In addition, any violation of § 155-18D shall be punishable by imprisonment of not more than 15 days.~~
- ~~F. It is the City's intent that persons convicted of violating any provisions of this article other than § 155-18D be made aware of the community's needs for an effective recycling program and be encouraged to recycle. Accordingly, it is urged that violators be sentenced to community service related to the City's recycling efforts whenever and to the extent practicable in lieu of fines being collected.~~

### Article III. Recycling Rules and Regulations

~~§ 155-21. Purpose.~~

~~The following rules and regulations governing recycling within the City of Batavia are being enacted pursuant to § 155-17 of Article II, Separation and Recycling, of this chapter.~~

§ 155-22. Definitions.

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

**AUTHORIZED FACILITY**

A public or private facility or facilities where recyclables may be delivered for disposal, including but not limited to dropoff centers, materials recovery facilities or other such public or private facilities designated by the Director of Public Works pursuant to the recycling rules and regulations.

**CITY**

City of Batavia, New York.

**COUNTY**

Genesee County, New York.

**PERSON**

Natural persons and all other legal entities, including corporations.

**RECYCLABLES**

Any material so designated from time to time by the City, county, New York State, federal government or by the Director of Public Works pursuant to the recycling rules and regulations, provided that such material is not hazardous and can be reasonably separated from the solid waste stream and held for material recycling or reuse value.

**RECYCLING RULES AND REGULATIONS**

Those rules and regulations promulgated pursuant to § 155-23 of this article.

**SOLID WASTE**

All putrescible and nonputrescible solid waste, including but not limited to materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, or are being accumulated, stored or physically, chemically or biologically treated prior to being discarded or rejected, having served their intended use, or as industrial, commercial and agricultural waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water carried materials or substances and those in gaseous form, special nuclear or by product material within the meaning of the Atomic Energy Act of 1954, as amended, or waste which appears on the list or satisfies the characteristics of hazardous waste promulgated by the Commissioner of the Department of Environmental Conservation.

**SOURCE SEPARATION**

The segregation of recyclable material from the solid waste stream at the point of generation for separate collection, sale or other disposition.

**WASTE GENERATOR**

**A. RESIDENTIAL WASTE GENERATOR**— Any person owning and/or occupying a "single family private dwelling" as said term is defined in § 4 of the New York State Multiple Dwelling Law that produces solid waste requiring off site disposal.

**B. NONRESIDENTIAL WASTE GENERATOR**— Any person owning and/or occupying a "two family private multiple dwelling" or a "multiple dwelling" as said terms are defined in § 4 of the New York State Multiple Dwelling Law, as well as owner(s)

~~and/or occupant(s) of all other businesses, governmental agencies, municipalities and other legal entities.~~

### **WASTE HAULER**

~~All persons engaged in the commercial collection, transportation and/or disposal of solid waste and/or recyclables generated, originated or brought within the county.~~

#### ~~§ 155-23. Recyclables.~~

- ~~A. The City Council of the City of Batavia shall by resolution as it deems appropriate from time to time designate the types of recyclables to be separated from the solid waste stream, and how these recyclables shall be prepared for recycling and made ready for pick up.~~
- ~~B. Containers to be used for recyclables have to be ones that are approved or designated by the Director of Public Works.~~
- ~~C. Each waste generator as defined herein shall be limited to placing at the curb for collection two approved containers and one bundle of corrugated cardboard with dimensions of three feet by three feet by three feet.~~
- ~~D. Certain recyclable items which are too large or heavy to be placed in the approved containers shall be picked up by the City or its designee as set forth in § 155-4G of the Batavia Municipal Code.~~

#### ~~§ 155-24. Waste delivery and disposal.~~

~~Solid waste generated or originated within the City for collection or which is delivered to an authorized facility for disposal shall be handled as follows:~~

- ~~A. Prior to initial collection or transportation, solid waste shall be separated into two streams, recyclables and solid waste.~~
- ~~B. Recyclables shall not be commingled with other solid waste during collection, transportation, processing or storage following collection.~~

#### ~~§ 155-25. Authorized facilities.~~

~~The Director of Public Works shall, from time to time, publish a list of those items that must be delivered for disposal at a named facility.~~

#### ~~§ 155-26. Reporting requirements.~~

- ~~A. Any waste haulers or any other person that collects, transports and/or disposes of recyclables shall maintain monthly records of recyclable material that includes the following:~~
  - ~~(1) The number of households or commercial businesses in which the recyclables were generated.~~
  - ~~(2) The quantity, by ton, of each type of recyclable material collected.~~
  - ~~(3) The quantity, by ton, of each type of recyclable material delivered to each authorized facility.~~



~~(4) Listing by street address of households that are consistently not complying with recycling requirements.~~

~~(5) The quantity, by ton, by month of all waste transported to landfills, incinerators or transfer stations.~~

~~B. Reports containing the information required in this section shall be compiled and delivered to the Director of Public Works at the end of each reporting period. Reports shall be provided to the Director of Public Works quarterly within 10 business days from the end of each calendar quarter and shall contain information broken down on a monthly basis.~~

~~§ 155-27. Penalties for offenses.~~

~~A. The City may inspect all portions of vehicles and/or containers used in the collection, transportation and/or disposal of solid waste and/or recyclables, including but not limited to containers placed at the curbside of residences, to ascertain compliance with the terms and conditions specified in this article and in Article II, Separation and Recycling, of this chapter.~~

~~B. During any 12 consecutive month period of time, any residential waste generator violating any provision of this article and/or Article II, Separation and Recycling, of this chapter shall be punished for each violation as follows: for the first violation, by a written warning; for the second violation, by a fine not to exceed \$25; and for a third and each subsequent violation, by a fine not to exceed \$50.~~

~~C. During any 12 consecutive month period of time, any nonresidential waste generator violating any provision of this article and/or Article II, Separation and Recycling, of this chapter shall be punished for each violation as follows: for the first violation, by a written warning; for the second violation, by a fine not to exceed \$50; and for a third and each subsequent violation, by a fine of not less than \$100 and not more than \$250.~~

~~D. Any waste hauler violating any provision of this article other than § 155-24 hereof and/or violating any of the provisions of Article II, Separation and Recycling, of this chapter shall be punished for each violation as follows: for the first violation, by a fine of not less than \$25; for the second violation, by a fine of not less than \$50; and for a third and each subsequent violation, by a fine of not less than \$100.~~

~~E. During any 12 consecutive month period of time, any person violating § 155-24 of this article shall be punished for each violation as follows: for a first violation, by a fine of not less than \$50; for a second violation, by a fine of not less than \$125; and for a third and each subsequent violation, by a fine of \$250. In addition, any violation of § 155-24 shall be punishable by imprisonment of not more than 15 days.~~

~~F. It is the City's intent that persons convicted of violating any provisions of this article other than § 155-24 be made aware of the community's needs for an effective recycling program and be encouraged to recycle. Accordingly, it is urged that violators be sentenced to community service related to the City's recycling efforts whenever and to the extent practicable in lieu of fines being collected.~~

## Article II. Dumpsters

### **§ 155-[9]28. Purpose.**

This article is adopted for the protection and promotion of the public health, safety and general welfare of the community by regulating the storage of garbage and other waste materials as well as the use and maintenance and operation of bulk garbage containers referred to herein and commonly known as "dumpsters" and "compactors."

### **§ 155-[10]29. Definitions.**

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

#### **ASHES**

The residue from fires used for cooking and heating and on-site incineration.

#### **CONTAINER**

Either a dumpster or compactor container used for bulk storage of garbage and other waste materials that can be hauled directly to a point of disposal or emptied into a larger container for transport and disposal.

#### **GARBAGE**

Wastes from the preparation, cooking and serving of food; market wastes and wastes from handling, storage and sale of products of any type.

#### **HAZARDOUS WASTE**

A substance capable of creating harm to people, the environment and/or property.

#### **RUBBISH**

Shall consist of the following:

- A. Combustible: paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding dunnage and petroleum products.
- B. Noncombustible: metals, dirt, glass, crockery and minerals.

#### **WASTE MATERIALS**

All trash, refuse, junk and discarded items, including rubbish.

### **§ 155-[11]30. Collection.**

It shall be the absolute obligation of those persons referred to in § 155-[14]33 hereof to provide dumpsters or compactors for the collection of garbage waste materials in accordance with the requirements of this article. Such containers shall be emptied on a periodic basis to avoid overflow of garbage and waste materials onto the ground or in such quantity as to prevent the container cover from being closed. No hazardous waste shall be deposited in any containers.

### **§ 155-[12]31. Installation, use and other requirements.**

- A. In all zoning districts upon private property, container plans shall be required either as a separate application or as part of a site plan for all new construction or substantial exterior modifications. Such plans shall be submitted to the Bureau of Inspection initially to obtain a container permit. Such plans shall include the following:
  - (1) Location of the container site(s).

- (2) Design plans of the container platform and enclosure with access for maintenance of equipment including loading/unloading access.
- B. In all residential districts, namely R-1, R-2 and R-3, containers shall only be permitted on a temporary basis and shall require a demolition permit from the Bureau of Inspection.
- C. No certificate of occupancy shall be issued with regard to new constructions or substantial exterior modifications until all requirements of this article have been complied with and approved. D. Minimum requirements for the pad and enclosure are:
- (1) The container shall be enclosed on all sides by a siding affixed to a permanent frame which will obstruct the container from view. Wood fences or attractive masonry enclosures are preferred. The height shall exceed by one foot the height of the bulk storage container to be housed in the enclosure with a minimum height of six feet.
  - (2) Enclosure locations shall provide and/or show location of utilities required to operate and maintain the sites in a sanitary manner.
  - (3) All enclosures shall be maintained and repaired to keep the site neat, safe and sanitary.
- E. Garbage and other waste materials must be completely contained within the container. No accumulation of garbage or waste materials will be permitted outside the confines of the container, nor will it be permitted to accumulate garbage or other waste materials so that the container cover cannot be firmly closed. All containers shall have covers or lids and these covers or lids shall remain closed at all times.
- F. No container shall be located in or on a public right-of-way, or upon City-owned or City-leased land without prior written approval of the City Council or its designee upon the terms and conditions the City Council or its designee deems advisable which shall be consistent with this article.
- (1) All containers located upon public or City property as set forth herein shall be screened with fencing, structures or landscaping as determined by the City. The City will be responsible for installing, constructing, repairing and maintaining this screening. However, the persons designated in § ~~155-[14]33~~ will be responsible for bearing the cost of any work performed by the City for the purpose set forth herein.
  - (2) After completing any work as set forth and required herein, the City will bill the persons responsible as set forth in § ~~155-[14]33~~. Payment may be made at any time prior to one year from the date of invoicing with no additional cost. If an extended payment is selected by the above responsible person, a payment in the amount of at least 1/3 of the cost shall be made prior to the end of the one-year period. An amount of 5% of the unpaid balance is added, and that amount may be paid at any time prior to the end of the second year. A minimum of 1/3 of the total balance, including the 5%, must be paid by the end of the second year. Any remaining amount will have 5% added to it, and that total amount must be paid by the end of the third year. If any such amounts described above are not paid within 60 days of the year-end period all outstanding amounts will be added to the associated property taxes.
- G. All containers shall be kept in good repair, be structurally sound, leakproof, and be easily opened and closed. Containers shall be painted as required to prevent the show of rust and deterioration and be so constructed to stand firmly upright.

- H. Responsibility for the maintenance in and around and adjacent to the enclosure, including loose garbage, debris and refuse shall be the responsibility as described in § 155-[14]33 herein.
- I. All containers shall have a notice with the name of the company supplying the container.
- J. Use of joint or shared dumpsters by multiple users is recommended and encouraged.

**§ 155-[13]32. Enforcement.**

The provisions of this article shall be enforced by the Bureau of Inspection. The Bureau of Inspection shall review all new container plans, as well as those containers to be located upon public or City property; and the Bureau of Inspection shall issue the required container permits. After City Council or its designee approves a container upon City property, the Bureau of Inspection shall process annual renewals.

**§ 155-[14]33. Applicability of provisions.**

These provisions shall be applicable to the following persons:

- A. The owner of the property serviced by the container;
- B. The owner or lessee of the container servicing the property;
- C. The user of the container; or
- D. The lessee or agent of the owner of the property being serviced.

**§ 155-[15]34. Fees.**

The initial and annual fee thereafter for containers located upon City-owned or City-leased property shall be as set from time to time by resolution of the City Council.

**§ 155-[16]35. Penalties for offenses.**

The first violation of any provisions of this article shall be deemed a violation against such article, and any persons responsible as set forth in § 155-[14]33 shall be issued a warning by regular mail. If such a violation is not corrected within 30 days of mailing, a second warning shall be issued, and the violator shall receive a fine of \$100 upon conviction. If the violation is not corrected within 30 days of mailing of the second warning, the persons responsible shall receive a third warning and be fined \$500 upon conviction. If the violation is not corrected within 30 days of mailing the third warning, then the persons responsible shall be fined \$100 per day thereafter for each day that the violation continues upon conviction.

Deletions designated by ~~strikeout~~

Additions designated as [brackets]

\* \* \*

Councilperson Russell made a motion to table the rest of the agenda and have a budget work session. The motion was seconded by Councilperson Briggs and on roll call approved 9-0. The balance of the agenda consisted of the following:

#12-2013 – A Resolution Authorizing General Obligation Bonds to the City of Batavia, Genesee County, New York, to Finance the Purchase of Wheeled Refuse Carts and Authorizing the Issuance of Bond Anticipation Notes in Anticipation of the Sale of Such Bonds

#13-2013 – A Resolution to Enter into an Agreement with Allied Waste Services of North America, LLC and D/B/A Allied Waste Services of Buffalo for the Refuse Collection, Disposal and Recyclable Materials Collection and Processing

#14-2013 – A Resolution to Enter into an Agreement with Cascade Engineering for Refuse and Recycling Carts

#15-2013 – A Resolution to Establish a Refuse and Recycling Fund

#16-2013 – A Resolution to Adopt the City Refuse and Recycling User Fee

#17-2013 – A Resolution to Adopt the 2013-2014 Budget Ordinance

#18-2013 – A Resolution to Adopt Local Law No. 2 of 2013 Entitled a Local Law to Amend §184.41 (A), (B), (C), and (O) of the Code of the City of Batavia to Establish New Water Rates, Meter Fees and Capital Improvement Fee

#19-2013 – A Resolution Authorizing the Elimination and Creation of Various Positions

#20-2013 – A Resolution Authorizing General Obligation Bonds of the City of Batavia, Genesee County, New York, to Finance the Construction of Highway Improvements, and Authorizing the Issuance of Bond Anticipation Notes in Anticipation of the Sale of Such Bonds

#21-2013 - A Resolution Authorizing General Obligation Bonds of the City of Batavia, Genesee County, New York, to Finance the Construction Repair or Replacement of Sanitary Sewer System Improvements and Authorizing the Issuance of Bond Anticipation Notes in Anticipation of the Sale of Such Bonds

#22-2013 – A Resolution to Authorize Wage Adjustments for Non-Union and Part-Time City Employees

#23-2013 – A Resolution to Extend the Economic Development Services Agreement with the Batavia Development Corporation

#24-2013 – A Resolution to Authorize \$45,000 of the 2012/2013 Contingency Budget to Support Community Development Efforts

\* \* \*

Council President Buckley noted that Council would have to give Mr. Molino direction, most of Council wanted to get out of the trash business, and a meeting needed to be set. Councilperson

Russell noted that everyone had taken a serious, hard look at the issue and acknowledged that there were people in favor of the proposed changes as well as opponents. He noted that they looked at the objectives and goals and a lot of people wanted to see the City get out of garbage collection. He noted there was still a lot of work and people will have the chance to get who they want. Mr. Molino asked Council if they wanted the City to completely remove the City from the garbage service and they all replied affirmatively. Councilperson Cipollone noted that the public needed to be careful what they asked for, they were going to be paying more now than with anything that was previously on the table. Mr. Molino suggested a meeting for Wednesday, February 27<sup>th</sup> at 6:00pm and all of Council was in favor.

\* \* \*

**Meeting adjourned at 7:15.**

**Respectfully submitted,**

**Heidi J. Parker  
Clerk-Treasurer**