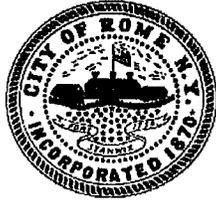


OFFICE OF THE COMMON COUNCIL
CITY HALL – ROME, NEW YORK 13440



1ST WARD
Lori A. Trifeletti

2ND WARD
John B. Mortise

3RD WARD
Kimberly Rogers

4TH WARD
Ramona L. Smith

5TH WARD
Frank R. Anderson

6TH WARD
John A. Nash

7TH WARD
Lou DiMarco Jr.

John J. Mazzaferro
President Common Council

CITY CLERK
Louise S. Glasso

**COMMON COUNCIL MEETING
REGULAR SESSION**

**JULY 22, 2015
7:00PM**

1. CALLING THE ROLL OF MEMBERS BY THE CLERK

2. PLEDGE OF ALLEGIANCE

3. INVOCATION

4. GENERAL PUBLIC HEARING

The time limit for speakers at the general public hearing shall be limited to (5) continuous minutes. The President of the Common Council may extend this time up to an additional five (5) minutes at his discretion; and further extensions must be approved by a majority of the council.

5. RECOGNITION/APPRECIATION

6. READING OF THE MINUTES OF THE PRECEDING SESSION

(Motion in order that the reading of the minutes of the preceding session be dispensed with and that they be approved.)

7. PRESENTING OF PETITIONS AND COMMUNICATIONS.

A. PETITIONS

B. COMMUNICATIONS.

The following businesses have notified the City Clerk's Office of their intention to renew liquor licenses:

St. Gregory Society
The Beeches
The Savoy

303 ½ E. Dominick St.
7900 Upper Turin Rd.
255 E. Dominick St. (Received & filed)

Fire Department's Travel & Conference report for 2nd quarter is on file in the City Clerk's Office.

The following financial reports for quarter ended June 30, 2015: Rome Historical Society, Jervis Library are on file in the City Clerk's Office:

8. NOTICES

Members of the Council to meet with Mark Casadei regarding a Film Festival – July 22nd @ 6:00pm

9. REPORT OF CITY OFFICIALS

10. REPORT OF COUNCILORS AND GENERAL CITY AFFAIRS

11. PRESENTING OF REPORT OF COMMITTEES

12. RESOLUTIONS

RES. NO. 102

B

ACCEPTING DONATIONS PRESENTED TO THE CITY OF ROME DEPARTMENT OF PARKS AND RECREATION FOR THE PURCHASE OF FLOWERS TO BE PLANTED WITHIN THE CITY OF ROME. Lovett

RES. NO. 103

G

AUTHORIZING THE CLOSING OF A PORTION OF NORTH JAMES STREET ON JULY 25, 2015 FOR AN EVENT TO BE HELD IN CONJUNCTION WITH THE HONOR AMERICA DAYS . Rogers

RES. NO. 104

H

AUTHORIZING THE CLOSING OF CHURCH STREET ON JULY 29, 2015 FOR AN ICECREAM SOCIAL TO BE SPONSORED BY THE ROME HISTORICAL SOCIETY. Glasso

RES. NO. 105

I

AUTHORIZING THE MAYOR OF THE CITY OF ROME TO SUBMIT OUR COMMUNITY'S PLEDGE TO THE DEC TO BECOME A CLIMATE SMART COMMUNITY. DiBari

RES. NO. 106

K

**AUTHORIZING THE APPOINTMENT OF JOHN J. MAZZAFERRO AS A
MARRIAGE OFFICER PURSUANT TO DOMESTIC RELATIONS LAW. Mazzaferro**

13. ORDINANCES

A.

%Lacking Unanimous Consent

B.

Current Legislation

ORD. NO. 9020

A

**AMENDING ROME CODE OF ORDINANCES CHAPTER 54 REGARDING SOLID
WASTE. Mayor Fusco – Tallarino**

14. LOCAL LAWS

15. TABLED LEGISLATION

16. VETOED LEGISLATION

17. ADJOURNMENT

% Ordinances require unanimous consent to be acted upon when first introduced

NEXT SCHEDULED COMMON COUNCIL MEETING ~~ August 12, 2015

RESOLUTION NO. 102

ACCEPTING DONATIONS PRESENTED TO THE
CITY OF ROME DEPARTMENT OF PARKS AND RECREATION
FOR THE PURCHASE OF FLOWERS TO BE PLANTED WITHIN THE CITY OF ROME.

By Councilor _____:

WHEREAS, Robert and Alice Page; DNB 5 Cent Return; and the Cassese Family have contacted the City of Rome Department of Parks and Recreation with monetary donations for the purchase of flowers to be planted within the City of Rome, New York; and

WHEREAS, pursuant to Section 25 of the Rome City Charter, the City of Rome Common Council may authorize the acceptance of donations made to the City of Rome on behalf of the City of Rome; now, therefore,

BE IT RESOLVED, by the Common Council of the City of Rome, New York, that the monetary donations listed below, shall be gratefully accepted by the City of Rome for the purchase of flowers to be planted within the City of Rome, New York:

Robert and Alice Page	\$100.00
DNB 5 Cent Return	\$157.68
The Cassese Family	\$150.00; and

BE IT FURTHER RESOLVED, that the Common Council hereby expresses its appreciation to Robert & Alice Page, DNB 5 Cent Return, and the Cassese Family for their monetary donations as listed above to be used for the purchase of flowers to be planted within the City of Rome.

Seconded by Councilor _____.

AYES & NAYS: Trifeletti ___ Mortise ___ Rogers ___ Smith ___ Anderson ___
Nash ___ DiMarco _____

ADOPTED:

DEFEATED:

RESOLUTION NO. 103

AUTHORIZING THE CLOSING OF A PORTION OF NORTH JAMES STREET
ON JULY 25, 2015 FOR AN EVENT TO BE HELD IN CONJUNCTION WITH
THE HONOR AMERICA DAYS

By _____:

WHEREAS, Third Ward Councilor, Kimberly Rogers has requested the closing of a portion of North James Street, from West Liberty Street to Court Street on Saturday, July 25, 2015, to allow YES Development to hold an event in conjunction with the City of Rome's Honor America Days; now, therefore,

BE IT RESOLVED, that the Common Council of the City of Rome, New York does hereby authorize the closing of a portion of North James Street, from West Liberty Street to Court Street, on Saturday, July 25, 2015 from 11:00 a.m. to 1:00 p.m. so as to allow YES Development to hold an event in conjunction with the City of Rome's Honor America Days; and

BE IT FURTHER RESOLVED, that this authorization is contingent upon YES Development providing the City of Rome with a certificate of insurance in the amount of \$1,000,000 per occurrence for bodily injury and death/property damage and a minimum general aggregate coverage of \$2,000,000, naming the City of Rome as an additional insured, and indemnifying and holding the City of Rome harmless from any and all liability arising out of the closing of a portion of North James Street, from West Liberty Street to Court Street on Saturday, July 25, 2015 from 11:00 a.m. to 1:00 p.m., as outlined hereinabove and pursuant to the attached map, made part of this Resolution; and

BE IT FURTHER RESOLVED, that the above authorization shall take effect upon placement of the appropriate barriers at each end of the affected area.

Seconded by Councilor_____.

AYES & NAYS: Trifeletti ___Mortise___Rogers___Smith___Anderson___
Nash ___DiMarco_____

ADOPTED:

DEFEATED:

Allow Parking between these two points. No parking on the South side of the street for the same distance.



RESOLUTION NO. 104

AUTHORIZING THE CLOSING OF CHURCH STREET
ON JULY 29, 2015 FOR AN ICECREAM SOCIAL TO BE SPONSORED BY
THE ROME HISTORICAL SOCIETY.

By _____:

WHEREAS, The Rome Historical Society has contacted the City of Rome requesting the closing of Church Street on Wednesday, July 29, 2015, for an Ice Cream Social to be sponsored by The Rome Historical Society; now, therefore,

BE IT ORDAINED, that the Common Council of the City of Rome, New York does hereby authorize the closing of Church Street on Wednesday, July 29, 2015, from 12:00 p.m. to 8:00 p.m. for an Ice Cream Social to be sponsored by The Rome Historical Society; and

BE IT FURTHER ORDAINED, that this authorization is contingent upon the above organizations providing the City of Rome with a certificate of insurance in the amount of \$1,000,000 per occurrence for Bodily Injury and Death/Property damage and a minimum general aggregate coverage of \$2,000,000, naming the City of Rome as an additional insured, and indemnifying and holding the City of Rome harmless from any and all liability arising out of the closing of Church Street on Wednesday, July 29, 2015, from 12:00 p.m. to 8:00 p.m. for an Ice Cream Social to be sponsored by The Rome Historical Society, and

BE IT FURTHER ORDAINED, that the above authorization shall take effect upon placement of the appropriate barriers at each end of the affected area.

Seconded by Councilor_____.

AYES & NAYS: Trifeletti ___Mortise___Rogers___Smith___Anderson___
Nash ___ DiMarco_____

ADOPTED:

DEFEATED:

COMMON COUNCIL

JULY 22, 2015

RESOLUTION NO. 105

AUTHORIZING THE MAYOR OF THE CITY OF ROME TO SUBMIT OUR
COMMUNITY'S PLEDGE TO THE DEC TO BECOME A
CLIMATE SMART COMMUNITY

By Councilor _____.

WHEREAS, Jake DiBari, Director of the Department of Community and Economic Development for the City of Rome, New York has requested the authorization to submit our community's pledge to the DEC to become a Climate Smart Community; now, therefore

BE IT RESOLVED, by the Common Council of the City of Rome, New York, that the Mayor of Rome and his designees are authorized to submit our community's pledge to the DEC to become a Climate Smart Community; and

BE IT FURTHER RESOLVED, the purpose and mission of adopting the Smart Community Pledge, is more specifically defined pursuant to the attached document, which is made part of this Resolution.

Seconded by Councilor _____.

AYES & NAYS: Trifeletti ___ Mortise___ Rogers___ Smith___ Anderson___
Nash ___ DiMarco_____

ADOPTED:

DEFEATED:

GET CLIMATE SMART

- In the face of a changing climate, extreme weather and shifting energy prices, New York's communities are looking for guidance.
- The Climate Smart Communities program offers technical support on energy and climate issues at no cost to local governments in New York.
- Take the Climate Smart Communities Pledge and join a network of New York's foremost climate action leaders.

What is Climate Smart Communities?

- New York State recognizes the key role that local governments play in land-use planning, reducing energy consumption in buildings and vehicles and leading the way toward a more sustainable future.
- Guided by the 10-point Climate Smart Communities Pledge (see other side), local governments partner with New York State agencies to inspire and facilitate climate action at the local level.
- The goal is to reduce greenhouse gas emissions and save taxpayer money through climate-smart actions that improve energy independence, economic vitality and resiliency to extreme weather.
- The Climate Smart Communities program is free and voluntary; there are no fees or legal requirements.

What are the benefits of being a Climate Smart Community?

- The Climate Smart Communities program offers a wealth of online guidance about greenhouse gas inventories, energy efficiency, renewable energy, vulnerability assessments and adaptation planning.
- Regional coordinators deliver customized technical support and guidance at no cost to municipalities.
- The Climate Smart Communities email listserv and webinar series notify communities of current funding and educational opportunities and provide timely expert information on local climate action.
- The Climate Smart Communities Certification program recognizes New York's leading communities and provides a comprehensive framework to guide local climate action, while being flexible enough to fit each community's objectives and capacities.

How can my community become a Climate Smart Community?

- Any city, town, village or county in New York can take a stand by adopting the Climate Smart Communities Pledge. The municipality must adopt the 10-point Climate Smart Communities Pledge in its entirety.
- Inform DEC that your community has adopted the pledge by **mailing a certified copy of the resolution** to the Office of Climate Change, NYS DEC, 625 Broadway, Albany, NY 12233-1030, or e-mail it to climatechange@dec.ny.gov.

For more information, see

<http://www.dec.ny.gov/energy/50845.html>

or contact the NYS DEC

Office of Climate Change:

(518) 402-8448, climatechange@dec.ny.gov

New York State Climate Smart Communities Pledge Model Resolution

Note: Municipalities may amend the preamble to the pledge, but the ten points of the pledge must be adopted in their entirety.

Councilmember _____ moved and Councilmember _____
seconded that

WHEREAS, the Town/Village/City/County of _____ (hereinafter "local government") believes that climate change poses a real and increasing threat to our local and global environments which is primarily due to the burning of fossil fuels; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,

IT IS HEREBY RESOLVED that Town/Village/City/County of _____, in order to reduce greenhouse gas emissions and adapt to a changing climate, will

- 1) Pledge to be a Climate Smart Community.**
- 2) Set goals, inventory emissions, plan for climate action.**
- 3) Decrease community energy use.**
- 4) Increase community use of renewable energy.**
- 5) Realize benefits of recycling and other climate-smart solid waste management practices.**
- 6) Reduce greenhouse gas emissions through use of climate-smart land-use tools.**
- 7) Enhance community resilience and prepare for the effects of climate change.**
- 8) Support development of a green innovation economy.**
- 9) Inform and inspire the public.**
- 10) Commit to an evolving process of climate action.**



**Climate Smart
Communities**

New York State Climate Smart Communities is a voluntary program offered at no cost to local governments by the state departments of Environmental Conservation, Health, State, and Transportation; Energy Research and Development Authority; and Public Service Commission.

COMMON COUNCIL

JULY 22, 2015

RESOLUTION NO. 106

AUTHORIZING THE APPOINTMENT OF JOHN J. MAZZAFERRO
AS A MARRIAGE OFFICER PURSUANT TO DOMESTIC RELATIONS LAW

By Councilor _____:

BE IT RESOLVED, by the City of Rome Common Council that, pursuant to Domestic Relations Law, Sect. 11-c, John J. Mazzaferro, Jr., of 117 West Pine Street, Rome, New York is hereby authorized to serve as marriage officer and shall have the authority to solemnize marriages within the territorial limits of the City of Rome, New York; and

BE IT FURTHER RESOLVED, by the City of Rome Common Council, that, pursuant to Domestic Relations Law, Sect. 11-c(4), said appointment shall commence on January 1, 2016 and shall expire on December 31, 2019.

Seconded by Councilor _____.

AYES & NAYS: Trifeletti ___ Mortise ___ Rogers ___ Smith ___ Anderson ___
Nash ___ DiMarco _____

ADOPTED:

DEFEATED:

ORDINANCE NO. 9020

AMENDING ROME CODE OF ORDINANCES CHAPTER 54
REGARDING SOLID WASTE

By Councilor _____:

WHEREAS, Rome Code of Ordinances, Chapter 54, sets forth the City of Rome’s rules and regulations pertaining to solid waste, including with regard to, *inter alia*: types of solid waste; municipal collection; prohibitions; and costs/fees associated with the collection of solid waste; and

WHEREAS, Hon. Joseph R. Fusco, Jr., Mayor and Frank D. Tallarino, Jr., Commissioner of the Department of Public Works for the City of Rome New York, are of the opinion that Chapter 54 should be amended, so as to update the Chapter to, among other things: clearly identify the types of solid waste to be collected by municipal collection; promote an increase in the recycling rate; and the reduction of costs and expenses to the City of Rome, New York and its taxpayers; now, therefore,

BE IT ORDAINED, by the Common Council of the City of Rome that Rome Code of Ordinances, Chapter 54, be and is hereby amended to read as follows:

CHAPTER 54- SOLID WASTE

ARTICLE I. IN GENERAL

ARTICLE II. MUNICIPAL COLLECTION AND DISPOSAL

ARTICLE III. PRIVATE COLELCTION

ARTICLE IV. RECYCLING AND RECYCLABLES

ARTICLE V. PLACEMENT OF LARGE WASTE RECEPTACLES AND OTHER OBJECTS
ON CITY RIGHTS-OF-WAY

ARTICLE I. IN GENERAL

Sections 54-1 to 54-12 shall remain as written

Sec. 54-13. City Transfer stations.

The following shall apply to the City of Rome permitted transfer station, when operated and open for public use:

Sub-sections 54-13(a)-(b) and Sections 54-15 to 54-15 shall remain as written.

ARTICLE II. MUNICIPAL COLLECTION AND DISPOSAL

Sec. 54-46 shall remain as written.

Sec. 54-47. Definitions and word usage

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

[Delete definitions set forth under Section 54-47 in their entirety and replace with following]:

Biomedical waste. Solid waste or liquid waste that may present a threat of infection to humans. The term includes, but is not limited to, non-liquid human tissue and body parts; laboratory and veterinary waste that contains human disease-causing agents; discarded disposable sharps; human blood and human blood products and body fluids; and other materials that in the opinion of the department of health represent a significant risk of infection to persons outside the generating facility.

Biological waste. Solid waste that causes or has the capability of causing disease or infection and includes, but is not limited to, biomedical waste, diseased or dead animals and other wastes capable of transmitting pathogens to humans or animals.

Bulk. Large household furniture and appliances (free of CFC), including, but not limited to, mattresses, and chairs, , properly bundled and reasonably capable of being lifted by two people, except recyclables. A box spring and mattress set shall constitute one bulk item.

City. Shall mean the City of Rome, New York.

Collector. Shall mean the City or the City's designee responsible for collecting any type of solid waste under this Chapter.

Commercial Entity. Any person, company, partnership, municipality or other entity providing a public service or engaged in a business for profit.

Commissioner. The City of Rome Commissioner of Public Works.

Composting. The controlled biological decomposition of organic solid waste carried out under controlled conditions which stabilizes the organic fraction of waste into a material which can easily and safely be stored, handled and used in an environmentally acceptable manner for soil, a growing medium or other similar uses. Simple exposure of solid waste under uncontrolled conditions resulting in natural decay, public nuisances or conditions adversely affecting the environment or public are not composting. Composting activities shall not violate the provisions of other state or local laws, ordinances, rules, regulations or orders.

Construction and demolition debris (C&D). Debris resulting from the construction or demolition of a structure or portion of a structure, including, but not limited to, dimensional lumber, drywall, paneling, flooring materials, plaster and insulation.

Electronic Waste (E-Waste) Waste which consists of CPUs, cell phones, monitors, printers, keyboards, all peripherals (speakers, mouse, etc.), table top and large console TVs and other electronics (radios, stereos, etc.).

Garbage Putrescible solid waste including animal or vegetable leavings or similar food or food refuse resulting from the handling, storage, sale, preparation, cooking, or serving of foods. Household garbage originates primarily in the kitchens, stores, markets, restaurants, and other places where food is stored, prepared or served.

Green Waste Grass clippings, leaves, and cuttings from shrubs, hedges and trees, and garden debris.

Hazardous refuse Refuse, the handling or disposal of which, in the opinion of the commissioner, would constitute a hazard to the persons collecting or disposing of the refuse and which may not be placed in the disposal site.

Household Hazardous Waste are exempt from State and Federal regulations; for the purpose of this local law, household hazardous waste shall include pesticides, pesticide residue and all containers containing the same, used motor oil and automobile batteries.

Person in charge A natural person, association, partnership, firm or corporation that occupies, manages, uses or controls the premises.

Public collection Collection of solid waste by the City, its agents, employees, or persons with whom the city has entered into a contract for the collection of solid waste.

Recyclables Any material designated from time to time, by the commissioner or other governmental entity, which is applicable to the city, and which, under any applicable law or regulation, is not hazardous and which is separated from the waste stream and held for its material recycling or reuse value.

Recycling Container. A container or receptacle of an impervious material with a tight-fitting closure suitable to protect the recyclables from the elements, insects, rodents and other animals, of a capacity not to exceed 96 gallons, one of which is provided by the Refuse District to each residential and commercial dwelling unit. Recycling Container may include a recycling bin

Refuse District Shall be the Inside Corporation Line for the City of Rome where public refuse collection service is provided. "Refuse District" shall be and is synonymous with "District" and "Solid Waste District".

Residential Living Unit is any portion of a structure or building used and occupied as a one-family residence. Structures or buildings may have more than one Residential Living Unit.

Rigid Plastics Clean hard plastic items not included in recyclables including, but not limited to, plastic beverage crates, plastic drums, totes, and empty garbage cans, plastic toys, plastic laundry baskets, plastic lawn furniture, and large water jugs.

Rubbish or trash Dry flammable or nonflammable household junk or refuse, including ashes, except recyclables.

Sharps Needles, syringes and lancets.

Solid waste All putrescible and non-putrescible solid wastes, including, but not limited to, materials and 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 acculated, stored, or physically, chemically or biologically treated prior to being discarded or rejected, having served their intended use, or as a manufacturing by-product, including, but not limited to, garbage, refuse industrial, commercial and agricultural waste, sludges from air and 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.

Solid waste container. An AGC, or automated garbage container, which means a wheeled, watertight receptacle of impervious material with a tight-fitting closure suitable to protect the contents from insects, rodents and other animals, of a capacity not to exceed 96 gallons, one of which is provided by the Solid Waste District to each residential and commercial dwelling unit.

Tire Tires from cars and trucks and other vehicles and their casings.

[NOTE: Sections 54-48 to 54-56 SHALL REMAIN AS WRITTEN]

[NOTE: Sections 54-57 to 54-6 TO BE DELETED IN THEIR ENTIRETY AND REPLACED WITH THE FOLLOWING]:

Sect. 54-57. Collection Containers

(a) Generally. All owners, tenants or occupants of any residential living unit within the City's Refuse District shall use containers of such size and type and at such locations as the Commissioner may reasonably require in order to promote the sanitary aesthetic and economic collection and disposal of solid waste. Containers for construction and demolition (C&D) debris and yard waste shall be provided by the owner, tenant, lessee, or occupant of the premises.

(b) City to provide Solid Waste and Recycling Containers at each property. The Refuse District will provide a Solid Waste and Recycling Container to each property address. Such containers shall be used exclusively for pickup by automated or semi-automated collection vehicles. All bags, boxes, containers, or other items to be picked up must be placed inside the automated container. All containers must be maintained in a clean, neat and sanitary condition at all times.

(c) City-provided Solid Waste Container are, and shall remain, the sole property of the City. It shall be unlawful and a violation of this chapter for any person to use such containers for any other purpose than storing solid waste or recyclable material for collection, to intentionally damage or destroy such containers, or to fail to return such containers to the City when no longer used for such purpose.

(d) Recycling Containers. Residential users shall place recyclable materials at the curb in a location authorized by the City for collection. Only Recycling Containers provided by the City or, if needed, additional containers with the appropriate recycling emblem shall be used for recycling collection.

(e) Recycling Containers or cardboard boxes shall not be used as containers for solid waste or yard waste.

(f) Recycling Containers which may be provided to users are and shall remain the sole property of the City. It shall be unlawful and a violation of this chapter for any person to use such containers for any other purpose than storing recyclable materials for collection, to intentionally damage or destroy such containers or to fail to return such containers to the City when no longer used for such purpose.

(g) Service initiation fee for automated garbage container. Effective September 1, 2014 and except as may be waived by the Commissioner of Public Works, all newly constructed single and multi-family residential structures utilizing an automated garbage container shall be required to pay a service initiation fee. Such fee shall be collected by the building department at such time that a certificate of occupancy is issued. All containers shall remain the property of the City and shall remain at the location assigned by the solid waste division.

(h) Privately-owned containers. The Solid Waste District will not be responsible for damage through normal wear and tear, unintentional damage to or loss of privately owned containers.

Sec. 54-58. Unauthorized accumulations and deposits.

(a) No person shall place any solid waste in any street, alley or other public place or upon any private property, whether owned by such person or not, within the City limits except in proper containers for collection or under express approval granted by the Commissioner.

(b) No person shall throw or deposit any solid waste in any stream or other body of water.

(c) Any unauthorized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited. Failure of the property owner to move any existing accumulation of solid waste on any premises after due notice of the same from the Commissioner shall be deemed a violation of this chapter; provided, however, that, in the interest of the public health, safety and welfare, and to abate the nuisance, the City may, at the City's option, collect any unauthorized accumulation of solid waste set out on the curb

or roadside without prior notice to the property owner, and shall bill the property owner for such collection in accordance with the rates set forth in this Chapter, plus an administrative charge of 50% of the applicable rate. Said property owner shall be billed for any removal work performed by the City on the property owner's next tax bill.

(d) No person shall cast, place, sweep or deposit anywhere within the City any solid waste or green waste in such a manner that it may be carried or deposited by the elements and/or wildlife upon any street, sidewalk, alley, sewer, parkway or other public place or into any occupied premises within this City. In the event that such should occur whether it is on public or private property it shall be the responsibility of the owner whose solid waste is so dispersed to immediately clean all solid waste depositing the same in the proper container for pickup.

(e) Failure to comply with the provisions of this section shall be deemed a violation of this Chapter, subjecting the violator to enforcement action as provided for under Section 1-15 of the Rome Code.

Sec. 54-59. Placement of containers.

(a) Customers shall have Solid Waste, Recycling and/or yard waste containers ready, easily accessible and available for collection at the designated container pickup location prior to the beginning of the collection day.

(b) The Commissioner shall determine all container pickup locations, and may adjust or change such locations in the interests of operational efficiency.

(c) Any location change suggested by person or commercial entity requires department approval in advance.

(d) Customers are responsible for any damage to Solid Waste or Recycling Containers that have been moved improperly by the customer or the customer's employees or agents.

(e) Solid Waste Containers, Recycling Containers and yard waste shall be placed for collection at ground level on the lawn area or on the paved area of the resident's driveway in front or rear of each residence and not on the paved portion of any street, alley and/or sidewalk. Solid Waste Containers must be placed more than five (5) feet from any object such as another Solid Waste Container, Recycling Container, garbage can, container, a mailbox, telephone pole, automobile, other containers intended for yard waste recycling or bulk collection items, etc., which might impede or prevent safe and efficient collection.

(f) Solid Waste and Recycling Containers and yard waste containers, and bulk items shall be placed as required hereunder as follows;

1. no earlier than 6:00 p.m. on the day prior to the designated collection day;
2. for commercial customers, no later than 6:00 a.m. on day of collection; and
3. for residential customers, no later than 7:00 a.m. on the day of collection.

All containers shall be returned to proper storage on the premises no later than 11:00 p.m. on the designated collection day. Solid Waste Containers, Recycling Containers and yard trash containers shall be stored between collection days in side or rear yards and not in the front yard. Public easements and rights-of-way are not to be used as a storage location for containers. Containers shall be stored within the perimeter of privately owned property.

(g) Solid waste for all commercial customers shall be placed in containers at locations designated by the Commissioner.

(h) A return trip charge, as determined by the Commissioner, accrues where a collection vehicle (solid waste, yard waste or recycling) passes a premises and must return to collect materials for any reason except department fault or error. Reasons include, but are not limited to: failure to have container properly prepared for pickup, at the required container pickup location, at the required time, or failure to remove obstacles to department vehicle access.

(i) Notwithstanding the provisions of subsection (a), residents who are unable to place their Solid Waste Containers at the required location due to physical disabilities may apply for an exemption from the requirements of subsection (a) and obtain special solid waste collection services from the City of Rome Refuse District.

(j) Persons with physical disabilities who seek an exemption from the requirements of subsection (a) shall present to the City Public Works Department a certification by a physician licensed to practice medicine within the State that the applicant has one of the physical disabilities or such other physical disability that would necessitate the provision of special solid waste collection service.

(k) The City Public Works Department shall prepare an application form to be used by residents seeking an exemption from the requirements of subsection (a). The application form shall require the applicant to identify the alternate location for the solid waste containers. As part of the application the applicant shall expressly authorize the City to enter the applicant's property for the purpose of solid waste collection. The applicant shall also be required to sign an indemnification and hold-harmless agreement, the form of which shall be approved by the City Attorney agreeing to indemnify and hold the City harmless for any damages or injuries that result from the provision of special solid waste collection services.

(l) The Department picks up properly placed and stored solid waste from the public. The customer shall at all times remain responsible to maintain tidy premises. The customer must accept all risk and responsibility for litter, unsanitary or unsafe conditions of premises, or dumping or spillage of solid waste, including illegal dumping.

Sec. 54-60. Collection Schedules.

(a) Solid waste accumulated by residents shall be collected pursuant to the following schedule:

- (1) Regular solid waste and construction and demolition debris once a week;
- (2) Yard waste once a week; (during season—as “season” is defined at sole discretion of the Commissioner), typically the day before solid waste and recycling collection;
- (3) Recyclable materials once a week typically the same day as solid waste collection;
- (4) Bulk waste as scheduled by the Refuse District.

(b) Commercial collection services shall begin no earlier than 6:00 a.m. and residential collection services shall begin no earlier than 7:00 a.m., Monday through Friday. In the event that daily collection routines are disrupted for any reason, the District shall endeavor to complete all scheduled pickups on the scheduled pickup day. Should safety concerns require the cessation of operations before pickup is completed pickup will resume and be completed on the following day.

(c) When collection services are curtailed due to a national, state, or local holiday, the District shall publish an adjusted schedule for the provision of services in a newspaper of general circulation at least one day prior to the holiday.

(d) *Frequency of collection.*

(1) *Generally.* Solid waste, recyclables and yard waste accumulated within the City will be collected once each week. On legal holidays which are observed by the Refuse District and days on which the sanitation landfill is closed, collection of solid waste will not be made; however, the collection of solid waste for those persons affected by the observed holiday will be made one day later starting the day after the holiday. Holiday scheduling is adjustable by the Commissioner.

(2) *Authority of Commissioner to require more frequent collections.* Where necessary to protect the public health, the Commissioner, in his sole discretion, shall have the authority to require that more frequent collections be made for an additional charge. Such additional collections shall be charged to the customer as provided in the currently effective fee schedule.

Sec. 54-61. Limitation on quantity collected.

(a) *Residential customers.*

(1) On each collection day, the City shall collect from each Residential Living Unit all the solid waste that can be contained in the Solid Waste Container(s) assigned to that specific address. The City will collect one (1) container of construction and demolition debris (C&D) container per structure.

(2) *Container weight limits.* Maximum permissible residential container weight, meaning total gross weight of loaded container, including the container and contents, in pounds is:

- a. Yard waste container. Thirty-five pounds.
- b. Automated carts. Two hundred pounds.
- c. Recycling bin. Thirty-five pounds.
- d. Construction and Demolition (C&D) bin: Fifty pounds.

(3) The collector, at his discretion, may choose not to attempt to pick up an automated container overloaded and overflowing to the extent that the lid is prevented from closing. However if the collector attempts collection from an overloaded container and solid waste falls to the ground as a result, the Solid Waste District will not be responsible for picking up the spillage.

(b) Commercial customers.

(1) One each collection day, the City shall collect from each commercial businesses and institutions, which pay fees and expenses to the City associated with municipal garbage and/or solid waste collection, all the solid waste that can be contained in the Solid Waste Container according to the rate schedule. If, in the sole opinion of the Commissioner, the amount of solid waste collected from commercial businesses and institutions is excessive, it may require that business to contract with a private collector.

(d) Determination of weight. Residential and Commercial customers are advised that the City has no on-site, immediate means of determining weights of filled containers at the pickup site and customers are responsible to familiarize themselves with the container weight limits set forth in this chapter, and to avoid overloading containers.

(e) Overweight commercial container surcharge. For commercial containers, a rate surcharge of \$100.00 is added to the regular bill to cover costs of equipment wear and tear from a customer overload. In the event this occurs for a given account more than once in a 12-month period, the surcharge is \$500.00 per instance. If City equipment is actually damaged or the department incurs other costs or losses, they may be billed to the customer, with credit given for any amounts paid. These costs are in addition to a charge for the cost of solid waste collection service to the container involved at the maximum applicable rate for said style of container. The customer shall further be charged the cost of any tickets or any other fines or penalties which departmental vehicles receive as a consequence of being overloaded on the public right of way.

Sec. 54-62 Wet or frozen garbage and rubbish.

Garbage and rubbish shall not be permitted to become wet or to freeze.

Sec. 54-63. Collection of green waste.

(a) Green waste containers. Residents may choose to use containers for green waste so long as they meet the following criteria. Green waste containers shall be:

- (1) Watertight;

- (2) Constructed of metal or plastic;
- (3) Equipped with suitable handles and tight-fitting covers without hinges;
- (4) Free of cords or ties which bind the cover to the container;
- (5) Have a capacity of not more than 34 gallons with the total weight of container and contents not to exceed 35 pounds;
- (6) Maintained in good condition. Any container that does not conform to the provisions of this Chapter, has ragged or sharp edges, or is in any way defective so as to hamper or pose risk of injury to the person collecting the contents thereof shall be promptly replaced by the resident upon written notice.

(b) Resident preparation of green waste. Residents must prepare green waste for pickup in any of the following ways:

- (1) Bundled and placed at curbside;
- (2) Bundled and placed inside an appropriate yard waste container as described in subsection (c);
- (3) Contained in a compostable paper bag of sufficient strength to support the weight of the yard waste when lifted. Plastic bags are strictly prohibited.

(c) Each premises shall be limited to not more than five (5) thirty-four (34) gallon reusable containers or five (5) compostable paper bags or a combination of not more than five (5) containers and paper-bags per collection. This limit on the number of containers shall not apply to the securing of leaves in containers from approximately October 15 of each year to no later than December 15 of each year when residents are permitted to use an unlimited number of containers for leaves is permitted. The Commissioner shall have the authority to set the specific dates within which unlimited leave collection may be done.

(d) The collection of green waste shall be as follows:

- (1) April 15, or as weather allows, to approximately November 1 - weekly - the day before solid waste collection.
- (2) Approximately November 1 - snowfall - Leaf season by posted schedule. is in effect.

Sec. 54-64. Collection of construction and demolition debris (C&D).

(a) Construction and demolition debris from contractors will not be taken.

(b) Select construction and demolition debris, as defined by section 54-47 and when work is done by the occupant of a dwelling, shall be prepared and set out for public collection and placed within a separate container not weighing more than fifty (50) pounds. All construction and demolition debris placed out for collection shall be free of nails and sharp protrusions so as to limit the potential for harm to the collectors. No construction and demolition material shall be placed loose on the curb for collection.

Sec. 54-65. Collection of bulk items.

(a) The department of public works, or their designee, shall collect one bulk item, as defined in section 54-47, per premises, per collection.

(b) Bulk items not in conformance with section 54-47 shall not be placed to the side of the curb of any street or alley within the city, except when arrangements have been made for the pickup and disposal thereof by either the city or a private contractor. Bulk items not in conformance with section 54-47 left to the side of the curb for purposes other than prearranged pickup shall constitute presumptive evidence that the item has been placed for purposes of pickup and shall constitute in the incurrence of a charge as outlined in Appendix B.

(c) For noncompliance with this section, the commissioner may elect at his option to have the city or their designee remove the bulk items or tires not in conformance with section 54-47, and the actual costs of removal, plus the penalties, shall be certified by the commissioner to the department of assessment and taxation and shall thereon become and be a lien upon the property on which the items were found. The lien shall be added to and shall become and form part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes.

Sec. 54-66. Collection of tires.

(a) One tire per collection from each resident shall be placed at the side of the curb for the pickup and disposal thereof by the city or a private contractor.

(b) Tires in excess of one per resident per collection left to the side of a curb for collection shall constitute a violation punishable by a fine of \$100.00 per incident, plus the cost of pickup.

Sec. 54-67. Salvaging or scavenging prohibited.

No salvaging or scavenging shall be permitted at the sanitary landfill areas, nor shall salvaging or scavenging operations be permitted from refuse material placed at the curb for collection by the department of public works or its designee. No person shall remove any trash, waste or other material or things from any city-maintained landfill or transfer station.

Sec. 54-68. Special refuse problems; collection and disposal; unauthorized accumulation declared nuisance.

(a) *Biological waste.* Biological waste shall not be placed in containers for regular collection. Occupants of residential homes confronted with special refuse disposal problems shall immediately notify the Commissioner of such a problem. The

Commissioner shall take the necessary action to dispose of the same as instructed by the county health officer.

(b) *Hazardous waste.* Hazardous waste, including household hazardous waste, shall not be placed in containers for regular collection. Occupants of residential homes confronted with special refuse disposal problems shall immediately notify the Commissioner of such a problem. The Commissioner shall take the necessary action to dispose of the same under the supervision of the police and/or fire chief.

(c) *Collection and disposal.* The collection and disposal of the following solid wastes are not included among the services provided to residential customers, and the City or Refuse District will neither collect nor dispose of them. The generator may engage a private organization, contractor or another licensed business to properly and safely dispose of such materials.

(1) Land-clearing debris on undeveloped lots without living premises.

(2) Construction and demolition debris, except that contained within the single container, including any debris resulting from remodeling that requires a building permit.

(3) Trash and debris associated with farming operations.

(4) Hazardous, biomedical, and radiological waste.

(5) Wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle

parts.

(6) Solid waste generated in the unincorporated areas outside the boundaries of the city refuse district.

(7) Sludge.

(8) E-waste—to include, but not be limited to: computer screens, diodes, batteries, TV's or TV components or other electronic items, etc.

(d) *Unauthorized accumulation.* Any unauthorized accumulation of the above-listed items of solid waste on any premises is hereby declared to be a nuisance and is prohibited. The generator of prohibited wastes listed shall be subject to additional charges for the removal of the solid waste.

(e) *Assessments.* Annual assessments levied by the city council for the collection of residential solid waste do not cover the cost of removal and disposal of items listed in section (c).

Sec. 54-69-. Hazardous and special waste.

(a) Materials not collected by city.

(1) No person or commercial user shall place the following materials or items out for collection and disposal by the municipal solid waste program:

a. Biohazardous or biological waste;

b. Hazardous waste;

c. E-waste-- to include, but not be limited to: computer screens, diodes, batteries, TV's or TV components or other electronic items, etc.

d. Incinerator ash, excluding ash from human and animal cremation.

(2) These hazardous and special wastes shall be recycled, or placed in special management areas for storage, collection or disposal in accordance with applicable federal, state and local permits and requirements.

(b) Household wastes with hazardous components. Residential users may dispose of household wastes with hazardous components at times and locations designated by the City pursuant to Oneida County's Household Hazardous Waste Collection Day Program ("Amnesty Days") or pursuant to disposal methods authorized or recommended by the Refuse District in rules, regulations or educational programs for the safe disposal of household wastes with hazardous components. Household wastes with hazardous components shall be stored out of reach of small children until disposed of safely.

(c) Combining hazardous waste with other waste. Notwithstanding any other provision of law to the contrary, it shall be unlawful and a violation of this chapter for any residential or commercial user to combine hazardous waste with any recyclable materials, yard waste or other solid waste for collection or disposal.

(d) Commercial users. Commercial Entities must contract with licensed and permitted hazardous or biohazardous waste transportation and treatment, storage or disposal facility for disposal or recycling of hazardous waste and E-waste.

(e) Requirement for commercial users to provide documentation of proper waste handling. Commercial Entities that generate hazardous and special waste, including E-waste, shall provide documentation of the proper recycling, disposal or removal of such hazardous or biohazardous waste upon request.

(f) Recovery of damages caused by violations. The city shall be entitled to recover damages from any person violating this section. The recoverable damages shall include but not be limited to the cost of disposal of the biohazardous waste or hazardous waste, together with a reasonable administrative charge for such service, as well as its attorney fees and costs incurred in collection efforts, trial or appellate proceedings. This remedy shall be in addition to all other remedies available to the city for such violations.

(g) Specific types of special waste.

(1) Construction waste; industrial waste, oil and grease. Waste products of industrial plants and spent oils or greases accumulated at garages, filling stations or similar establishments shall be properly removed and disposed of by the owner or occupant of the premises, who shall provide documentation, upon request, of the proper recycling, disposal or removal of such construction waste; industrial waste, oil and grease.

(2) Dead animals. Dead animals will not be collected by the solid waste district.

Sec. 54-70. Unauthorized use.

It shall be unlawful for any person to deposit for collection any refuse or bulk item not produced at the address which the collection is made or to bring any refuse or bulk items into the city from one address to another within the city for the purpose of taking advantage of the public collection service. Any person who shall violate this section of this chapter shall be guilty of a violation and upon conviction thereof shall be punished as provided in section 1-15.

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Sec. 54-71.. Fees.

(a) Schedule of fees. Fees for public collection of residential and commercial solid waste by the Refuse District shall be established at such times as deemed necessary by the Commissioner, which said fees shall be approved and adopted by the Common Council and incorporated in this Code of Ordinances at Appendix B.

(b) Residential and Commercial customers shall be responsible to replace lost, damaged or missing containers at the fee reflected in Appendix B.

(c) Payment of fees. Fees for the city solid waste district non-ad valorem assessments for collection of residential and commercial solid waste are included in the bi-annual City of Rome Property Tax bill and shall be paid at the City of Rome Tax Collector's Office. Charges for special collection fees shall be prepaid prior to scheduled pick up and paid in person at the City of Rome Tax Office. Failure to pay said fee shall result in the accrual of interest against the outstanding balance in accordance with the procedure set forth in the Charter Laws of the City of Rome.

ARTICLE III. PRIVATE COLLECTION

[Section 54-96 SHALL REMAIN AS WRITTEN]

ARTICLE IV. RECYCLING AND RECYCLABLES

[Sections 54-97 to 54-100 SHALL REMAIN AS WRITTEN]

Sect. 54-100. Use of City container required.

Except where otherwise specifically authorized in writing by the commissioner, no person shall place any recyclables at curbside for public collection in any receptacle other than [the] a city-issued or properly marked recycling container. No person shall deposit or permit the deposit of any material other than recyclables in the recycling container.

[Sections. 54-101 to 54-102 and ARTICLE V-- SHALL REMAIN AS WRITTEN]

BE IT FURTHER RESOLVED, that this Ordinance shall take effect immediately.

Seconded by: _____
By Councilor _____

RESOLVED, that the unanimous consent of this Common Council be, and the same hereby is given to the consideration of Ordinance No. 9020

Seconded by Councilor _____

AYES & NAYS: Trifeletti ___ Mortise ___ Rogers ___ Smith ___ Anderson ___
Nash ___ DiMarco _____

ORDINANCE NO. 9020

AYES & NAYS: Trifeletti ___ Mortise ___ Rogers ___ Smith ___ Anderson ___
Nash ___ DiMarco _____

ADOPTED:

DEFEATED:

Unless otherwise indicated, Wording to be added is **bold and underlined**;
Wording to be deleted is [**bold and bracketed**].