

The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of April, 2013.

		<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001 A012	Vital Statistics	\$ 5,462.00	\$ 5,462.00
A1255-004 A013	Copies of Records	\$ 668.95	\$ 668.95
A1255-004 A013	Certificates of Marriage	\$ 620.00	\$ 620.00
A2501-006 A042	Tour Agency	\$ 1,050.00	\$ 1,050.00
A2501-006 A042	Tour Agency Additional Site	\$ 500.00	\$ 500.00
A2501-006 A042	Tour Attendant	\$ 400.00	\$ 400.00
A2501-006 A042	Tour Driver/Guide	\$ 1,200.00	\$ 1,200.00
A2501-006 A042	Pedicab	\$ 250.00	\$ 250.00
A2501-014 A046	Electrician - Active	\$ 85.00	\$ 85.00
A2501-016 A047	Stationary Engineers	\$ 220.00	\$ 220.00
A2501-016-A047	BOILERS	\$ 450.00	\$ 450.00
A2501-016 A047	Stationary Engineers Test Fee	\$ 480.00	\$ 480.00
A2542-000 A053	Dogs/NYS Agr. & Mkts	\$ 221.00	\$ 221.00
A2542-000 A053	Additional Dogs	\$ 2,429.50	\$ 2,429.50
A2545-001 A054	Marriage License/NYSHD	\$ 465.00	\$ 1,860.00
A2501-024 A120	Ambulance - Vehicle	\$ 550.00	\$ 550.00
A2501-005 A126	Junk Dealers	\$ 600.00	\$ 600.00

A2545-010 A128	Petroleum - Retail		\$ 70.00	\$ 70.00
A2545-023 A318	Hunters/NYS DEC RAU	\$ 745.44	\$ -	\$ 745.44
A2545-023 A318	Hunters Fees		\$ 43.56	\$ 43.56
A1255-003 A499	Notary Fee		\$ 6.00	\$ 6.00
A1255-005 A528	Dog Release		\$ 100.00	\$ 100.00
TA63008 A597	Marriage Performance		\$ 675.00	\$ 675.00
A1255-006- A696	Photos/passport-license		\$ 9.00	\$ 9.00
TOTAL:		\$ <u>2,361.44</u>	\$ <u>16,334.01</u>	\$ <u>18,695.45</u>

Check #	<u>62790</u>	NYS Dept.of Arg. & Mkts	\$ 221.00
Check #	<u>62762</u>	NYS Health Department	\$1,395.00
Check #	<u>ET</u>	NYS DEC RAU	\$ 745.44

**RE: City Council Agenda Item:
Community Development Housing Rehab Environmental Services
2013 through July 1, 2015 Contract
UNYSE, a division of Environmental Education Associates, Inc.**

Council Members:

The Community Development Department provides environmental services for its housing rehabilitation program, at no cost to the homeowner. The services include lead paint identification and removal monitoring and asbestos identification and monitoring. The services had been provided by a contractor paid with a state grant. The state grant expired, so it is necessary for the City to retain an environmental services contractor for the Community Development program.

CD solicited proposals from four contractors; three replied:

Upper New York State Environmental (UNYSE)	\$ 99,230.00
AMD Environmental	109,425.00
AFI Environmental	129,982.50.

UNYSE has provided services for this program in the past and is able to provide the services required under this contract. Funds are available to pay for the services under budget code CD1.8667.0000.0450.500. This is a pay as you go contract, so the cost will be spread over the three budget years. The contract amount is the maximum to be paid under the contract.

Will the Council vote to award the environmental services contract to UNYSE for the Community Development housing rehab program as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

SUBJECT: BUDGET AMENDMENT FOR ENGINEERING DEPARTMENT

The 2013 adopted budget included \$5,000.00 for overtime for the Engineering Department. Due to the current lack of a City Engineer on staff, additional duties have been performed by Engineering personnel and the overtime allotment is depleted.

It is the recommendation of the undersigned that the Council amend the budget to increase the Engineering Department's overtime fund an additional \$10,000.00. Funds are available in A1440.0000.0110.000 (Biweekly Payroll).

Will the Council so approve?

**SUBJECT: Roof Replacement at the Stone Comfort Building
at Hyde Park Ice Rink-
CHANGE ORDER #1 - \$0.00**

A contract for the above referenced project was awarded to Grove Roofing Services, 131
Reading Street Buffalo, N.Y., on November 1, 2012 in the amount of \$113,700.00.

During the course of work, it was discovered that the inside brick parapet wall required
additional repair beyond the original scope. The total cost of the additional work is \$938.00. However,
underruns in the roof decking repair items will allow payment for this additional work with no increase in
the contract total.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount
of \$0.00 be approved.

Will the council vote to so approve?

**RE: City Council Agenda Item:
Appointment of Christopher Robins to
Niagara Falls Urban Renewal Agency**

Council Members:

Jeff Paterson recently submitted his resignation from the Niagara Falls Urban Renewal Agency. Pursuant to General Municipal Law §593, the Agency shall be governed by the Mayor and Council Members, “together with four members to be appointed by the mayor with the concurring approval of the city council.”

I hereby appoint Christopher Robins to the Niagara Falls Urban Renewal Agency, and I request approval of the Council for the appointment. As you know, Mr. Robins previously served on the City Council. In that capacity, he also served on the Agency. Mr. Robins is familiar with the workings of the Agency and is well qualified to perform the duties necessary to carry out this position as a public official.

Will the Council vote to approve the appointment of Christopher Robins to the Niagara Falls Urban Renewal Agency as set forth herein, and authorize the execution of any documents necessary to effectuate the same?

SUBJECT: Fireworks Displays

We respectfully request you award a contract for fireworks display as follows:

TO: Skylighters Fireworks

PO Box 1357

Orchard Park, NY 14127

FOR: Fireworks displays on July 4th at Hyde Park: \$25,000.00

Requests for Proposals were sent to four (4) companies. Two proposals were received. After reviewing each proposal, it was determined that Skylighters Fireworks would be the best one to fit the City's needs. A proposal was also received from Zambelli Fireworks Mfg. Co.

Funds are available in the Tourism Fund account code T6410.0000.0449.599.

Will the Council so approve?

Agenda Item #7

RE: Summer Season Public Works-Downtown Area

Council Members:

The Director of DPW advises that in order to prepare the "Downtown" area for the summer season, his Department will need \$5153.00. Three Thousand Dollars is needed for materials, \$2000.00 is for the cost of personnel and \$153.00 is for FICA, for a total of \$5153.00.

Funding is available in Tourism Fund Balance.

Will the Council so approve?

Agenda Item #8

RE: PILOT Mortgage Subordination Agreement

Council Members:

224 Group, LLC is refinancing its Haerberle Plaza property in the City with Wells Fargo Bank. There is presently a PILOT Mortgage encumbering the property made by 224 Group, LLC and the Niagara County Industrial Development Agency to Niagara County, New York, the City of Niagara Falls, New York and the Niagara Falls School District which is dated August 1, 2009 and recorded September 1, 2009. Wells Fargo will not close its loan with 224 Group, LLC unless the PILOT Mortgage is subordinated to the new mortgage.

Will the Council so approve and authorize the Mayor to execute a Subordination Agreement in form satisfactory to the Corporation Counsel.

RE: Grant Administration Services

Council Members:

The City presently has in excess of \$6 million in grants of various sizes that it has been awarded for various projects. Attached hereto is a list of those projects, grant amounts and the corresponding agency that provided the grant dollars.

During 2012 the City contracted with a part -time consultant to administer these grants and monitor them for City compliance with their terms and apply for grant payments/reimbursements at appropriate times. This consultant also made certain that the City was in compliance with the various reporting requirements. The dollars to retain this consultant for year 2013 were removed from the budget that was adopted for year 2013. Since January 2013, this staff reduction has made it very difficult to manage these grants, move them along and make certain the City receives the dollars it should be receiving.

It is therefore requested that the sum of \$15,000.00 be made available from the City Council contingency fund (Code #A.1990.7630.0449.599) to retain the services of a Grant Administrator from June 1, 2013 thru December 31, 2013.

Will the Council so approve?

S. Fuscone

CITY OF NIAGARA FALLS
GRANTS IN PROGRESS

PROJECT	AGENCY	PROJECT TOTAL	GRANT AMOUNT	CITY MATCH	OTHER MATCH	SOURCE OF MATCH	STATUS
Open Space Inventory-Parks Planning	NYS DOS-EPF-LWRP	265,000	132,500	57,500		2007 Spec. Fund Balance	Awarded/In Process
Open Space Inventory-Parks Planning	Greenway	See Above	75,000				See Above
Blueway Trail	NYS Parks/EPF	246,650	92,500		\$105,500 \$48,650	Greenway/In-Kind/Vol. Svcs.	Awarded/In Process
Blueway Trail	Greenway	See Above	105,500	See #3			See Above
Jayne Park	NYS Parks/EPF	290,000	145,000	145,000		Undes. Fund Bal.	Contract Rec'd
Urban Forestry	NYS DEC	74,006	20,000	7,500	46,506	In Kind/Vol. Svc.	Contract Rec'd
Customhouse Restoration	NYS Parks/EPF	257,336	128,668	57,336	100,000	2007 Spec. Fund Balance/ Greenway	Awarded/In Process
Customhouse Restoration	Greenway	See Above	100,000				Approved
Customhouse Restoration	Grisanti	250,000	250,000				Contract Rec'd
Centennial Circle	Greenway	335,000	335,000				
City Hall Restoration (T.D.) Phase 1	NYS Parks/EPF	549,899	274,899	275,000			In close-out
Duke Center Parking Lot	Thompson	150,000	150,000				Contract Rec'd
LaSalle Library-Acoustics Upgrade	Thompson	100,000	100,000				Contract Rec'd
LaSalle Library-Roof Replacement	DelMonte	125,000	125,000				Contract Rec'd
Firehall Roof Replacement	DelMonte	125,000	125,000				Contract Rec'd
LaSalle Facility Improvements	Thompson	200,000	200,000				Contract Rec'd
Canoe Launch	Nia. County Envir. Fund	85,000	85,000				Awarded/In Process
BOA-Highland Ave. Step 2	NYS DOS	416,666	375,000			In-Kind	In close-out
BOA-Buffalo Ave. Step 2	NYS DOS	448,480	403,632	44,848		In-Kind	Awarded/In Process
City Hall Restoration Phase 2	NYS Parks/EPF	552,379	402,379	150,000		2007 Spec. Fund Balance	Awarded/In Process
LaSalle Waterfront Park	NYS DOS-EPF-LWRP	790,000	395,000	395,000		Greenway	Awarded
LaSalle Waterfront Park	Greenway	1,712,440	1,215,000			See Above	Awarded
Griffon Park	Playful City USA	30,000	20,000	10,000		Greenway	Awarded
Griffon Park	Greenway	See Above					Awarded
LaSalle Waterfront Park-Phase 2	NYS CFA	204,880		102,440		Greenway	Awarded
Hyde Park Stone Building	Greenway	200,000					Awarded

5/15/2013

**CITY OF NIAGARA FALLS
GRANTS IN PROGRESS**

PROJECT	AGENCY	PROJECT TOTAL	GRANT AMOUNT	CITY MATCH	OTHER MATCH	SOURCE OF MATCH	STATUS
Hyde Park Stone Building	Grisanti	125,000	125,000				Awaiting Contract
Hyde Park Stone Building	NYSOPRHP-EPF	125,000	125,000				Awaiting Contract
EECBG	DOE	498,500	498,500				Awarded/In Process
Cayuga Creek Restoration	U.S. fish & Wildlife	22,000	22,000				Awarded

TOTAL GRANTS

6,025,578

Agenda Item #10

RE: Exercise equipment for Legends Park

Council Members:

For a period of time in excess of one year, the Legends Park Committee has been planning to install exercise equipment primarily for use by adults at Legends Park. In these difficult economic times, funding for this project has not been available. At this time, however, the YMCA has arranged a donation of \$10,000 to be used for the acquisition and installation of this exercise equipment; the Mayor's Task Group for a Healthier Niagara Falls has also assembled \$10,000 in donations to be used for this purpose. These dollars will be used for the acquisition of the exercise equipment as well as the cost of installation of this equipment by City crews.

There is no City match required.

Will the Council so approve and authorize the Mayor to execute any documents that are required to be executed in form acceptable to the Corporation Counsel?

Agenda Item #11

RE: Approval to pay Medical Expenses of Kimberly Stanek in the amount of \$35.52

Council Members:

The above claimant has incurred medical expenses for personal injuries suffered by her when she was a passenger in a City police vehicle which was involved in a motor vehicle accident on November 12, 2011.

Under the New York State No-Fault Law, the City of Niagara Falls, as a self-insured entity, is obligated to pay the claimant's medical expenses arising out of this incident. If the same meets with your approval, please vote to direct the City Clerk to draw a warrant on the City Controller directing her to issue the following check:

<u>Provider</u>	<u>Date of Service</u>	<u>Amount</u>
Cardamone Chiropractic	05/09/2013	\$35.52

Please be advised that there may be further medical bills which will have to be paid pursuant to the New York State No-Fault Law.

Will the Council so approve?

RE: Request for Approval to Settle and Pay Claim of John A. Mikula
8723 Point Avenue, Niagara Falls, New York 14304

Council Members:

Date Claim Filed:	April 12, 2013
Date Action Commenced:	N/A
Date of Occurrence:	February 3, 2013
Location:	In front of 8723 Point Avenue, Niagara Falls, New York
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Richard Williams
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$1,614.14
Make Check Payable to:	John A. Mikula
Conditions:	General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?

SUBJECT: Commissioner of Deeds

The following have requested City Council approval for Commissioner of Deeds for a term from July 1, 2013 to June 30, 2015.

This is in accordance with provision of the Niagara Falls City Charter, Article II, Section 7, Subdivision 5.

Michael Drake	NFPD
Patricia McCune	NFPD
William Thomson	NFPD
Michael Trane	NFPD
Victoria Gemuend	Engineering
Patrick Ciccarelli	Inspections
Ralph Aversa	851 College Ave., NF, NY 14305
Gerald Aderhold	2481 Michigan Ave., NF NY 14305
Leo Benevento	1406 Hyde Park Blvd., NF NY 14305
Daniel Ciszek	8956 Champlain Ave., NF NY 14304
Kim Congi	8416 Carol Ct., NF NY 14304
Gerald Frazier	2442 Woodlawn, NF NY 14301
Ryan Garrow	750 Seymour Ave., NF NY 14305
Barbara Gonzalez	2412 North Ave., NF NY 14305
Douglas Goodnick	241 84 th St., NF NY 14304
Shirley Hamilton	1155 Ontario Ave., NF NY 14305
Erin Jankowiak	1390 102 nd , NF NY 14304
Cindy-Lou Joyce	2744 Thornwood Dr., NF NY 14304
Renea Kimble	3302 Hyde Park Blvd., NF NY 14305
David Kudela	149 78 th St., NF NY 14304
Justin LaMacchia	1021 Pasadena NF, NY 14304
Jeffrey Meacham	352 70 th St., NF NY 14304
Eugene Ochal	6117 Stephenson Ave., NF NY 14304
John O'Malley	2013 LaSalle Ave., NF NY 14301
Cara Pierini	4215 N. Ridge Rd., Lockport NY 14094
Frederick Pucci	2991 McKoon Ave., NF NY 14305
Lawrence Quarcini	9344 Rivershore Dr., NF NY 14304
Denise Salada	621 71 st St., NF NY 14304
Risky Sanabria	927 90 th St., NF NY 14304
Kathleen Steinman	2242 Grand Ave., NF NY 14301
Candra Thomason	2470 LaSalle Ave., NF NY 14301
Charles Walker	1821 16 th St., NF, NY 14301
Jason Zona	431 Vanderbilt Ave., NF NY 14305

**RELATIVE TO SUPPORT OF THE ISAIAH 61 PROJECT'S APPLICATION
TO THE WESTERN NEW YORK POWER PROCEEDS ALLOCATION BOARD**

BY: Council Member Kristen Grandinetti

WHEREAS, the Isaiah 61 Project is dedicated to rebuilding Niagara Falls neighborhoods one house at a time by renovating vacant homes and providing on-the-job trades training; and

WHEREAS, the Isaiah 61 Project has created strong partnerships with the City of Niagara Falls, MIKELLY Construction, Orleans/Niagara BOCES, the John R. Oishei Foundation, and First Niagara Bank to create this project; and

WHEREAS, the Isaiah 61 Project has already bought one city owned home and started renovations, executed its first semester of job training and had the transfer of six additional houses approved by the Niagara Falls Planning Board; and

WHEREAS, the Isaiah 61 Project recently submitted a competitive funding application to the Western New York Power Proceeds Allocation Board Economic Development Fund to help fund the capital and job training components of its project; and

WHEREAS, the Economic Development Fund was established to aid the economic development projects of businesses and not-for profit corporations in a 30 mile radius of the New York Power Authority Niagara Project; and

WHEREAS, there is no greater economic development impact in that 30 mile radius than job training and cost effective rehabilitation of Niagara housing stock as a way to rebuild our community's families and homes.

NOW, THEREFORE, BE IT RESOLVED, that this City Council strongly encourages the Western New York Power Proceeds Board to support the Isaiah 61 Project's application in the next available round of funding.

RELATIVE TO AUTHORIZING THE IMPLEMENTATION AND FUNDING
IN THE FIRST INSTANCE 100% OF THE FEDERAL AID AND STATE
"MARCHISELLI" PROGRAM AID ELIGIBLE COST, OF A TRANSPORTATION FEDERAL AID PROJECT AND
APPROPRIATING FUNDS THEREFOR.

BY: Council Chairman Glenn Choolokian
Council Member Robert Anderson, Jr.
Council Member Samuel Fruscione
Council Member Kristen Grandinetti
Council Member Charles Walker

HEREAS, a Project, the Niagara Falls Signals Project; Signalization Improvements at Three (3) Isolated Intersections in the City of Niagara Falls, Niagara County, PIN 5755.42 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Scoping & Design I-VI) and Construction & Construction Inspection phases of the Project, PIN 5755.42 .

NOW, THEREFORE, the City Council of the City of Niagara Falls, duly convened does hereby

RESOLVE, that the City Council of the City of Niagara Falls hereby approves the above-subject project; and it is hereby further

RESOLVED, that the City Council of the City of Niagara Falls hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Scoping & Design I-VI) and Construction & Construction Inspection phases of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$ 190,000 has been appropriated (\$ 92,000 for the project's Preliminary Engineering phase via City Resolution Nos. 2001-36,2004-17 and 2006-80 adopted March 26th, 2001, February 17th, 2004 and July 17th, 2006, respectively and \$ 98,000 for the project's Preliminary Engineering and Construction & Construction Inspection phases via City Resolution Nos. 2008-51 adopted May 19th, 2008) and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Scoping & Design I-VI) and Construction & Construction Inspection phases exceeds the amount appropriated, \$ 190,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Scoping & Design I-VI) and Construction & Construction Inspection phases exceeds \$ 672,426, the City of Niagara Falls shall convene its Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of Niagara Falls is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Niagara Falls with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the Local share of Federal Aid and State Aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

RESOLUTION RELATIVE TO ADOPTING CHAPTER 737
OF THE CODIFIED ORDINANCES ENTITLED
A PROPERTY AND BUILDING NUISANCE REFORM"

By: Council Chairman Glenn Choolokian
Council Member Robert Anderson, Jr.
Council Member Samuel Fruscione

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 737 of the Codified Ordinances entitled A Property and Building Nuisance Reform" is hereby adopted to read as follows:

CHAPTER 737 PROPERTY AND BUILDING NUISANCE REFORM

ARTICLE I, GENERAL PROVISIONS

§737-1 FINDINGS.

The City Council of the City of Niagara Falls finds that public nuisances exist in the City of Niagara Falls in the operation of certain establishments and the use of property in flagrant violation of certain Penal Law and City Ordinance provisions, which nuisances substantially and seriously interfere with the interest of the public in the quality of life and total community environment, commerce in the City, property values and the public health, safety and welfare. The City Council further finds that the continued occurrence of such activities and violations is detrimental to the health, safety and welfare of the people of the City of Niagara Falls and of the businesses thereof and the visitors thereto.

§737-2 TITLE.

This chapter shall be known as the "Property and Building Nuisance Reform Law."

§737-3 DEFINITIONS.

As used in this chapter, the following terms shall have the meaning indicated:
ADVERSE IMPACT - Includes, but is not limited to, the following: any search warrants served on the property where controlled substances and/or weapons were seized; investigative purchases of controlled substances on or near the property by law enforcement agencies or their agents; arrests for violations of controlled substance law and or possession of weapons; loitering for the purposes of engaging in illegal activity; an increase in the volume of traffic associated with property; complaints made to law enforcement officials of illegal activity associated with the property, finding of illegal weapons, as defined in §265 of the penal Law, or controlled substances, as defined in Articles 220 and 221 of the penal Law, on or near property by law enforcement officials and their agents.

BUILDING - A structure where space is covered or enclosed for the use, shelter, storage or protection of persons, animals, chattel or property of any kind, and which is permanently affixed to the land.

BUILDING ACCESSORY - A building subordinate to the principal building on the lot and used for purposes which are clearly related but incidental to that of said principal building.

BUSINESS - An activity, occupation, employment or enterprise which requires time, attention, labor and material and wherein merchandise is exhibited or sold, or services offered.

BUSINESS OFFICE - A building or portion thereof utilized to accommodate the activities of a business.

CONVICTION - A conviction for an offense in a court of competent jurisdiction or an administrative bureau shall not be required. Instead, the City shall prove by a preponderance of the evidence that the violations have occurred. However, a conviction as defined and applied in accordance with the provisions of §1.20 of the Criminal Procedure Law, in any court of competent jurisdiction, or a plea of guilty shall constitute conclusive proof of a violation. Conviction of an attempt to commit a violation of any of the specified provisions shall be considered a conviction for a violation of the specified provision.

DISTURBANCE - Actions, behavior, or conduct by person or persons at a particular location that disturbs the peace.

KNOWLEDGE OF PUBLIC NUISANCE - The presumption of knowledge provided by Subdivision 1 of §235.10 of the Penal Law shall be applicable to this chapter. Notice, by first class, certified and/or registered mail or by personal service, of activities detailing a public nuisance, to the property owner of record shall be evidence of knowledge of the public nuisance.

LOT - A parcel of land, with or without buildings or structures, delineated by lot line and having access to a street as defined in this chapter.

PENAL LAW - New York State Penal Law

PUBLIC NUISANCE - For the purposes of Article III, a public nuisance shall be deemed to exist whenever, through violations of any of the following provisions resulting from separate incidents at a building, erection or place, or immediately adjacent to the building, erection or place as a result of the operation of the business, 12 or more points are accumulated within a period of six (6) months, or 18 or more points within a period of twelve (12) months, in accordance with the following points system. Where more than one violation occurs during a single incident, the total points for the incident shall be the highest point value assigned to any single violation.

(1) The following violations shall be assigned a point value of two (2) points:

(a) Section 240.36 and 240.37 of the Penal Law - Loitering in the First Degree

(b) Suffering or permitting the premises to become disorderly, including suffering or permitting fighting or lewdness.

(c) City noise

(d) City littering

(e) Dogs - regarding howling dogs, and/or repetitive barking, number of dogs, unlicensed dogs and dangerous or nuisance dogs.

(2) The following violations shall be assigned a point value of four (4) points:

(a) Disorderly conduct by individual or individuals

(b) Housing and Property Maintenance, including any garbage collection violation. Each repeat offense is an additional four (4) points.

(c) General disturbances at a particular location.

(d) Article 225 of the Penal Law - Gambling Offenses

(e) The Alcoholic Beverage Control Law

(f) Section 415-a of the Vehicle and Traffic Law - Vehicle Dismantlers

(g) Sections 170.65 and 170.70 of the Penal Law - Forgery or illegal possession of a Vehicle Identification Number.

(h) Possession, use, sale or offer for sale of any alcoholic beverage in violation of Article 18 of the Tax Law, or of any cigarette or tobacco products in violation of Article 20 of the Tax Law.

(i) The Agriculture and Markets Law.

- (3) The following violations shall be assigned a point value of six (6) points:
- (a) Article 178 of the Penal Law - Criminal Diversion of Prescription Medication and Prescriptions.
 - (b) Article 220 of the Penal Law - Controlled Substances Offenses
 - (c) Article 221 of the Penal Law - Offenses involving Marijuana.
 - (d) Sections 165.15, (6), (7), and (8), 165.40, 165.45, 165.50, 165.52, 165.54, 165.71, 165.72 and 165.73 of the Penal Law - Criminal Possession of Stolen Property.
 - (e) Article 158 of the Penal Law - Welfare Fraud.
 - (f) Section 147 of the Social Services Law - Food stamp program fraud.
 - (g) Section 2024 of Title 7 of the United States Code - illegal Use of Food Stamps.
 - (h) Any commercial violations of the Codified Ordinances of the City of Niagara Falls.
 - (i) Allowing persons on the premises in excess of occupancy limits.
 - (j) Section 3383 of the Public Health Law - Imitation controlled substances.
 - (k) Operating a premises without the requisite certificate of use in violation of the Codified Ordinances of the City of Niagara Falls.

- (4) The following violations shall be assigned a point value of ten (10) points:
- (a) Article 230 of the Penal Law - Prostitution Offenses.
 - (b) Article 265 of the Penal law - Firearms and other dangerous weapons.
 - (c) Sections 260.20 and 260.21 of the Penal Law - Unlawfully Dealing with a Child.
 - (d) Article 263 of the Penal Law - Sexual Performance by a Child.
 - (e) Loitering for the purpose of engaging in a prostitution offense.

(5) The following violations shall be a point value of twelve (12) points: penal law violations, including but not limited to murder, attempted murder, assault, attempted assault, sex offenses, etc.

TESTIMONY - Oral, written or other documented evidence tending to show or prove the truth of the matter asserted.

VIOLATIONS - Conduct, or evidence of conduct, prohibited under this chapter. A violation does not require criminal prosecution and conviction but only a preponderance of evidence that the prohibited conduct is occurring or has occurred. Evidence of prohibited conduct may include, but is not limited to, police reports, investigative reports, execution of search warrants, results of police surveillance, arrest and/or conviction of local and state and federal laws, activities associated with trafficking of controlled substances, finding of weapons and/or controlled substances on or near the property, increased volume of traffic associated with the property.

YARD - An open area on a lot which is open to the sky and that is unoccupied by any land use or activity.

§737-4 EVIDENCE AND PRESUMPTIONS

- A. Evidence. In any action under this chapter, evidence of the common fame and general reputation of the building, structure or place, of the inhabitants or occupants thereof, or of those resorting thereto, shall be competent evidence to prove the existence of a property or building nuisance.
- B. Scienter. If evidence of the general reputation of the building, structure or place, or of the inhabitants or occupants thereof, is sufficient to establish the existence of the nuisance it shall be prima facie evidence of knowledge thereof and acquiescence and participation therein and responsibility for the nuisance, on the part of the owners, lessors, lessees, and all those in possession of or having charge of, as agent or otherwise, or having any interest in any form in the property, real or personal, used in conducting or maintaining the property or building nuisance.
- C. Presumptions for the purposes of this section.

- (1) Any building, accessory building, business office, lot, or yard wherein, within the period of one year prior to the commencement of an action under this chapter, where there have occurred two or more convictions, as defined in §737-3, on the part of the lessees, owners, operators, or occupants, of the provisions of this chapter as defined in §737-3 of this chapter, shall be prima facie evidence that a public nuisance exists at said location.
- (2) Any building, accessory building, business office, lot or yard wherein, within a one-year period prior to the commencement of an action under this chapter, where there have occurred four or more violations on the part of the lessees, owners, operators, or occupants, of the provisions of this chapter as defined in §737-3 of this article, shall be prima facie evidence that a public nuisance exists at said location.
- (3) Any building, accessory building, business office, lot, or yard wherein, within the period of one year prior to the commencement of an action under this chapter, there has been presented a preponderance of evidence of repeated criminal activity which has an adverse impact, as defined in §737-3 of this chapter, on such property or neighborhood, shall be prima facie evidence that a public nuisance exists at said location.

ARTICLE II, CIVIL REMEDIES FOR PROPERTY AND BUILDING NUISANCES

§737-5 APPLICABILITY.

This article shall be applicable to the public nuisances defined in Article I of this chapter.

§737-6 CIVIL REMEDIES

- A. The Corporation Counsel may bring and maintain a civil proceeding in the name of the City for the following types of relief:
 - (1) Permanent injunction
 - (2) Temporary closing order
 - (3) Temporary restraining order
 - (4) Temporary injunction
 - (5) Civil penalties
- B. The summons. The Corporation Counsel shall name as defendants the building, structure or place wherein the public nuisance is being conducted, maintained or permitted, by describing it by Tax Map number and/or street address, and at least one of the owners of some part of or interest in the property.
- C. The complaint.
 - (1) The Corporation Counsel shall bring and maintain a civil proceeding in the name of the City of Niagara Falls in the Supreme Court of Niagara County, or any other court of competent jurisdiction, to permanently enjoin the public nuisance and the persons conducting, maintaining or permitting the public nuisance, as defined in Article I of this chapter, from further conducting, maintaining, or permitting the public nuisance in the manner provided in Article II of this chapter. The owners, operator, and/or lessee of a building, structure or place wherein the public nuisance is being conducted, maintained or permitted may be made defendants in the action.
 - (2) The venue of said action shall be Niagara County.
 - (3) The existence of an adequate remedy at law shall not prevent the granting of temporary or permanent relief pursuant to this chapter.
 - (4) The civil action shall be commenced by the filing of a summons and complaint alleging the facts constituting the nuisance.
 - (5) The complaint shall name as defendants the building, structure or place wherein the nuisance is being conducted, maintained or permitted, by describing it by Tax map number and/or street address, and at least one of the owners who possesses some part of or an interest in the property.
 - (6) Any complaint filed under this chapter shall be verified or accompanied by an affidavit(s) for purposes of showing that the owner or his or her agent has notice of the nuisance and has had an opportunity to abate the nuisance.

The Corporation Counsel will give the owner, and any designated property manager, written notice of the nuisance and ten (10) business days to personally meet with and provide to Corporation Counsel a written plan to abate the nuisance within thirty days. If part of the plan to abate the nuisance is to evict a tenant, then the owner will commence the eviction proceeding within ten (10) business days from the meeting with Corporation Counsel.

(7) The complaint or affidavit shall contain a description of the attempts by the applicant to notify and locate the owner of the property and/or the owner's agent.

(8) The complaint or affidavit shall describe the adverse impact associated with the property on the surrounding neighborhood.

- D. In rem jurisdiction over building, structure, or place. In rem jurisdiction shall be complete over the building, structure or place wherein the public nuisance is being conducted, maintained or permitted by affixing the summons to the door of the building, structure or place and by mailing the summons by certified or registered mail, return receipt requested, to one of the owners who possesses some part of or an interest in the property. Proof of service shall be filled within two days thereafter with the Clerk of the court designated in the summons. Service shall be complete upon filing.
- E. Service of summons on other defendants. Defendant(s), other than the building, structure or place wherein the public nuisance is being conducted, maintained or permitted, shall be served with the summons as provided in the Civil Practice Law and Rules.
- F. Notice of pendency. With respect to any action commenced or to be commenced pursuant to this chapter, the Corporation Counsel may file a notice of pendency pursuant to the provisions of Article 65 of the Civil Practice Law and Rules.
- G. Presumption of ownership. The owner of the real estate affected by the action shall be presumed to be the person in whose name the real estate is recorded in the office of the City of Niagara Falls Assessor and/or the office of the Clerk of the County of Niagara.
- H. Presumption of employment or agency. Whenever there is testimony that a person was the manager, operator, supervisor, or in any other way in charge of the premises at the time a public nuisance was being conducted, maintained or permitted, such evidence shall be presumptive that he or she was an agent or employee of the owner or lessee of the building, structure or place considered to be a nuisance.
- I. Penalty. If, upon the trial of an action under this chapter, or upon a motion for summary judgment in an action under this chapter, a finding is made that the defendant has conducted, maintained or permitted a public nuisance defined in this chapter, a penalty maybe awarded in an amount not to exceed \$1,000 for each day it is found that the defendant conducted, maintained or permitted the public nuisance after notice to abate has been given by the City. Upon recovery, such penalty shall be paid into the general fund of the City.
- J. Enforcement. A judgment pursuant to this chapter shall be enforced by City of Niagara Falls Corporation Counsel or his designee.

§737-7 JUDGEMENT AWARDING PERMANENT INJUNCTION

- A. A judgment awarding a permanent injunction, pursuant to this chapter, may direct the City of Niagara Falls Police Department to seize and remove from the building, structure or place all material, equipment and instrumentalities used in the creation and maintenance of the public nuisance and shall direct the sale by the City of Niagara Falls Corporation Counsel, or his designee of such property in the manner provided for the sale of personal property under execution pursuant to the provisions of the Civil Practice Law and Rules. The net proceeds of any such sale, after deduction of the lawful expenses involved, shall be paid into the general fund of the City.

- B. A judgment awarding a permanent injunction pursuant to this chapter may authorize agents of the City to forthwith remove and correct construction and structural alterations in violation of the City Ordinances. Any and all costs associated with these repairs or alterations shall become a lien against said property and shall have priority before any mortgage or other lien that exists prior to such filing except tax and assessment liens and any nuisance abatement lien.
- C. A judgment awarding a permanent injunction, pursuant to this chapter, may direct the closing of the building, structure or place by the City of Niagara Falls Department of Code Enforcement, to the extent necessary to abate the nuisance, and shall direct the City of Niagara Falls Department of Code Enforcement to post a copy of the judgment and a printed notice of such closing conforming to the requirements of §737-8H of this chapter. Mutilation or removal of such a posted judgment or notice while it remains in force, in addition to any other punishment prescribed by law, shall be punishable on conviction by a fine of not more than \$500 or by imprisonment not exceeding 15 days, or by both, provided such judgment contains therein a notice of such penalty.
- D. The closing directed by the judgment shall be for such period as the court may direct, but in no event shall the closing be for a period of more than one year from the posting of the judgment provided for in this section.
- E. If the owner shall file a bond in the amount of the assessed value of the property ordered to be closed and submits proof to the court that the nuisance has been abated and will not be created, maintained or permitted for such period of time as the building, structure or place has been directed to be closed in the judgment, the court may vacate the provisions of the judgment that direct the closing of the building, structure or place.
- F. A closing by the City of Niagara Falls Department of Code Enforcement pursuant to this section shall not constitute an act of possession, ownership or control by the City of Niagara Falls nor does the City of Niagara Falls assume any liability related to the possession, ownership or control of the closed premises.
- G. Intentional disobedience or resistance to any provision of a judgment awarding a permanent injunction pursuant to this chapter, in addition to any other punishment prescribed by law, shall be punishable by a fine of not more than \$5,000, or by imprisonment not exceeding six months, or by both.
- H. Upon the request of the Corporation Counsel, or his designee, the City of Niagara Falls Police Department shall assist in the enforcement of a judgment awarding a permanent injunction entered in an action brought pursuant to this chapter.
- I. A judgment rendered awarding a permanent injunction pursuant to this chapter shall be and become a lien upon the building, structure or place named in the complaint in such action, such lien to date from the time of filing a notice of liens pending in the office of the clerk of the county wherein the building, structure or place is located. Every such nuisance abatement lien shall have priority before any mortgage or other lien that exists prior to such filing except tax and assessment liens.
- J. A judgment awarding a permanent injunction pursuant to this chapter shall provide, in addition to the costs and disbursement allowed by the Civil Practice Law and Rules, upon satisfactory proof by affidavit or such other evidence as may be submitted, the actual costs, expenses, and disbursements of the City in investigating, bringing and maintaining the action.

§737-8 PRELIMINARY INJUNCTION

A. Generally.

(1) Pending an action for a permanent injunction as provided for in this article, the court may grant a preliminary injunction enjoining a public nuisance within the scope of this chapter and the person or persons conducting, maintaining or permitting the public nuisance from further conducting, maintaining or permitting the public nuisance. An order granting the preliminary injunction shall direct a trial of the issues at the earliest possible time. Where a preliminary injunction has been granted, the court

shall render a decision with respect to a permanent injunction at its earliest convenience after the conclusion of the trial. A temporary closing order may be granted pending a hearing for a preliminary injunction where it appears by clear and convincing evidence that a nuisance within the scope of this chapter is being conducted, maintained or permitted and that the public health, safety or welfare immediately requires the granting of a temporary closing order. A temporary restraining order may be granted pending a hearing for a preliminary injunction where it appears by clear and convincing evidence that a nuisance within the scope of this chapter is being conducted, maintained or permitted.

(2) Enforcement of preliminary injunction. A preliminary injunction shall be enforced by the Corporation Counsel and the City of Niagara Falls Police Department.

(3) Preliminary injunctions, inventory, closing of premises, posting of order and notices, offenses. If the court grants a preliminary injunction, the provisions of this article shall be applicable.

B. Motion papers for preliminary injunction. The Corporation Counsel shall show, by affidavit and such other evidence as may be submitted, that there is a cause of action for a permanent injunction abating a nuisance within the scope of this chapter.

C. Temporary closing order.

(1) If, on a motion for a preliminary injunction pursuant to this section, the Corporation Counsel shall show by clear and convincing evidence that a nuisance within the scope of this chapter is being conducted, maintained or permitted and that the public health, safety or welfare immediately requires a temporary closing order, a temporary order closing such part of the building, structure or place wherein the nuisance is being conducted, maintained or permitted may be granted without notice, pending order of the court granting or refusing the preliminary injunction and until further order by the court. Upon granting a temporary closing order, the court shall direct the holding of a hearing for the preliminary injunction at the earliest possible time; a decision on the motion for a preliminary injunction shall be rendered by the court at the earliest possible time.

(2) Service of temporary closing order. Unless the court orders otherwise, a temporary closing order, together with the papers upon which it was based and a notice of hearing for the preliminary injunction, shall be personally served, in the same manner as a summons as provided in the Civil Practice Law and Rules.

D. Temporary restraining order.

(1) A temporary restraining order may be granted pending a hearing for preliminary injunction where it appears by clear and convincing evidence that a public nuisance within the scope of this chapter is being conducted, maintained, or permitted and that the public health, safety, or welfare immediately requires the granting of a temporary restraining order. This order shall restrain the defendants and all persons from removing or transferring off the property or in any manner interfering with the fixtures and movable property used in conducting, maintaining or permitting the public nuisance and from further conducting, maintaining or permitting the public nuisance. A temporary restraining order may be granted without notice, pending order of the court granting or refusing the preliminary injunction and until further order of the court. Upon granting a temporary restraining order, the court shall direct the holding of a hearing for the preliminary injunction.

(2) Service of temporary restraining order. Unless the court orders otherwise, a temporary restraining order and the papers upon which it was based and a notice of hearing for the preliminary injunction shall be personally served in the same manner as a summons as provided in the Civil Practice Law and Rules.

E. Temporary closing order; temporary restraining order.

(1) If, on motion for a preliminary injunction, the Corporation Counsel submits evidence warranting both a temporary closing order and a temporary restraining order, the court shall grant both orders.

(2) Enforcement of temporary closing orders and temporary restraining orders. Temporary closing orders and temporary restraining orders shall be enforced by the Corporation Counsel and the City of Niagara Falls Police Department.

F. Inventory upon service of temporary closing orders and temporary restraining orders. The officers serving a temporary restraining order shall forthwith make and return to the court an inventory of personal property situated in and used in conducting, maintaining or permitting a public nuisance within the scope of this chapter and shall enter upon the building, structure or place for such purpose. Such inventory shall be taken in any manner which is deemed likely to evidence a true and accurate representation of the personal property subject to such inventory, including, but not limited to, photographing such personal property.

G. Closing of premises pursuant to temporary closing orders and temporary restraining orders. The officers serving a temporary order shall, upon service of the order, command all persons present in the building, structure or place to vacate the premises forthwith. Upon the building, structure or place being vacated, the premises shall be securely locked and all keys delivered to the officers serving the order who thereafter shall deliver the keys to the fee owner, lessor or lessee of the building, structure or place involved. If the fee owner, lessor or lessee is not at the building, structure or place when the order is being executed, the officers shall securely padlock the premises and retain the keys until the fee owner, lessor or lessee of the building is ascertained, at which time, the officers shall deliver the keys to such owner, lessor or lessee, if such individual resides within Niagara County.

H. Posting of temporary closing orders and temporary restraining orders. Upon service of a temporary restraining order, the officer shall post a copy thereof in a conspicuous place or upon one or more of the principal doors at entrances of such premises where the public nuisance is being conducted, maintained or permitted. In addition, where a temporary restraining order has been granted, the officers shall affix, in a conspicuous place or upon one or more of the principal doors at entrances of such premises, a printed notice that shall state that certain described activity is prohibited by court order and that removal of property is prohibited by court order. If the temporary restraining order directs that the premises are to be closed by court order, the notice shall contain the legend "Closed by Court Order" in block lettering of sufficient size to be observed by anyone intending or likely to enter the premises, The date of the order, the court from which issued and the name of the office or agency posting the notice. Mutilation or removal of such a posted order or such a posted notice while it remains in force, in addition to any other punishment prescribed by law, shall be punishable, on conviction, by a fine of not more than \$1,000 or by imprisonment not exceeding 90 days, or by both, provided such order or notice contains therein a notice of such penalty. The City of Niagara Falls Police Department, or the City of Niagara Falls Department of Code Enforcement shall, upon the request of the Office of Corporation Counsel, assist in the enforcement of this subsection.

I. Intentional disobedience of or resistance to temporary restraining order and permanent injunction. Intentional disobedience of, or resistance to, a temporary restraining order, in addition to any other punishment prescribed by law, shall be punishable, on conviction, by a fine of not more than \$5,000, or by imprisonment not exceeding six months, or by both.

J. Temporary restraining order or preliminary injunction bond required. A temporary restraining order or preliminary injunction shall not issue under this chapter, except upon the giving of a bond or security by the applicant, in the amount of \$1,000, for the payment of such costs and damages as may be incurred or suffered by any party who is found to be wrongfully restrained or enjoined. A bond or security shall not be required of the State of New York, Municipal Corporation, or political subdivision of the State of New York.

§737-9 TEMPORARY RESTRAINING ORDER; DEFENDANT'S REMEDIES.

A. Temporary restraining order to be vacated; inspection provision.

(1) A temporary restraining order may be vacated by the court, upon notice to the Corporation Counsel, when the defendant gives an undertaking and the court is satisfied that public health, safety or welfare will be protected adequately during the pendency of the action. The undertaking shall be in an amount equal to the assessed valuation of the building, structure or place where the public nuisance is being conducted, maintained or permitted or in such other amount as may be fixed by the court. The defendant shall pay to the City, in the event a

judgment of permanent injunction is obtained, its actual costs, expenses and disbursements, including attorney's fees in investigating, bringing and maintaining the action.

(2) An order vacating a temporary closing order, or a temporary restraining order, shall include a provision authorizing agencies of the City to inspect the building, structure or place, which is the subject of an action pursuant to this chapter, periodically without notice, during the pendency of the action, for the purpose of ascertaining whether or not the public nuisance has been resumed. Intentional disobedience of, or resistance to, an inspection provision of an order vacating a temporary restraining order, in addition to any other punishment prescribed by law, shall be punishable by a fine of not more than \$5,000, or by imprisonment not exceeding six months, or by both. The City of Niagara Falls Police Department or the City of Niagara Falls Department of Code Enforcement shall, upon the request of the Office of Corporation Counsel, assist in the enforcement of an inspection provision of an order vacating a temporary restraining order.

B. Vacating a temporary injunction or a temporary restraining order. When the defendant gives an undertaking in the amount of the civil penalty demanded in the complaint, together with costs, disbursements and the projected annual costs of the prosecution of the action to be determined by the court, upon a motion on notice to the Corporation Counsel, a temporary injunction or a temporary restraining order shall be vacated by the court. The provisions of the Civil Practice Law and Rules governing undertakings shall be applicable to this chapter.

§737-10 PRELIMINARY INJUNCTION OF BULK TRANSFER.

A. Generally, pending an action pursuant this chapter, the court may grant a preliminary injunction enjoining a defendant from making a bulk transfer, as defined in this section.

B. If, on a motion for a preliminary injunction of a bulk transfer, the Corporation Counsel shall show by clear and convincing evidence that a public nuisance within the scope of this chapter is being conducted, maintained, or permitted, a temporary restraining order may be granted, without notice, restraining the defendants and all persons from making or permitting a "bulk transfer," as defined in this article, pending order of the court granting or refusing the preliminary injunction and until further order of the court. Application for a temporary restraining order shall be made pursuant to §737-9 of this article.

C. "Bulk Transfer" defined. A "bulk transfer" is any transfer of a major part of the materials, supplies, merchandise or other inventory or equipment of the transferor in the building, structure or place where the public nuisance is being conducted, maintained or permitted that is not in the ordinary course of the transferor's business.

D. Enforcement of preliminary injunction. A preliminary injunction shall be enforced by the Office of Corporation Counsel and by the City of Niagara Falls Police Department.

E. Preliminary injunction; inventory. If the court grants a preliminary injunction, the provisions of the §737-8 of this article shall be applicable.

§737-11 TEMPORARY RECEIVER.

A. Appointment, duration and removal. In any action wherein the complaint alleges that the nuisance is being conducted or maintained in the residential portions of any building or structure or portion thereof, which are occupied in whole, or in part, as the home, residence or sleeping place of one or more human beings, the court may, upon motion on notice by the plaintiff, appoint a temporary receiver to manage and operate the property during the pendency of the action, in lieu of a temporary closing order. A temporary receivership shall not continue after final judgment unless otherwise directed by the court. Upon the motion of any party, including the temporary receiver, or on its own initiative, the appointing court may remove a temporary receiver at any time.

B. Powers and duties. The temporary receiver shall have such powers and duties as the court shall direct, including, but not limited to, collecting and holding all rents due from all tenants, leasing or renting portions of the building or structure, making or authorizing other persons to make necessary repairs or to maintain the property, hiring security or other personnel necessary for the

safe and proper operation of a dwelling, prosecuting or defending suits flowing from his or her management of the property and retaining counsel therefor, and expending funds from the collected rents in furtherance of the foregoing powers.

- C. Oath. A temporary receiver, before entering upon his or her duties, shall be sworn or shall affirm faithfully and fairly to discharge the trust committed to such receiver. The oath or affirmation may be waived upon consent of all parties.
- D. Undertaking. A temporary receiver shall give an undertaking, in an amount to be fixed by the court making the appointment that such receiver will faithfully discharge his or her duties.
- E. Accounts. A temporary receiver shall keep written accounts itemizing receipts and expenditures, and describing the property and naming the depository of receivership funds, which shall be open to inspection by any person having an apparent interest in the property. Upon motion of the temporary receiver, or of any person having an apparent interest in the property, the court may require the keeping of particular records, or direct or limit inspection, or require presentation of a temporary receiver's accounts. Notice of motion for the presentation of a temporary receiver's accounts shall be served upon the sureties on the temporary receiver's undertaking as well as upon each party.

§737-12 CHAPTER NOT EXCLUSIVE REMEDY

This chapter shall not be construed to exclude any other remedy provided by law for the protection of the health, safety and welfare of the people of the City of Niagara Falls.

§737-15 PENALTIES FOR OFFENSES.

- A. Any owner who, having been served with a notice or order to remove any violation of this chapter or any nuisance, fails to comply therewith within the time fixed by law shall be deemed guilty of a violation and upon conviction thereof shall be fined in an amount not exceeding \$250.00, or be imprisoned for a period not exceeding fifteen (15) days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as an offense and shall be punishable as such hereunder.
- B. The term "owner" as used in this section shall include any person or persons deemed to be an owner or owners of property as set forth in Subsection G of Section 737-6 herein.

Violations of this chapter may also be referred to the Department of Code Enforcement or any other appropriate municipal department and be prosecuted pursuant to Codified Ordinances of the City of Niagara Falls.

Bold and Underlining indicate Additions.

Bold and Brackets indicate [Deletions].

Tuesday May 28, 2013 Council Meeting

PRESENTATIONS:

Mayor's proclamation to NFHS student, Breanna Leslie-Skye

Sale of vacant property update - Seth Piccirillo

ADMINISTRATIVE UPDATE:

1. Balloon parcel/downtown - status