

Agenda Item #1

The following claims have been filed in the Office of the City Clerk during the month of February 2012  
The claims were subsequently referred to the Office of the Corporation Counsel.

**NOTICE OF CLAIM**

Wendell, Floyd  
6002 Girard Ave.#A-1

Personal injuries caused by tripping over raised sidewalk

Spanbauer, Mary  
c/o Harris Beach Attorneys At Law

Personal injuries caused by door/gate at Niagara Falls High School

Smith, Helen  
c/o Prathima Reddy Esq.

Personal injuries caused by student riding school bus.

Freeman, Cary  
1468 100<sup>th</sup> St

Automobile caused by misplaced manhole cover.

Marino, Ann & Smeraldo  
c/o Travelers

Property damage caused by city truck.

Martin, Beverly  
c/o Cellino & Barnes

Personal injuries caused by unsafe conditions on sidewalk.

Kajfasz, Stosh  
c/o O'Brien Boyd PC

Personal injuries caused by wrongful identification.

**SUMMONS**

Cornelia at Bushwick LLC,  
c/o Richard G. Berger Attorney

#145860

Agenda Item #2

A1255-001			\$	\$
A012	Vital Statistics		4,664.00	4,664.00
A1255-004			\$	\$
A013	Copies of Records		598.50	598.50
A1255-004			\$	\$
A013	Certificates of Marriage		510.00	510.00
A2501-006			\$	\$
A042	Tour Agency		350.00	350.00
A2501-006			\$	\$
A042	Tour Driver/Guide		50.00	50.00
A2501-016			\$	\$
A047	Stationary Engineers		470.00	470.00
A2542-000		\$	\$	\$
A053	Dogs/NYS Agr.& Mkts	240.00	-	240.00
A2542-000			\$	\$
A053	Additional Dogs		2,596.00	2,596.00
A2545-001	Marriage	\$	\$	\$
A054	License/NYSHD	1,147.50	382.50	1,530.00
A1255-002	Commissioners of		\$	\$
A123	Deeds		15.00	15.00
A2545-010			\$	\$
A128	Petroleum - Retail		630.00	630.00
A2545-010			\$	\$
A128	Petroleum - Storage		900.00	900.00
A2545-010			\$	\$
A128	Petroleum - Wholesale		300.00	300.00
A2545-023		\$	\$	\$
A318	Hunters/NYS DEC RAU	91.64	-	91.64
A2545-023			\$	\$
A318	Hunters Fees		5.36	5.36
A1255-003			\$	\$
A499	Notary Fee		22.00	22.00
A1255-005			\$	\$
A528	Dog Release		550.00	550.00
TA63008			\$	\$
A597	Marriage Performance		850.00	850.00
A1255-006-	Photos/passport-license		\$	\$

A696

36.00

36.00

**TOTAL:**

\$  
1,479.14

\$  
12,929.36

\$  
14,408.50

Check #	<u>57172</u>	NYS Dept.of Arg. & Mkts	\$ 240.00
Check #	<u>57134</u>	NYS Health Department	\$1,147.50
Check #	<u>ET</u>	NYS DEC RAU	\$ 91.64

### Agenda Item #3

Permission is requested to retain Robert Antonucci as a special consultant to the Community Development Department at the rate of \$50.00 per hour, not to exceed \$10,000.00. Mr. Antonucci has been assisting in finalizing the year end Consolidated Annual Performance and Evaluation Report (CAPER) which provides information to HUD concerning the CDBG, HOME and ESG grants. In addition, Mr. Antonucci will be available on an as-needed basis throughout this year to consult with the new director and to provide assistance relating to the Community Development Department.

These services will be provided as an independent contractor. Funds are available to pay for these services in budget line CAD 029 and City budget line CD1 8686.0000.450.500.

Will the Council vote to retain Mr. Antonucci as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

#### Agenda Item #4

The 2011 (July 1, 2011-June 30, 2012) Community Development allocation to the Weed and Seed program was \$30,000, to pay a portion of the salary of the Community Outreach worker. The Community Outreach worker was not hired until January, 2012. This allocation is at CD budget CPS 059 and City budget line CD1.8676.0000.0450.500.

In the past, this program was carried out in conjunction with the Niagara Falls Housing Authority as fiscal agent. The actual activities were supervised by the City's Community Policing Liaison. It appears that the costs in prior years exceeded the grant amounts.

It is proposed that the 2011-2012 allocation used for a portion of the Community Outreach salary be reduced to \$15,000.00. Of the other \$15,000.00, \$7,250.00 shall be used for documented salary and other expenses incurred by NFHA. The balance of \$7,750.00 shall be used for documented program costs, including youth transportation, t-shirts and giveaways, and equipment and supplies dedicated to the program.

Will the Council vote to approve the budget change as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Agenda Item #5

The Community Development Department advertised for proposals for the preparation of an Analysis of Impediments to Fair Housing Choices. This analysis is required for the City's CDBG and HOME federal grants.

The following proposals were received:

Robert Silverman, Ph.D. UB Dept of Urban and Regional Planning.....	\$71,144.00
Planning/Communications River Forest, Il .....	\$32,500.00
Mullin & Lonergan Associates Incorporated Pittsburgh, PA .....	\$20,800.00

It appears that Mullin, Lonergan Associates has the capabilities to perform this analysis for the City. The firm has conducted a substantial number of similar analyses throughout the country. The price includes all necessary travel, copying and other expenses.

Funds are available to pay for this in budget line CAD 029 and City budget line CD1 8686.0000.450.500.

Will the Council vote to approve hiring Mullin & Lonergan Associates Incorporated as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

## Agenda Item #6

The Police Department has received a State Grant in the amount of \$30,245.00 under the Eliminate Violence Against Women Program. The term of this grant is from March 31, 2012 to December 31, 2012 and no City match is required.

Will the Council approve acceptance of this Grant and authorize the Mayor to execute any documentation in a form acceptable to the Corporation Counsel?

## Agenda Item #7

National Grid is in the process of preparing the appropriate easements so that it may commence work on installing lights in the right-of-way to be owned by the City as per the lighting plan in place. Pending the installation of permanent lights, it is recommended that ten (10) temporary lights be obtained and located in various places as determined by the Director of DPW or his designee. The cost of these temporary lights is \$250.00 per month per light for four (4) months for a total cost of \$10,000.00. It is estimated that the cost of fuel for that period of time as a power source will be \$27,000.00. The total cost will not exceed \$37,000.00. Funding is available from the DPW salt budget line. The City is undertaking this measure in response to what is perceived to be an emergency situation. Efforts will be undertaken to recover all or a portion of this cost from third parties.

Will the Council so approve?

Agenda Item #8

Council Members:

I hereby reappoint the following to the Niagara Falls Library Board:

<u>Reappointment:</u>	<u>Term Expires:</u>
Dolores Marino 3202 Ontario Avenue Niagara Falls, NY 14305	12/31/2016

Will the Council so approve?

## Agenda Item #9

It is requested that the City combine the Human Resources Department with the Equal Employment Opportunity & Workforce Diversity Office. These two (2) departments work closely together. This request is being made in an effort to increase efficiency and at the same time achieve a cost savings. The Director will oversee the Civil Service Division, the Personnel Division and the Equal Employment Opportunity Division. The attached organizational chart reflects the proposed division of labor and the attached budget worksheet shows salaries with some adjustments which will result in a savings to the City of approximately \$72,000.00.

Will the Council so approve?

Agenda Item #10

Please be advised that Mayor Paul A. Dyster, on March 6, 2012, duly approved the following:

Resolution 2012-18, relative to Adopting Chapter 929 of the Codified Ordinances  
Entitled “Natural Gas Extraction Prohibition and Prohibition against storage, transfer,  
Treatment or disposal of Natural Gas Exploration and Production Wastes.”

Agenda Item #11

WHEREAS, Reeds Jewelers was opened in Niagara Falls in 1912. In 1916, Reeds opened a second store in Niagara Falls. This second store opened on Falls Street in the heart of downtown Niagara Falls. For the succeeding twenty years, Reeds conducted its business from these two locations; and

WHEREAS, Since then, the company has grown to ten stores in four states. Jeness Décor has served the home décor, collectible and bridal registry needs of countless Western New Yorkers for over 100 years; and

WHEREAS, The owners of Reeds Jewelers and Jeness Décor combined forces to establish a one-stop shop for jewelry, giftware and collectibles. In 2007, Jeness Décor won the National Best Promotion Award and in 2008, they won the National Store Design Award.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council congratulate Reeds Jewelers and Jeness Décor and wish them continued success.

## Agenda Item #11

WHEREAS, The New Hope Baptist Church, located at 1122 Buffalo Avenue in Niagara Falls, New York, is celebrating its 75<sup>th</sup> Anniversary this week; and

WHEREAS, The New Hope congregation moved from McKenna Avenue to Erie Avenue to its current location on Buffalo Avenue. The brick structure is the spiritual home to more than a couple hundred congregants along with a sense of family that pervades the New Hope Community; and

WHEREAS, The church's outreach programs touch all members of the community who are in need, from scholarships to students, choirs that perform in nursing homes, pick-up service for Sunday worship, a "Clothes Closet" for those in need, and Saturday meals delivered to shut-ins. The women's fellowship makes care baskets for the sick and shut-ins and the needy throughout the year and during the holidays. The men's fellowship delivers the baskets; and

WHEREAS, these efforts are what makes the church community feel so connected. "We feel it's part of our mission to improve the quality of life for all people in Niagara Falls. New Hope has something to celebrate, being here in the city doing the work of the Lord for 75 years," said Pastor Rev. Harvey L. Kelley.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council congratulate New Hope Baptist Church, Pastor Rev. Harvey L. Kelly and all the church members, celebrating their 75<sup>th</sup> Anniversary in the City of Niagara Falls, New York.

Agenda Item #13

BE IT RESOLVED, that the following individual is hereby reappointed to the  
Municipal Civil Service Commission for the expiration date of which appears opposite  
his name:

RE-APPOINTMENT

TERM EXPIRES:

John Fiori, Sr.  
1529 Pierce Avenue  
Niagara Falls, NY 14301  
284-6163

5/31/2017

Agenda Item #14

**WHEREAS**, City of Niagara Falls Empire Zone and Minority Business Coordinator Clara Dunn and Renewal Community Coordinator Thomas Tedesco were hired by the City of Niagara Falls for work with the NFC Development Corporation on June 5, 1989 and August 9, 1994, respectively; and

**WHEREAS**, while working for the NFC Development Corporation, Ms. Dunn and Mr. Tedesco worked under the direction of the City's Directors of Community Development, in furtherance of the City's development mission; and

**WHEREAS**, during the period from 1991 through September 1997, Ms. Dunn was paid directly by the City of Niagara Falls and therefore received retirement credit for this time period from the New York State and Local Retirement System. Likewise, Mr. Tedesco was paid and credited in the same manner from his date of hire through September 1997; and,

**WHEREAS**, from September 1997 through April 2008, Ms. Dunn and Mr. Tedesco were paid directly by the NFC Development Corporation, despite performing the same job functions as when they were directly paid by the City. Since the NFC Development Corporation does not participate in the New York State and Local Retirement System, Ms. Dunn and Mr. Tedesco have not received any retirement system credit for the period between September 1997 and April 2008; and,

**WHEREAS**, Clara Dunn and Thomas Tedesco are now seeking retirement system credit for the time period in question, and

**NOW, THEREFORE, BE IT RESOLVED** that the Niagara Falls City Council supports the application of Clara Dunn and Thomas Tedesco which seeks retirement credit from the New York State and Local Retirement System for the periods of September 1997 through April 2008.

**BE IT FURTHER RESOLVED**, that the Niagara Falls City Council requests that Ms. Dunn and Mr. Tedesco receive retirement credit from the New York State and Local Retirement System commencing with their original dates of hire by the City, i.e. June 5, 1989 in the case of Ms. Dunn and August 9, 1994 in the case of Mr. Tedesco, consistent with a resolution adopted by the Niagara Falls City Council on April 21, 2008, a copy of which is attached hereto, which considered their employment history and status, and granted Ms. Dunn City benefits retroactive to her original date of hire which was June 5, 1989 and Mr. Tedesco City benefits retroactive to his original date of hire which was August 9, 1994; and

**BE IT FURTHER RESOLVED**, that should The Retirement System approve the application of Ms. Dunn and Mr. Tedesco, the City shall pay the amount due for the City's contribution to the Retirement System on behalf of Ms. Dunn and Mr. Tedesco, recognizing that both individuals will be obligated to pay whatever amount is due on their behalf towards their retirement contribution.

Agenda Item #15

**WHEREAS**, this City Council has been made aware of communications being sent from the regional office of the New York State Office of Parks, Recreation & Historic Preservation (“State Parks”) directing the removal of a certain newly installed sign on a business, citing a violation of Section 13.07 of the Parks, Recreation & Historic Preservation Law, a law enacted 50 years ago, because this sign was erected without the benefit of a permit issued by State Parks which involves businesses located within 500 feet of a State Park; and

**WHEREAS**, this City Council believes that there are numerous signs in close proximity to the state park in Niagara Falls, New York which are located within 500 feet of the state park for which permits have not been issued by State Parks; and

**WHEREAS**, this City Council believes that the enforcement of this antiquated law by State Parks will have a significant adverse affect on the development of businesses in downtown Niagara Falls, New York; and

**WHEREAS**, this City Council believes that it is important for a business, especially a business in downtown Niagara Falls, to have adequate signage on the exterior of its business so that visitors to the area can see that the business exists and is located where it is.

**NOW, THEREFORE, BE IT RESOLVED** that this City Council supports the installation of signs by businesses on the exterior of their businesses identifying their location in the City of Niagara Falls, particularly in the downtown area, provided appropriate permits have been issued by the City of Niagara Falls; and

**BE IT FURTHER RESOLVED**, that this City Council requests that State Parks rescind any direction it has recently given any business within 500 feet of the State Park location to remove their signs and not commence any enforcement activity based upon a state law that was enacted some 50 years ago; and

**BE IT FURTHER RESOLVED**, that a copy of this City Council resolution be forward to the New York State Office of Parks, Recreation & Historic Preservation, Niagara Frontier Region, to the attention of Mark W. Thomas, Director, Western District.

Agenda Item #16

**WHEREAS**, the City Council of the City of Niagara Falls has the utmost respect and admiration for those men and women who have chosen to serve our city and its residents as members of the Niagara Falls Fire Department; and

**WHEREAS**, said individuals protect life and property every single day in the City of Niagara Falls, often having to abandon care or concern for their own well being and safety; and

**WHEREAS**, in 2009, New York State hastily enacted legislation creating a new Tier V retirement plan for public employees who participate in the state retirement system, including members of the City of Niagara Falls Fire Department; and

**WHEREAS**, the Tier V legislation inadvertently included a clause that unintentionally and adversely affected new hires to the City of Niagara Falls Fire Department effective July of 2009 causing new hires to go without the benefit of the long recognized and adhered to “non-contributory” agreement which had heretofore been afforded members of fire departments statewide in recognition of the peril they face on a daily basis in service to those in need; and

**WHEREAS**, this consequence punitively applied to new hires due to the absence of a current and effective collective bargaining agreement between the City of Niagara Falls and the members of the City of Niagara Falls Fire Department; and

**WHEREAS**, currently before both houses of the state legislature, a bill has been proposed and supported by members of the Western New York delegation to grant equity and fairness to those mistakenly and wrongfully affected by the aforementioned Tier V legislation. It has been acknowledged that the results, as they pertain to the members of the Niagara Falls Fire Department, were indeed mistakenly punitive and unintended; and

**WHEREAS**, on July 11, 2011, this Honorable Body adopted a Home Rule Message requesting swift passage of both bills in the New York State Assembly and Senate. Pursuant to NYS Assembly and Senate Rules however, the City of Niagara Falls must pass a new Home Rule Message in support of these bills because the previous Home Rule Message that was passed expired at the end of the 2011 calendar year.

**NOW THEREFORE BE IT RESOLVED**, that this honorable body does hereby recognize, acknowledge and support Assembly Bill (A.5564.A) and Senate Bill (S.5378) and its passage to correct and offer the benefits sought by said bills. This honorable body also requests that the rights and privileges reserved by the City of Niagara Falls and guaranteed by the State of New York as stated by Home Rule Law, be recognized and adhered to in this instance; and

**BE IT FURTHER RESOLVED**, that the City Council of the City of Niagara Falls does hereby request swift passage of said bills in both the Assembly and Senate and additionally requests approval from the Governor of the State of New York. Certified copies of this Home Rule request be forwarded to the NYS Governor Andrew Cuomo; Assembly Speaker Sheldon Silver; Senate Majority Leader Dean Skelos; Assemblyman Dennis Gabryszak; Senator Dennis Gallivan; Chair of the Governmental Employees Committee, Assembly Peter J. Abbate, Jr.; and Chair of the Civil Service and Pensions Committee Senator Martin Goldman; and

**BE IT FURTHER RESOLVED**, that the Clerk of this Council is directed to complete and certify the Home Rule Requests and to forward copies to the New York State Legislature as required.

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1137 of the Codified Ordinances entitled "Landlord Rental and Property Owner Registration" is hereby amended as attached hereto:

**CHAPTER 1137**

**LANDLORD RENTAL AND PROPERTY OWNER REGISTRATION**

1137.01 Purpose	1137.04 Property Registration	
1137.02 Enforcement Offenses	1137.05 Penalties	for
1137.03 Definitions	1137.06 Severability	

---

1137.01 PURPOSE

The purpose of this Chapter is to establish a procedure and standards for the identification and registration of rental properties and unoccupied properties, to ensure that the City has a meaningful, efficient and effective means of communicating with those persons and companies who own rental properties and unoccupied properties. This Chapter is adopted to promote the health and safety of tenants and to alleviate conditions of substandard housing, including slums and blight.

1137.02 ENFORCEMENT

This Chapter shall be enforced by the Director of Code Enforcement, or his designee.

1137.03 DEFINITIONS

As used in this Chapter, these terms shall have the meanings indicated as follows:

ACTION or PROCEEDING - Any action or proceeding which may be instituted in the City Court of the City of Niagara Falls or the County Court of the County of Niagara or the Supreme Court of the County of Niagara or any court of competent jurisdiction with an alleged violation of any ordinance or law of the City of Niagara Falls.

BUILDING - Any improved real property, residential or mixed use (commercial-residential), located within the City of Niagara Falls, that is nonowner occupied or is improved and unoccupied.

CHANGE IN OCCUPANCY - Whenever a tenant shall move from, vacate or quit willingly or otherwise or express the firm intent to vacate or quit a rental unit.

DIRECTOR - The Director of Code Enforcement of the City of Niagara Falls, New York.

IDENTIFICATION OF BUILDING - It is required that the house number be placed on the building in a conspicuous place.

LANDLORD AND PROPERTY OWNER REGISTRATION STATEMENT - A form created by the Director and distributed to the owner of rental property and unoccupied property in accordance with standards and requirements set forth in this Chapter.

OWNER - Any individual or individuals, partnership or corporation or any similar type business organization, whether for profit or otherwise, in whose name title to a building stands, including a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of the property.

REGISTRATION 2

PROCESS - A summons, complaint or any notice, mandate or any other paper process issued under any provision of the Codified Ordinances of the City of Niagara Falls or any law or regulation of the State of New York.

RENTAL PROPERTY - Includes all properties which are either rented, leased, let or hired out to be occupied for residential or mixed used (commercial-residential), and are nonowner occupied. For any rental property to be considered owner occupied, the owner must prove that at least one (1) owner, partner, or shareholder of a corporation actually has his or her principal residence at the rental property and reside therein on a full-time basis, it being the actual domicile of that owner, partner, or shareholder. At the request of the City of Niagara Falls, any owner who claims to occupy the rental property shall provide a sworn affidavit providing the necessary information to support his or her claim that the premises are owner occupied.

RENTAL UNIT - A residential unit occupied by a party other than an owner.

RESIDENTIAL UNIT - One or more rooms with provision for sanitary and sleeping facilities, for food preparation, for living and for working.

TENANT - A party whose right to possession of a rental unit is subject to the express or implied consent of the owner.

UNOCCUPIED PROPERTY - Any improved real property that is not occupied by the owner or a tenant.

1137.04 PROPERTY REGISTRATIONA. REGISTRATION OF OWNER.

1. The owner of a building constituting a rental property or unoccupied property shall register the same with the Director within 60 days of the effective date of this Chapter on a form approved by the Director. Any owner subject to this Chapter acquiring a building after July 1, 2010 which is a rental property or unoccupied property shall register the same with the Director within ~~60~~ 30 days of acquisition on a form approved by the Director. **The fees for registration are set forth in Section 15 of this Chapter.** This form shall be known as a "Landlord and Property Owner Registration Statement" which shall be signed by the owner. A Landlord and Property Owner Registration Statement shall be completed and filed for each building constituting a rental property or unoccupied property. (Amended September 9, 2010)

2. It shall be unlawful for any owner to offer any unit for rent, or to rent any unit, or to allow any rental unit to be occupied without having first registered pursuant to this Chapter as required herein within the time prescribed for such registration. Failure to receive notice of the registration deadline will not excuse failure to register within the time prescribed for such registration. Failure to receive notice of the registration deadline will not excuse failure to register rental property. It is the owner's responsibility to fulfill the requirements of this Chapter.

3. In the event the building which is the subject of the Landlord and Property Owner Registration Statement is not used for a use consistent with the legal use reflected in the office of the Director, the owner shall take immediate action to conform the Building to the legal use reflected in the office of the Director.

## B. LANDLORD AND PROPERTY OWNER REGISTRATION STATEMENT

1. Every owner of a rental property or an unoccupied property shall file with the Director within 60 days after the effective date of this Chapter or within ~~60~~ **30** days following acquisition of a rental property or unoccupied property, whichever is applicable, a Landlord and Property Owner Registration Statement on a form to be supplied by the Director, containing the following: (Amended September 9, 2010)

a. A description of the premises by street number, a legal description of the premises, and section, block and lot number, including tax identification number.

b. The owner's name, date of birth, residential address, and mailing address, together with his/her business telephone number, home telephone number, fax number, and e-mail address or, if such owner is a corporation, the name and address of such corporation, its employer identification number and the name, date of birth, residence, business address, together with the residence and business telephone numbers, fax numbers and e-mail addresses of at least two officers of the corporation responsible for management of the rental property or, if the owner is a limited liability company, the name, business address, business telephone number, fax number and e-mail address of the limited liability company, and the name, date of birth, residence, business address, residence and business telephone numbers, fax number and e-mail address of the manager of the limited liability company, or if the owner is a partnership, the name, date of birth, address, residence and business telephone numbers, fax number and e-mail address of the individual partners.

c. Designation of local agent. In the event the owner does not reside in Niagara County, New York, or Erie County, New York, the owner must designate a local agent. If a local agent is required, then the owner shall provide the following information to the Director: the name, date of birth, residence and business address and telephone numbers, fax number and e-mail address of a natural person, 18 years of age or over, who actually resides within the County of Niagara, New York, and who shall be designated by such owner as a local agent responsible for and in control of the rental property, and who shall be designated as the person upon whom process may be served on behalf of the owner. The local agent and/or owner shall keep a current record of all the tenants, and their names and addresses, who are renting, leasing or living in the premises. There shall be endorsed upon such statement a written consent to such designation signed by such local agent and such local agent shall also consent to be subject to the jurisdiction of any applicable court of law. (Amended September 9, 2010)

d. The owner shall be obligated, at all times, to keep this information updated, and when there is a change in the local agent, or any other material change, the owner shall be obligated to update the information by amending the Landlord Registration Statement within 15 days from the date of any such change. (Amended September 9, 2010)

e. Nothing contained in this section shall be construed as preventing a corporation, limited liability company or partnership which is an owner of real property from designating as its local agent with respect thereto any officer of such corporation, manager or partner who meets the requirements of this subsection as to location of the residence

or the place of transacting business of the local agent.  
(Amended September 9, 2010)

f. Any designation as local agent made pursuant to the provisions of this section shall remain in full force and effect until changed or terminated as hereinafter provided.  
(Amended September 9, 2010)

g. Insurance information, if any. (Added September 9, 2010)

1137.04

LANDLORD RENTAL AND PROPERTY OWNER

REGISTRATION 4

2. Upon completion and execution and submission of the Landlord and Property Owner Registration Statement as aforesaid, said registration statement shall be reviewed by the Director or his designee for adequacy. Should the Director determine that said registration statement is incomplete, defective or untruthful for any reason, said registration statement shall be marked "rejected" and returned to the owner. A rejected registration statement shall not be deemed compliance with the requirements of this Chapter.

3. An approved Landlord and Property Owner Registration Statement shall be required and shall be a condition precedent before the owner may rent any unit contained in the rental property.

4. Where, after filing of any Landlord and Property Owner Registration Statement in relation to any rental property under the applicable provisions of this Chapter, the owner of such property shall have granted or transferred his/her right, title or interest therein or in any part thereof, the new owner shall file with the Director at the time of transfer a Landlord and Property Owner Registration Statement pursuant to the requirements of this Chapter.

5. Any designation of the local agent made pursuant to the applicable provisions of this section shall cease to be effective if such agent shall die or be judicially declared incompetent. (Amended September 9, 2010)

6. An owner may terminate such local agent designation by filing with the Director a written statement designating a new local agent made in conformity with the provisions herein above cited. (Amended September 9, 2010)

7. Any Landlord and Property Owner Registration Statement or designation of a local agent required to be filed with the Director by any owner of a rental property or unoccupied property under the provisions of this section shall be signed by such owner, or if such owner is a corporation, by an authorized officer thereof, or if such owner is a partnership, by a partner thereof, or if such owner is a limited liability company, by the manager. (Amended September 9, 2010)

8. Any such Landlord and Property Owner Registration Statement or designation of a local agent shall be deemed prima facie proof of the statement therein contained, in any criminal or civil prosecution instituted by the City of Niagara Falls or by any proper prosecutorial agency against the owner or local agent of a rental property or unoccupied property. (Amended September 9, 2010)

9. It shall be unlawful for any owner to permit the occupancy of any rental unit subject to this Chapter, unless such owner has a current, valid Landlord and Property Owner Registration Statement on file with the Director. It shall also be unlawful for any owner to own unoccupied property subject to this Chapter, unless such owner has a current, valid Landlord and Property Owner Registration Statement on file with the Director.

10. This Chapter shall apply to all buildings in the City of Niagara Falls which contain a rental unit or rental units or which are unoccupied property.

11. The Landlord and Property Owner Registration Certificate shall be valid for a period of two (2) years or until such time that there is a change in ownership, unless the Director revokes such permit pursuant to 1137.04(B)(14).

12. RENEWAL.

~~No less than~~ Within thirty (30) days ~~and no more than sixty (60) days~~ prior to the expiration of a Landlord and Property Owner Registration Statement, the holder of such registration statement shall file with the Director a new and separate Landlord and Property Owner Registration Statement to obtain a new Landlord and Property Owner Registration Statement. Failure to obtain a renewal Landlord and Property Owner Registration Statement for an occupied rental unit or for unoccupied property shall be treated as a violation of 1137.04(B) of this Chapter. The fee to renew a Landlord and Property Owner Registration Statement is contained in Section 15 of this Chapter. (Amended September 9, 2010)

13. REVOCATION.

A. The Director may revoke a Landlord and Property Owner Registration Statement after written notice to the owner and local agent, if any, that the requirements of this Chapter or any conditions of said Landlord and Property Owner Registration Statement have been violated. (Amended September 9, 2010)

B. Whenever the Director revokes the Landlord and Property Owner Registration Statement, he shall serve the owner and local agent, if any, with a written notice of revocation which shall include a statement of the grounds for revocation and a statement of particulars specifying in what respect the rental unit or building in which it is located or unoccupied property is in violation. Written notice may be served by personal delivery or certified mail, return receipt requested, to the owner and local agent, if any, addressed to the last known address on file with the Director. Notice will be deemed given when delivered to the owner or local agent, if any, or by depositing same in a postpaid properly addressed wrapper in an official depository under the exclusive care and custody of the United States post office department within the State of New York. (Amended September 9, 2010)

C. In the event that any building subject to this Chapter is condemned for occupancy, any Landlord and Property Owner Registration Statement shall be deemed revoked.

D. The owner or local agent, if any, shall have 15 days from the day when notice is given within which to remedy any violations specified in the notice of revocation. In the event such violations are not remedied to the satisfaction of the Director within the 15 day period, the Landlord and Property Owner Registration Statement shall be deemed revoked. (Amended September 9, 2010)

14. Building permits of any nature shall not be issued for work regarding buildings subject to this Chapter unless and until a valid Landlord and Property Owner Registration Statement is on file with the Director.

15. FEES.

The fee to file a Landlord Rental and Property Owner Registration Statement and the fee to renew a Landlord Rental and Property Owner Registration Statement for all buildings subject to this Chapter and all unoccupied property subject to this Chapter, shall be as follows: (Amended September 9, 2010)

Buildings and unoccupied property containing one (1) or two (2) rental units	\$25.00
Buildings and unoccupied property containing three (3) or more rental units	\$40.00

Notwithstanding the foregoing, required fees shall be waived for owners of buildings and unoccupied property subject to this Chapter who register with the Director within 60 days of the effective date of this Chapter.

**In the event the fee to file or renew a Landlord Rental and Property Owner Registration Statement is not paid by the Owner in a timely fashion, late fees are due and payable pursuant to the following schedule:**

- a. **After the due date a late fee of Fifty Dollars (\$50.00) shall be due and owing.**
- b. **In the event the Owner is at least 60 days late in filing but no more than 120 days late in filing, a late fee of Two Hundred Dollars (\$200.00) shall be due and owing.**
- c. **In the event the Owner is at least 121 days late in filing but no more than 150 days in filing, a late fee of Seven Hundred Fifty Dollars (\$500.00) shall be due and owing.**
- d. **In the event the Owner is at least 151 days late in filing but no more than 200 days late in filing, a late fee of Seven Hundred-Fifty Dollars (\$750.00) shall be due and owing.**
- e. **After 201 days, a late fee of Twelve Hundred Dollars (\$1,200.00) shall be due and owing.**

**At such time as the Owner files or renews a Landlord Rental and Property Owner Registration Statement for a rental property or unoccupied property subject to this Chapter any unpaid registration fees for all delinquent registration periods for that rental property or unoccupied property, together with late fees, shall be due and owing.**

**Unpaid registration fees and late fees shall be a lien on the rental property or unoccupied property subject to this Chapter.**

16. EFFECTIVE DATE.

This Chapter shall be effective May 1, 2010.

1137.05 PENALTIES FOR OFFENSES.

A failure to register any unoccupied property or rental property required to be registered under this Chapter shall be a violation, and any person or entity convicted of such violation shall be punished as follows:

1. Upon the first conviction, a fine of not less than \$250, but not exceeding \$500; and

1137.05

2. Upon a second such conviction within a twelve-month period, a fine of not less than \$500, but not exceeding \$2,500.

1137.06 SEVERABILITY.

If any article, section, subsection, paragraph, sentence, clause or provision of this Chapter shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the article, section, subsection, paragraph, sentence, clause or provision thereof directly involved in the controversy in which such judgment shall have been rendered.