

Item #2

This year and in past years, the City received state grant funding for an entrepreneurial training program. This year's funding will allow us to conduct two sessions. The first session, an entrepreneurial training program, was conducted by Niagara University, acting by and through its Community Outreach Partnership Center. Rather than present identical sessions, a different type of training is proposed. Job force training will concentrate on unemployed or underemployed individuals, and will train those students in the technical skills and strategies that will enable them to attain and sustain gainful employment in the construction industry.

The job force training will commence this fall and conclude in the spring. The cost is \$18,000.00 for an enrollment of 10 students. The cost includes all course materials, facility costs and all other expenses related to the program. The sessions will be conducted by MRBS, Inc., a Buffalo company which successfully conducted these types of sessions. The sessions will be held at the Doris Jones Resource Center and at other sites in the City appropriate for hands on training.

Will the Council vote to approve the Job Force Training agreement as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Item #3

The following bids were received by the Department of Community Development on September 23, 2010 for the demolition of fourteen (14) structures identified below:

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Mark Cerrone, Inc.	\$263,984
Niagara Frontier Services	\$269,200
C&R Housing	\$309,794
Villani's Lawn Service	\$324,600
Empire Dismantlement	\$360,100
Metro Contracting & Environmental, Inc.	\$375,000

Demolition Contract CD2010-3

- | | |
|-----------------------------|--------------------------|
| 1. 1324 Ashland Avenue | 8. 1132 Linwood Avenue |
| 2. 46 Duane Avenue | 9. 1319 Linwood Avenue |
| 3. 1148 Garden Avenue | 10. 1141 Michigan Avenue |
| 4. 2015 Independence Avenue | 11. 1336 Michigan Avenue |
| 5. 1124 ½ Linwood Avenue | 12. 1367 Michigan Avenue |
| 6. 1128 Linwood Avenue | 13. 1122 Willow Avenue |
| 7. 1130 Linwood Avenue | 14. 1122 ½ Willow Avenue |

It is our recommendation that a contract be awarded to the low bidder, Mark Cerrone, Inc. at their base bid amount of \$263,984. Funding is available in budget code CD1.8666.0000.0450.500.

Will the Council vote to award contract CD2010-3 to Mark Cerrone, Inc. and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Item #4

We respectfully request you award the above referenced bid as follows:

TO: Biel's Information Technology Systems
1201 Indian Church Road
Buffalo, NY 14224

FOR: Indexing and scanning Police Department crime index cards

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to five (3) vendors. Five (5) bids were received. The above referenced bidder submitted the lowest price to meet our specifications.

Funds for this expenditure are available in the Capital budget code:
H0629.2006.0629.0449.599.

Item #5

As a result of the upcoming retirement of an individual who has the position of Administrative Assistant in the Risk Management Division of the Department of Law there is an opportunity to reclassify that position to the title of Administrative Aide - Law. The Municipal Civil Service Commission has already approved the reclassification. If approved, the reclassification will take place on November 1, 2010. The savings will be approximately \$2,769.00 for year 2010 and will approximate \$16,618.00 in 2011. These savings take into consideration benefits, etc.

Will the Council so approve?

In 1969, the City and the Niagara Falls Housing Authority entered into an agreement to construct the LaSalle Facility.

The original term of the agreement was 40 years.

Attached is a proposed amendment to the agreement which would extend the term to December 31, 2039.

Will the Council so approve and authorize the Mayor to execute same?

This Amendment dated the ___ day of September, 2010, by and between the Niagara Falls Housing Authority, a public corporation organized under the laws of the State of New York hereinafter referred to as the "Authority", and the City of Niagara Falls, a municipal corporation of the State of New York, herein after referred to as the "City".

WHEREAS, the Authority and the City entered into an Agreement dated the 19th day of June 1969 to undertake the construction and operation of the "LaSalle Community Facility"; and

WHEREAS, this Agreement was for a term of 40 years; and

WHEREAS, the Authority and the City are desirous of amending said Agreement.

NOW THEREFORE, in consideration of the forgoing and other conditions and covenants contained herein, it is agreed as follows:

- A. Paragraph #1 of the June 19, 1969 Agreement is amended to read as follows:
 - 1. The Authority does hereby let and lease to the City the above described premises for a period of 70 years ending on December 31, 2039 and the City does hereby accept these premises (commencing with date of award of building contract).
- B. Paragraph #3 and all references to it are deleted as the building has been torn down.
- C. All terms and conditions of the June 19, 1969 Agreement not changed by this Amendment will remain in full force and effect.
- D. The City represents and warrants that no events of default have occurred or are continuing under the June 19, 1969 Agreement.

IN WITNESS WHEREOF, the parties hereto have caused their duly authorized officers to execute and attach the corporate seals here under:

ATTEST:

Niagara Falls Housing Authority
By: _____

ATTEST:

City of Niagara Falls, New York

By: _____
Mayor

Item #7

RELATIVE TO THE BUDGET MEETING SCHEDULE

BY: Council Chair Sam Fruscione

BE IT RESOLVED, By the City Council of the City of Niagara Falls, New York, that it hereby schedules Budget Meetings to commence at 4:00pm in the Council Chambers on:

October 14, 20, 21, 26; and November 17, 18 and 23.

RELATIVE TO HONORING TOM AND LOUISE YOTS



BY:

**Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker**

WHEREAS, Tom and Louise Yots, owners of the Park Place Bed and Breakfast in Niagara Falls, New York, will be leaving the Niagara area in the near future; and

WHEREAS, the Bed and Breakfast is a Niagara Falls Local Historic Landmark and is on the New York State and National Registers of Historic Places. Tom and Louise have always been involved in improving their community; its character and its sense of community and its history. They assisted the YWCA of Niagara in turning the property of Carolyn's House into supportive housing for formerly homeless women and children. Because of their efforts in making Carolyn's House a reality, Tom and Louise received the 2007 Supportive Housing Network of New York Outstanding Neighbors of the Year award; and

WHEREAS, Tom and Louise were members of the Center City Neighborhood Development Corporation. Tom was the City Historian and a previous Chair of the Niagara Falls Historic Preservation Commission. He co-authored "The Power Trail: History of Hydroelectricity at Niagara" which is a history of the development on hydroelectric power on the Niagara Frontier. Louise was the coordinator for the Niagara Greeters Program which promotes the regions many attractions and offerings and the recipient of the 2010 Niagara Gazette Women of Distinction award. Louise was a familiar face at the Niagara Falls City Hall where she decorated the Annual Christmas Tree as well as the entire first floor with the most creative and beautiful Seasonal ornaments and decorations. She also participated in the Annual Christmas Tree lighting and helped to coordinate the entertainment for this popular event.

NOW THEREFORE BE IT RESOLVED, that the members of the City Council of the City of Niagara Falls honor and recognize the efforts and achievements of Tom and Louise Yots and wish them the best in their future endeavors.

RESOLUTION RELATIVE TO TECHNICAL AMENDMENTS
TO "ZONING ORDINANCE"

By: Council Chairman Samuel Fruscione

WHEREAS, at its July 13, 2009 meeting the City Council adopted a new Zoning Ordinance; and

WHEREAS, the Planning Board has recommended that the Council adopt certain technical amendments to the Zoning Ordinance as outlined on the attached summary (Attachment A) and set forth in full on Attachment B.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby adopt the attached changes to the Zoning Ordinance Table of Contents, Chapter 1303, Chapter 1321, Chapter 1324, Chapter 1328 and Schedules 10 and 11 as set forth on Attachment B.

ATTACHMENT A

**SUMMARY OF TECHNICAL AMENDMENTS
TO ZONING ORDINANCE**

SECTION	CHANGE	RATIONALE
Table Contents (1321.11)	Replace "Fence in Residential District with "Fence Heights"	Refer to 1321.11
Table Contents Schedule 10	Addition of "Schedule 10: Sight Triangles"	New schedule for greater clarity
Table Contents Schedule 11	Addition of " Schedule 11: Fence in Residential District"	New schedule for greater clarity
1303.2.4	Move Family Day Care definition to 1303.2.6 and change reference to "These terms shall be defined in 18 N.Y.R.C. Subchapter C, Article 2."	Correct reference
1321.4A	Replace "20%" with "15%"	Comply with building code
1321.8	Replace "enclosure of any part of the sides thereof that extend into the front yard that is higher than 2 feet 6 inches" with "guard rail or wall exceeding 3 feet 6 inches in height."	Provide greater clarity to text and modify requirement as per Inspections Department recommendation
1321.9	Delete prior text and change to "No fences, signage, hedge, wall, retaining wall, structure or landscaping display shall be permitted over four feet (4') in height above the adjacent sidewalk, or if none, the adjacent street within the sight triangle. The sight triangle shall have dimensions of six feet (6') for each leg as measured from the intersection of any property line and/ or the driveway and more specifically as illustrated on Schedule 10."	Provide greater clarity
1321.10.1C	Replace "four feet (4')" with "six feet (6')"	Comply with building code

1321.10.1D	Delete prior text and change to "An accessory building, detached or attached to a main building in no other manner than by a breezeway or covered passageway with open or latticed sides, shall not exceed a maximum height of twelve feet (12') for a flat roof or sixteen feet (16') for a roof of any other type and shall occupy no more than thirty percent (30%) of the rear yard."	Provide greater clarity as per Inspections Department
1321.10G	Remove "Accessory garage shall not exceed 525 square feet in total."	Size dimensions to be regulated in new 1321.10.1H

SECTION	CHANGE	RATIONALE
1321.10.1H	Addition of "Accessory building shall not exceed 1000 square feet in area and no one horizontal dimension may exceed thirty six feet (36') in length."	Prior 525 sq ft requirement too restrictive for two and three car garages. Proposed regulation as per Inspections Department recommendation
1321.11	Change title "Fence in Residential District" to "Fence Heights"	Section redrafted to provide regulations for other districts
1321.11.1	Delete prior fence regulation and replace with "Fence in Residential District (Refer also to 1321.9 for Sight Triangle requirements) A: Fence in Front Yard: Maximum height of four feet (4') B: Fence in Rear Yard: Maximum height of six feet (6') except on corner lots where the maximum height shall be four feet (4') for that part of the rear yard which is adjacent to the street, and abuts the front yard of an adjacent property as illustrated on Schedule 11 C: Fence in Side Yard: Maximum height of six feet (6') except on corner lots where the maximum height shall be four feet (4') for the side yard adjacent to the street	Provide greater clarity for fence heights
1321.11.2	Addition of "Fence in Industrial District No fence or wall shall exceed eight feet (8') in height. No barbed wire shall be used less than six feet above grade in or upon any fence or other structure. Refer also to 1321.9."	New subsection to comply with Chapter 1135.01 of the city ordinance
1321.11.3	Addition of "Fence in Commercial District No fence or wall shall exceed six feet (6') in height. Fence shall be reduced to a four foot height where the fence is aligned with the front yard setback of adjacent residential properties. Refer also	New subsection to comply with Chapter 1135.01 of the city ordinance

	to 1321.9."	
1324.11	Change reference from "twelve (18 months)" to "eighteen (18 months)"	Typographical error
1328.2 H	Change reference from "one (11 working day)" to "one (1 working day)"	Typographical error
Schedule 10	Refer to attached	New Schedule to provide greater clarity to section 1321.9 as per Inspections Department recommendation
Schedule 11	Refer to attached	New Schedule to provide greater clarity to section 1321.11 as per Inspections Department recommendation

ATTACHMENT B

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~~1321.11 FENCE IN RESIDENTIAL DISTRICT FENCE HEIGHTS~~.....79

SCHEDULE 10: SIGHT TRIANGLES

SCHEDULE 11: FENCE IN RESIDENTIAL DISTRICT

CULTURAL FACILITIES, PUBLIC
See "Community Center and Services"

1303.2.4 "D"

DECK

As defined pursuant to the Uniform Code.

DRIVE THRU

A building which, by design of physical facilities or service permits customers to receive or obtain a product or service while remaining in a motor vehicle, and may include fast-food establishments, banks and similar services.

~~FAMILY DAY CARE AND GROUP FAMILY DAY CARE HOMES~~

~~These terms shall be as defined in 18 N.Y.C.R.R. § 413.~~

1303.2.5 "E"

1303.2.6 "F"

FAMILY DAY CARE AND GROUP FAMILY DAY CARE HOMES

These terms shall be as defined in 18 N.Y.C.R.R. Subchapter C, Article 2.

FLOOR AREA

As defined pursuant to the Uniform Code In addition, floor area used for parking of motor vehicles shall not be included in the calculation of the total or gross floor area for a proposed project.

FLOOR AREA RATIO

The ratio of the floor area of a building, excluding spaces within a basement as defined in this ordinance, divided by its lot area

FUNERAL HOME

A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

1303.2.7 "G"

1303.2.8 "H"

HEIGHT OF BUILDING

As defined pursuant to the Uniform Code. Height shall be measured from street elevation or from the average grade surrounding the building.

- A. Home occupation or office shall not occupy more than ~~twenty percent (20%)~~ fifteen percent (15%) of the existing floor area of the dwelling unit or 500 square feet, whichever is less;
- B. Home occupation or office shall not change the exterior residential character or appearance of the dwelling in any visible manner;
- C. Home occupation or office shall not involve the storage of equipment, vehicles, materials or products outside of any building and visible from the street, or the sale of any commodity or article that is not hand-crafted on site;
- D. No parking area shall be permitted in any required front (or side) yard;
- E. No home occupation shall create noise, dust, vibration, odor, smoke, electrical interference, fire hazard, or any other nuisance that is perceptible beyond the lot lines;
- F. Home occupation or office shall in no event be deemed to include: animal hospitals, kennels, clinic or hospitals, dancing schools, mortuaries, nursery schools, clubs, auto repair, restaurants, tourist homes, rooming, housing or boarding houses, and other similar uses;
- G. Home occupation may include Family Day Care.

1321.5 Telecommunications Facility - Exempt

The following telecommunication facilities shall be permitted in all districts without a Special Permit, except within a recognized Historic District:

- A. A single ground or building mounted receive-only, non-parabolic, radio or television antenna, including any mast, in conjunction with a residential use on the same parcel where radio or television antenna is located, with a ground mounted antenna height not exceeding twenty-five feet (25'), or a building mounted antenna height not exceeding ten feet (10') from the building ridgeline;
- B. A single ground or building mounted citizens band radio antenna with a ground mounted antenna height, including any mast, not exceeding thirty-five feet (35'), or a building mounted antenna height not exceeding ten feet (10') from the building's ridgeline;
- C. A single ground, building, or tower mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, if the height (post and antenna) does not exceed thirty-five feet (35'), or which existed prior to January 1997.
- D. Mobile services providing public information or coverage of news events of a temporary nature;

exceptions shall be used for any commercial purpose other than those incidental to the permitted primary use of the main building.

The height limitations of this Zoning Ordinance shall not apply to public utility facilities, chimneys in industrial districts, church spires, flag poles on public property, monuments, or electric transmission towers.

1321.7 Projections - Side, Rear, Front Yard

The following features may extend into any required front, side or rear yard without crossing the property lot line and not to exceed the distances specified:

- A. Cornices, canopies, eaves, or any similar features, none of which is less than 10 feet above grade: 2 feet, 6 inches
- B. Open fire escapes: 6 feet
- C. Chimneys: 2 feet

1321.8 Projections - Porches

Any terrace or unenclosed porch in a Residential District may extend into the required front yard a distance not to exceed 8 feet, but in no event nearer than 50% of the front yard setback of the lot, and may be roofed or otherwise covered but shall have no enclosure of any part of the sides thereof that extend into the front yard that is higher than 2 feet 6 inches. guard rail or wall exceeding 3 feet 6 inches in height. All horizontal distances shall be measured to the foundation line of such terrace or porch, provided, however, that a roof overhang may extend not more than 1 foot beyond the foregoing permitted extension.

In Residential Districts, no porch, terrace, or outside stairway shall project more than four feet (4') into any side yard nor closer than three feet (3') to any side lot

line, and any outside stairway may extend into any side yard only if the same is unroofed and unenclosed above and below the steps thereof.

1321.9 Corner Lot Sight Triangle

~~On corner lots no fences, signage, hedge, wall, retaining wall, structure, or landscaping display shall be permitted over forty inches (48") above the adjacent sidewalk, or if none, the adjacent street within the restricted sight triangle. The restricted sight triangle shall measure twenty feet (20') in both directions as measured from the intersection of the two streets.~~ No fences, signage, hedge, wall, retaining wall, structure or landscaping display shall be permitted over four feet (4') in height above the adjacent sidewalk, or if none, the adjacent street within the sight triangle. The sight triangle shall have dimensions of six feet (6') for each leg as measured from the intersection of any property line and/or the driveway and more specifically as illustrated in Schedule 10.

1321.10 Accessory Buildings

1321.10.1 Accessory Buildings in Residential Districts

Nothing in this Zoning Ordinance shall be deemed to prohibit accessory and incidental uses that shall adhere to the following standards:

- A. Accessory buildings located other than in a rear yard shall comply in all respects with the requirements of this Zoning Ordinance applicable to main buildings.
- B. No accessory building shall be located nearer than two feet (2') to any side or rear lot line.
- C. An accessory building that is attached to a main building shall be deemed to be a part thereof and shall comply in all respects with the requirements of this Zoning Ordinance applicable thereto with the exception of those accessory buildings that are attached to a main building by a breezeway or covered passageway with open or latticed sides. Such accessory structure shall be located no nearer than ~~four feet (4')~~ six feet (6') to the primary building.
- D. An accessory building, detached or attached to a main building in no other manner than by a breezeway or a covered passageway with open or latticed sides, ~~and not exceeding a height of one one-story and in the case of a flat roof a height of twelve feet (12') or in the case of a roof of any other type, a height of sixteen feet (16') with side walls not exceeding ten feet (10') in height, may occupy not to exceed thirty percent (30%) of the area of any required rear yard~~ shall not exceed a maximum height of twelve feet (12') for a flat roof or sixteen feet (16') for a roof of any other type and shall occupy no more than thirty percent (30%) of the rear yard.
- E. No accessory building on a corner lot, with vehicular access from the side street, shall be located nearer to the side street line thereof than a distance which shall be not less than the required side yard setback.
- F. When the rear yard on a corner lot adjoins the front yard of a lot to the rear, no accessory building on such corner lot shall be located nearer to the street line of the street on which the lot to the rear faces than a distance equal to the depth of front yard required on such lot to the rear, provided that this regulation shall not be applied so as to require that the line of such accessory building that faces toward such street and is nearest thereto shall be nearer to the lot line opposite such street than a distance of twenty-five feet (25').
- G. No door of any accessory building or improvement, except a fence which door opens into an alley, shall be erected, constructed, or established nearer to the center of such alley than a distance of fifteen feet (15'). ~~Accessory garage shall not exceed 525 square feet in total.~~
- H. H. Accessory building shall not exceed 1000 square feet in area and no one horizontal dimension may exceed thirty six feet (36') in length.

1321.10.2 Accessory Uses Permitted In Open Space District

Customary recreational, refreshment and service uses, and buildings in any public park, reservation, playground, or other recreational area, incidental to the recreational use of such area.

1321.11 Fence in Residential District Fence Heights

1321.11.1 Fence in Residential District (Refer also to 1321.9 for Sight Triangle requirements)

~~The yard requirements of this Zoning Ordinance shall not be deemed to prohibit any necessary retaining wall, not prohibit any otherwise lawful fence or wall, provided that in any R District no fence or wall shall exceed four feet (4') in height in any front yard or six feet (6') in height in any rear or side yard unless otherwise authorized by the Planning Board and/or Zoning Board of Appeals.~~

- A: Fence in Front Yard: Maximum height of four feet (4')
- B: Fence in Rear Yard: Maximum height of six feet (6') except on corner lots where the maximum height shall be four feet (4') for that part of the rear yard which is adjacent to the street, and abuts the front yard of an adjacent property as illustrated on Schedule 11
- C: Fence in Side Yard: Maximum height of six feet (6') except on corner lots where the maximum height shall be four feet (4') for the side yard adjacent to the street

1321.11.2 Fence in Industrial District
No fence or wall shall exceed eight feet (8') in height. No barbed wire shall be used less than six feet above grade in or upon any fence or other structure. Refer also to 1321.9.

1321.11.3 Fence in Commercial District
No fence or wall shall exceed six feet (6') in height. Fence shall be reduced to a four foot height where the fence is aligned with the front yard setback of adjacent residential properties. Refer also to 1321.9.

and given the opportunity to correct the situation in accordance with Section 1301.10 of this Zoning Ordinance.

1324.9 As-Built Survey

Upon completion of site improvements pursuant to an approved site plan, the applicant shall provide proof thereof and may be required to submit to the Director of Planning or his designee an as-built plan prepared and certified by a licensed engineer, architect or surveyor showing the location of all site improvements as constructed. The Director of Planning or his designee shall then issue or cause to be issued a Site Plan Compliance Letter certifying that all improvements and conditions have been satisfactorily completed.

1324.10 Integration Of Procedures

The Planning Board shall, to the extent practicable and lawful, coordinate the site plan review procedures herein with other applicable approval procedures arising under this Zoning Ordinance or other City, state or federal law including, without limitation, the State Environmental Quality Review Act. Such coordination may require, upon mutual written consent of the Planning Board and the applicant, reasonable modification of the time schedules otherwise stated in this chapter or in said regulations or requirements.

1324.11 Expiration Of Approval

Site Plan approval shall expire or become void in the event that:

- A. Unless otherwise extended or reduced by the Planning Board, applicants fail to obtain a permit and a certificate of occupancy and/or construction is not substantially complete in connection with any approval within ~~twelve~~ eighteen (18) months from the date of approval.
- B. Construction elements are not consistent with approved site plan elements. A request to extend a site plan approval duly obtained shall be made in writing to the Planning Board prior to its expiration. The Planning Board may extend all time limits for good cause shown, if it deems such extension warranted. However, the Planning Board shall not extend a site plan approval for more than three years from the date of its original approval.
- E. Gasoline or flammable oils in bulk shall be stored fully underground in conformance with the Fire Prevention Code.

- F. Gasoline pumps or lubricating or other devices shall be located not nearer than twenty feet (20') from any street or other lot line.
- G. Collision work, body work and painting shall not be done on the premises.
- H. Wrecked vehicles shall not be stored on the premises for more than one ~~(11)~~ (1) working day.
- I. No dwellings shall be permitted on the same site.

1328.3 Tourism and Sightseeing-Oriented

For tourism and sightseeing oriented uses which require a Special Permit, the following conditions shall be required:

- A. The sightseeing operation, tour sales and related services shall be allowed only as an accessory use upon premises and as such shall not be the primary use of the building and/or grounds. An accessory use shall be a minority percentage of the total floor area, within which it is situated, evidence thereof shall be required.
- B. Signage shall be limited to one (1) wall sign per frontage and shall be located upon building frontage facing public streets and such sign shall not exceed twelve (12) square feet in total copy area.
- C. There shall not be more than one (1) freestanding sign per premises.
- D. Freestanding signs shall not exceed twelve (12) square feet per face, two-face maximum.
- E. Sightseeing agency advertising signage shall otherwise comply with Chapters 1121 and 375 of the Codified Ordinances of the City of Niagara Falls.

1328.4 Group Living

For group living uses which require a Special Permit, the following conditions shall be required:

- A. Said home shall conform and be maintained in harmony with the overall character and appearance of the surrounding neighborhood.
- B. Said home shall not erect any sign that identifies or advertises the use or occupancy of the home.

1328.5 Kennel or Cattery

For kennels or catteries which require a Special Permit, the following conditions shall be required:

**Schedule 10:
Sight Triangles (1321.9)**

 Sight triangle

 Property line



Figure 1

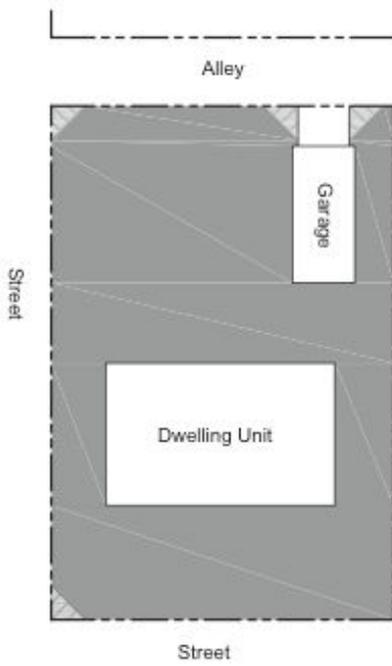


Figure 2



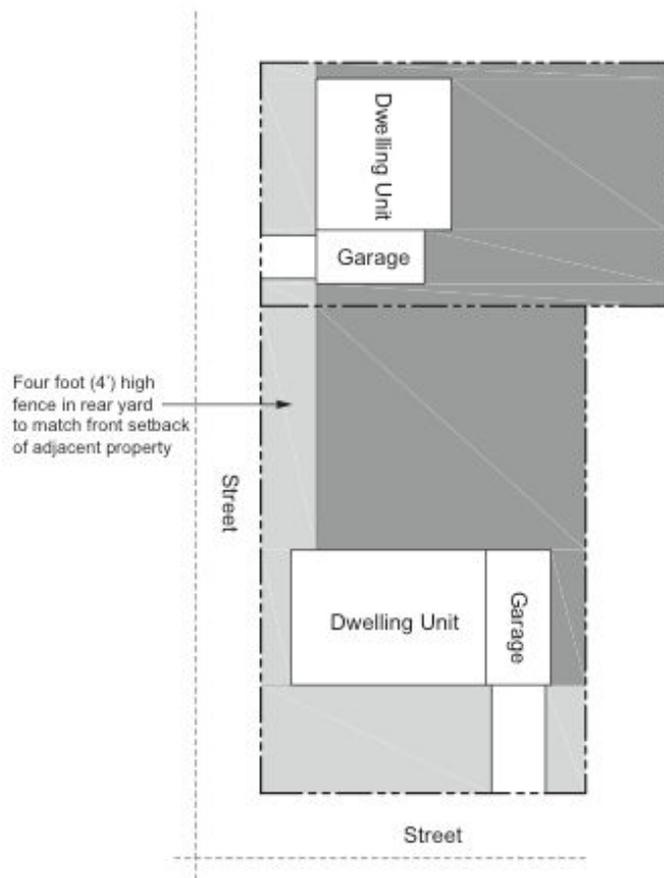
Figure 3

**Schedule 11:
Fence in Residential Districts (1321.11)**

Maximum four foot (4') fence height

Maximum six foot (6') fence height

Property line



RESOLUTION RELATIVE TO AMENDING CHAPTER 1113
OF THE CODIFIED ORDINANCES ENTITLED
"ELECTRICIAN LICENSING AND REGULATIONS"

By: Council Chairman Samuel Fruscione

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1113 of the Codified Ordinances entitled "Electrician Licensing and Regulations" is hereby amended by amending Section 113.05 to read as follows:

1113.05 APPLICATION FEE, ELIGIBILITY, EXAMINATION AND ISSUANCE.

. . .

(d) The test for the master electrician license shall be given annually at a time and place to be decided by the Board of Examiners. All applications shall be filed no later than the thirtieth day of June prior to the date on which the examination is scheduled[, **except that for the 2009 examination all applications must be filed by October 5, 2009**] **except that for the 2010 examination all applications must be filed by October 8, 2010.**

. . .

This addition shall take effect immediately and shall expire and be deemed repealed on December 31, 2010.

Bold and Underlining indicate Additions.

Bold and Brackets indicate [Deletions].

RESOLUTION RELATIVE TO AMENDING CHAPTER 1111
OF THE CODIFIED ORDINANCES ENTITLED
"PLUMBING CODE"

By: Council Chairman Samuel Fruscione

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1111 of the Codified Ordinances entitled APlumbing Code@ is hereby amended by amending Section 1111.10 to read as follows:

1111.10 REGISTRATION AND LICENSING OF MASTER PLUMBERS.

(c) Applications.

(1) Applications shall be advertised at least once each year at the discretion of the Board.

(2) Applications from qualified candidates for examinations shall be filed with the Clerk of the Board at least 60 days 5prior to the examination, **except that for the 2010 examination all applications must be filed by October 12, 2010.** Each application shall be accompanied by the appropriate fee. This application fee is nonrefundable.

(3) The Clerk shall present said application at the next regular meeting of the Board. At this time the Board shall review the application and shall determine the qualifications of the applicant to sit for the examination. Notice of the Board's action shall be sent to the applicant within 30 days of said meeting. An applicant who qualifies must then pay a nonrefundable examination fee.

. . .

This amendment shall take effect immediately; provided that the amendment to Section 1111.10(c)(2) shall expire and be deemed repealed on December 31, 2010.

Bold and Underlining indicate **Additions.**

Bold and Brackets indicate **[Deletions].**

Item #12

NIAGARA FALLS LOCAL LAW NO. _____ FOR THE YEAR 2010

A Local Law to amend the Niagara Falls City Charter as amended, by adopting a local law relative to prohibiting the use of groundwater as a potable water supply or for other purposes by the installation or use of water supply wells.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NIAGARA FALLS, NEW YORK, as follows:

Section 1. The Niagara Falls City Charter, as amended, is hereby amended by adopting a local law relative to prohibiting the use of groundwater as a potable water supply or for other purposes by the installation or use of water supply wells to read as follows:

Section 1. Intent, Purpose and Findings.

A. Certain properties in the City of Niagara Falls, New York ("City") have been used over several decades for commercial/industrial purposes. Because of said use, concentrations of certain chemical constituents in the groundwater beneath certain areas of the City are known or may exceed groundwater quality standards as set forth in 6 New York Codes, Rules, and Regulations ("NYCRR") Part 703. The use of wells to supply groundwater for any purpose may cause or influence the migration of chemical constituents within groundwater located within the City.

B. The use of wells to supply groundwater may have a deleterious effect on those persons exposed to contaminated groundwater pumped from such wells.

C. Groundwater remediation systems are designed to address groundwater and have been installed at numerous properties within the City to remediate and control contaminated groundwater. The effectiveness of the groundwater remediation systems in the City may be significantly impacted by the uncontrolled extraction of groundwater. Any reduction **Anderson _____ Fournier _____ Grandinetti _____ Walker _____ Fruscione _____** of the effectiveness of groundwater remediation systems in the City would impact the health, safety, and general welfare of the current and future residents of the City.

D. The City desires to limit potential threats to human health while facilitating the redevelopment and productive use of properties that are impacted by groundwater contamination within the City. The ramifications to the public health, safety, and welfare from potential exposure to contaminated groundwater and the potential impacts to groundwater remediation systems far outweigh the benefit of allowing the use of wells to supply groundwater for commercial, industrial, agricultural, residential, and other purposes in certain areas of the City.

E. The purpose of this Local Law is to protect the health, safety, and general welfare of the current and future residents of the City of Niagara Falls. It is also the purpose of this Local Law to prevent the extraction and use of well water within the City for any nonremedial purpose.

Section Two. Water Production Wells Within the City.

1. Scope. The provisions of this section shall apply to all water production wells

located in the City of Niagara Falls, other than remediation wells installed and operated as part of an engineered remedial program approved by the New York State Department of Environmental Conservation and/or the United States Environmental Protection Agency or monitoring wells used solely for monitoring in connection with the investigation of soil and groundwater contamination ("Remediation Wells").

2. New Water Production Wells Prohibited. No person shall commence construction of or operate a new water production well within the City of Niagara Falls after the effective date of the ordinance codified by this section. This prohibition shall not apply to Remediation Wells.

3. Registration of Pre-Existing Water Production Wells. Any person, corporation, partnership or other entity which owns property in the City, which has a water production well in operation as of the effective date of this Local Law, other than a Remediation Well, shall register said well with the City and the Niagara Falls Water Board. Registration shall include, but not be limited to, exact location of the well, well history, well specifications, monthly operating information, and an assessment of the well's vulnerability to contaminants. Upon registration of a water production well, the City and the Niagara Falls Water Board shall have the right, upon reasonable notice, to inspect any water production well. The well registration must be renewed every five (5) years from the date of the last valid registration until the City and the Niagara Falls Water Board have received written notice that the water production well has been properly plugged and sealed in accordance with New York State Department of Environmental Conservation Regulations. If ownership of a property in the City with a water production well changes, the new owner must re-register the well within thirty (30) days of the transfer. Any pre-existing water production well, other than a Remediation Well as defined above, shall, upon discontinuance of use, be plugged and sealed in accordance with the New York State Department of Environmental Conservation regulations at the owner's cost.

4. Termination of Right to Operate Water Production Wells. If a pre-existing water production well is not used for a period of six (6) consecutive months, then the well shall no longer be considered a pre-existing water production well and the well shall be plugged and sealed within 90 days in accordance with New York State Department of Environmental Conservation regulations at the owner's cost. The owner shall notify the City and the Niagara Falls Water Board in writing that the water production well has been plugged and sealed.

Section Three. Penalty.

Any person who shall violate a provision of this section or who shall fail to comply with any of the requirements thereof shall be subject to a civil penalty of \$5,000.00 for each violation. Each day that a violation is allowed to continue shall constitute a separate and distinct violation.

Section Four. Repealer.

All ordinances or parts of ordinances in conflict with this section are hereby repealed insofar as they are in conflict with this section.

Section Five. Severability.

If any provision of this Local Law or its application to any person or under any circumstances should be adjudged invalid, such adjudication shall not affect the validity of the Local Law as a whole or of any portion not adjudged invalid.

Section 2. This Local Law shall take effect as provided in the Municipal Home Rule