

## Agenda Item #1

The following claims have been filed in the Office of the City Clerk during the month of June, 2014 the claims were subsequently referred to the Office of the Corporation Counsel.

### **NOTICE OF CLAIM**

Mort, Alethea 1870 Michigan	Automobile damages sustained from hitting a pot hole.
Peterson, Anne-Marie 21-C St.	Automobile damages sustained from hitting a pot hole.
Galbraith, Michael L. 1601 98 <sup>th</sup> St.	Automobile damages sustained from hitting a pot hole.
Silversmith, Stephanie 9007 Brookside Dr.	Automobile damages sustained from hitting a pot hole.
Mark, Laney 2494 Willow Ave	Personal injuries sustained from falling in Griffin Park.
Deil, Daniel P. c/o State Farm	Automobile damages sustained from hitting a pot hole.
List of Names Attached c/o Waters Kraus LLC	Personal injury and or damage to property.
Hunt, Carol 1102 Main St.	Could not redeem coupon.
Nicoletti, Joseph A. 2756 Woodlawn Ave.	In reference so a broken sewer pipe.
CECOS International, f/k/a NEWCO Chemical Waste Services, Inc. c/o Webster Szanyi LLP John David Wieloszynski P/N/G Daniel Andrew Wieloszynski <b>Aaron Edwin Wieloszynski</b>	In reference to claim for reimbursement.
CECOS International, f/k/a NEWCO Chemical Waste Services, Inc. c/o Webster Szanyi LLP Eleanor Barber	In reference to claim for reimbursement.
CECOS International, f/k/a NEWCO Chemical Waste Services, Inc. c/o Webster Szanyi LLP Quinell Anglin	In reference to claim for reimbursement.

CECOS International, f/k/a NEWCO Chemical Waste Services, Inc.  
c/o Webster Szanyi LLP  
Jerome Allen

In reference to claim for reimbursement.

CECOS International, f/k/a NEWCO Chemical Waste Services, Inc.  
c/o Webster Szanyi LLP  
Dennis Brown

In reference to claim for reimbursement.

CECOS International, f/k/a NEWCO Chemical Waste Services, Inc.  
c/o Webster Szanyi LLP  
Eric P. Abrams

In reference to claim for reimbursement.

CECOS International, f/k/a NEWCO Chemical Waste Services, Inc.  
c/o Webster Szanyi LLP  
Robert R. Adcock

In reference to claim for reimbursement.

CECOS International, f/k/a NEWCO Chemical Waste Services, Inc.  
c/o Webster Szanyi LLP  
Kamilah Nadirah Alaji

In reference to claim for reimbursement.

CECOS International, f/k/a NEWCO Chemical Waste Services, Inc.  
c/o Webster Szanyi LLP  
Tina Abrams

In reference to claim for reimbursement.

CECOS International, f/k/a NEWCO Chemical Waste Services, Inc.  
c/o Webster Szanyi LLP  
Kurdeliah Tauheedah Abdullah

In reference to claim for reimbursement.

CECOS International, f/k/a NEWCO Chemical Waste Services, Inc.  
c/o Webster Szanyi LLP  
Wanda Elaine Banks

In reference to claim for reimbursement.

CECOS International, f/k/a NEWCO Chemical Waste Services, Inc.  
c/o Webster Szanyi LLP  
Tammy Leone

In reference to claim for reimbursement.

CECOS International, f/k/a NEWCO Chemical Waste Services, Inc.  
c/o Webster Szanyi LLP  
Aamnda Bach P/N/G Treyton Kreutz

In reference to claim for reimbursement.

CECOS International, f/k/a NEWCO Chemical Waste Services, Inc.  
c/o Webster Szanyi LLP  
Justina Bloom

In reference to claim for reimbursement.



City of Niagara Falls  
Submission #18

Last	First	Street Address	City, State Zip	Phone Number
Amato	Dawn	8618 Frontier Avenue	Niagara Falls, NY 14304	716-628-6680
Barone	Robin	603 79th Street	Niagara Falls, NY 14304	716-283-0398
Baugh	Christine	3421 9th Street	Niagara Falls, NY 14305	716-990-4404
Beharrilall	Adam	9605 Greenwald Avenue	Niagara Falls, NY 14304	716-205-8923
Beharrilall	Joel	9605 Greenwald Avenue	Niagara Falls, NY 14304	716-205-8923
Beharrilall	Michael	9605 Greenwald Avenue	Niagara Falls, NY 14304	716-205-8923
Beharrilall	Sandra	9605 Greenwald Avenue	Niagara Falls, NY 14304	716-205-8923
Cassenti	Carla	62 Bright Street	Lockport, NY 14094	716-940-7950
Cooper	Kathleen	PO Box 23	Niagara Falls, NY 14304	716-504-7599
Cunningham	Melvin	1611 15th Street	Niagara Falls, NY 14305	716-940-6104
Dolson	Dana	1000 Keltic Circle	Chesapeake, VA 23323	757-485-3177
Frain	Rachel	345 Applewood Drive	Lockport, NY 14094	716-804-2348
George, Sr,	Arus L.	533 Tronolone Place, Upper	Niagara Falls, NY 14301	716-536-6167
George	Damien	706 Cedar Avenue, Apt. #3	Niagara Falls, NY 14301	716-579-0293
Hale	Primus	1522 13th Street	Niagara Falls, NY 14305	716-285-1361
Lightfoot	Amelia	1432 Fort Avenue	Niagara Falls, NY 14302	716-990-9110
McClain	Lisa	680 Douglas Avenue	Winter Park, FL 32789	407-645-3813
McClain, II	Russell	5816 Hornet Drive	Orlando, FL 32808	407-233-4221
Means	Marlene	107 Evans	Lockport, NY 14094	716-940-1494
Nehrenberg	Ted	1188 Sunset Avenue	Jamesville, NC 27846	252-792-3677
Nix	Ruth	5777 Sweetwood Drive Apt. G	Lockport, NY 14094	716-201-1355
Rich	Tina	640 91st Street	Niagara Falls, NY 14304	716-990-0274
Smith	Tameka	1303 Gairington Club Drive	Lithonia GA 30038	
Stewart	Andrea	1318 Garden Avenue #3	Niagara Falls, NY 14305	716-282-0433
Sturdivant	Demetrius	2207 SW 22nd Street	Redmond, OR 97756	541-598-5389
Sturdivant	Eddie	1053 College Avenue	Winnipeg, MB, Canada	204-504-5861
Sturdivant	William	3105 S. 89th Avenue	Tulsa, OK 74145	918-622-1014
Tomlinson	Shelia	283 North Transit Street	Lockport, NY 14094	716-280-3391
Trane	Robert	81 Mason Drive	Niagara Falls, NY 14304	716-297-2739
Wendt	Jacklin K	4305 Northwood Lake Drive West	Northport, AL 35473	205-333-8223
Wilson	Monica	6000 Edgewood Drive	Niagara Falls, NY 14304	716-201-5366

14 JUN 11 AM 11:15  
NIAGARA FALLS  
CITY CLERK  
Personal Service

Agenda Item #2

*RE: Emergency Repair to Fire House Garage Door*

Council Members:

The Fire Chief advises that it is necessary to perform an emergency repair to the garage door located at Firehouse 8 at 320 Hyde Park Boulevard. It is necessary to replace a damaged door opener and this will include all the new safety features that will be installed to all firehouse doors over this year. The attached estimate from Rich's "Expert" Door is in the amount of \$1,830.00 for this repair. Funding is available from Casino revenues.

Will the Council so approve?



**RICH'S "EXPERT" DOOR**  
 519 26th Street  
 NIAGARA FALLS, NY 14301

# INVOICE

4534

(716) 282-0513  
 (716) 284-8308

CITY OF NIAGARA FALLS  
 NIAGARA FALLS FIRE DEPT  
 NIAGARA FALLS NY 14301

DATE	7-10-14
CUSTOMER ORDER NO.	
SALESPERSON	
VIA	

TERMS:

QTY	DESCRIPTION	PRICE	AMOUNT
1	TAKE DOWN BURNED OUT OPENER AT FIRE HALL #8		
2	INSTALL NEW 110 VOLT TRILLY OPENER WITH FIRE HOSE #2 SAFETY EQUIPMENT.	\$	1870.00
Are You Satisfied With Service? Yes _____ No _____			
NOT RESPONSIBLE FOR MISALIGNED SAFETY EYES			
If Satisfied With Service Sign Here _____			
Please Send Yellow Copy With Payment.			

Thank You!

Agenda Item #3

*RE: Purchase Requests from Department of Public Works ("DPW")*

Council Members:

The Director of DPW is requesting that the sum of \$1,245 be made available to purchase a new Portable Public Address System. This recommendation is being made because the current unit is over ten (10) years old and malfunctions frequently.

In addition, the Director is purchasing a new AED Defibrillator. This unit will be utilized for City Pools. This item is available under New York State contract for the price of \$1,391.

By way of summary, the Director is requesting the total sum of \$2,636 for these purchases. These purchases are considered to be purchases from the 2013 Capital Plan.

Will the Council so approve?

#### Agenda Item #4

*RE: Vehicles/Equipment for Niagara Falls Police Department (“NFPD”)*

#### Council Members:

The Superintendent of Police is requesting that the City purchase nine (9) new unmarked vehicles for daily use. This request is being made because the existing fleet of unmarked vehicles are old and have high mileage. The new vehicles will cost approximately \$30,000 each for a total of \$270,000 which includes the “upfitting” of each vehicle with the necessary police emergency equipment. This expense is included in the 2015 “Police Capital Budget.”

The Superintendent of Police is also requesting that the sum of \$60,000 be made available for the purchase of a new Animal Control vehicle with appropriate upfitting. An additional \$2,100 will be needed for the purchase of appropriate Animal Control equipment. The total request for this item is \$62,100.

By way of summary, the Superintendent is requesting that the sum of \$332,100 be made available for the purchase of these vehicles. The source of funding is Casino revenues. Attached is an explanation of these requests from the Superintendent of Police.

Will the Council so approve?



**NIAGARA FALLS  
POLICE DEPARTMENT**  
Office of the Chief  
1925 Main Street  
Niagara Falls, New York, 14305

**E. Bryan DalPorto**  
Superintendent of Police  
**Kelly J. Rizzo**  
Deputy Superintendent  
**Carlton Cain**  
Deputy Superintendent  
**Salvatore Pino**  
Administrative Captain

TO: Mayor Dyster / CA Donna Owens / Craig Johnson / Maria Brown

FROM: Superintendent of Police, Bryan DalPorto

RE: Unmarked Police Vehicles

Below is 2 essential items for purchase by the NFPD:

1. The Police Departments fleet of unmarked vehicles is in need of updating due to the age of the vehicles and the mileage. I request the purchasing 9 new unmarked Police Vehicles (Ford Explorers) at the approximate cost of \$30,000.00 each, totaling \$270,000.00. This price includes the vehicle and unfitting the vehicles with necessary emergency police equipment. This expense is budgeted in the 2015 "Police Capital Budget."
2. The Police Department further request \$60,000.00 for the purchase of an "Animal Control Vehicle and unfitting." This vehicle will be used by the NFPD Animal Control Officer for his duties. An additional \$2100.00 is need for the purchase of Animal Control equipment. This expense was not budgeted in the 2015 "Police Capital Budget" but can be taken off the \$678,450.00 amount earmarked for Police 2015 Capital Budget.

Any questions please let me know.

E. Bryan DalPorto, NFPD  
Superintendent of Police

<i>Item</i>	<i>Expense</i>	<i>Amount</i>	<i>Total</i>
Unmarked Police Vehicle	30,000.00	9	270,000.00
Animal Control Vehicle	60,000.00	1	60,000.00
Animal Control Equipment	2,100.00		2,100.00
			<b>332,100.00</b>

**ANIMAL CONTROL EQUIPMENT COST ESTIMATE**

CATCH POLE 7-12 FOOT ADJUSTABLE QTY-1 ..... \$145.00  
CATCH POLE 5 FOOT LARGE NOOSE QTY-3..... \$330.00  
CATCH POLE 5 FOOT MEDIUM NOOSE QTY-2..... \$212.00  
CATCH POLE 4 FOOT MEDIUM NOOSE QTY-2..... \$144.00  
HUMANE ANIMAL GRABBER 38" QTY-1..... \$89.00  
LARGE ANIMAL TRAP LIVE TRAP QTY-1..... \$225.00  
ANIMAL MICROCHIP READER.....QTY-1.....\$699.00  
DOG MUZZLES.....QTY-6.....\$ 90.00  
DOG LEASHES..... QTY-10.....\$ 80.00

**TOTAL ESTIMATE \$2054.00**

Agenda Item #5

**SUBJECT: NEW ROAD RESURFACING PROJECT  
PORTER ROAD TO PACKARD ROAD R.S. 936**

The following is the result of bids received on July 14, 2014, for the above referenced project:

<b><u>CONTRACTOR</u></b>	<b><u>BASE BID</u></b>
Yarussi Construction, Inc. 5650 Simmons Ave. Niagara Falls NY 14304	\$546,460.00
L.J. Quigliano, Inc.	\$610,547.75
Mark Cerrone, Inc.	\$621,000.00
Accadia Site Contracting	\$624,015.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder, Yarussi Construction, Inc. in the amount of \$546,460.00. Funding is available in code H0812.2008.0812.0449.599.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Agenda Item #6

**SUBJECT:       Consultant Services Agreement for Phase IV, Hyde Park Ice Facilities**  
**Renovation of Ice Floor, Piping, Dasher Board for Rinks 1 & 2**

In 2010 the City of Niagara Falls hired DiDonato Associate, P.E., P.C. for the first phase of major renovations at the Hyde Park Ice Pavilion. Since then we have completed two phases and are in the midst of finishing a third. Each project has gone more smoothly than previous projects so we have asked DiDonato Associate, P.E., P.C., for a scope and cost for the next phase of improvements, Rink Replacement for rinks 1 and 2.

The project consists of removing and replacing the existing rinks, piping, dasher boards and glass and upgrading the refrigeration plant. DiDonato Associates have tailored their proposal based on the City's available construction funds and can adjust contract documents to our funding.

The schedule is very tight based on a bid date of January 14, 2015 and actual construction starting April 1, 2015. Based on their previous experience, knowledge of the facility and reasonable fee scale, it is the recommendation of the undersigned that the Scoping and Design phases of this project be awarded to DiDonato Associates at its Proposal Price of \$175,000.00 Funding is available through Casino Revenues.

Will the Council vote to approve and authorize the Mayor to execute a contract for professional services in a form acceptable to the Corporation Counsel?

Agenda Item #7

*RE: Building Repairs and Upgrades for Firehouse #3 located at 11<sup>th</sup> and Ontario Avenue*

Council Members:

The Fire Chief is recommending that certain building repairs and renovations be made to Firehouse #3. In order to accomplish these repairs and renovations, he is requesting that the sum of \$42,550 be made available for this purpose. Attached hereto is a detail regarding this request.

Funding is available from Casino revenues.

Will the Council so approve?

**Building Repairs for Fire House 3  
(11<sup>th</sup> and Ontario Ave.)  
From Capital Funds / Infrastructure / Fire  
Department Buildings  
H1311.2013.1311.0449.599**

1) Rug and tile replacement:

a) First floor living quarters, all remanding rugs ripped out and replaced with industrial tile. Cost: \$4,000

b) Second floor all rug ripped out and replaced with similar industrial rug. Cost: \$3,000

Total Cost: \$7,000

2) Maintenance Equipment that needs replacement or don't have:

- |                               |              |
|-------------------------------|--------------|
| a) 1- Snow Blower             | Cost: \$1500 |
| b) 1- Lawn Mower              | Cost: \$350  |
| c) 1- Floor Buffer / Scrubber | Cost: \$850  |
| d) 1 – Floor Vacuum           | Cost: \$200  |

Total Cost: \$2900

3) 6 - New Blinds – Second Floor

Total Cost: \$300

4) New Sign Front of Building

Total Cost: \$1250

5) 3 - Garage Doors needs replacement – 14'2" x 12'

Insulated – 4 lights      Cost: \$8,200

3 - Openers – Lift Master (Firefighter Safety Package)

Cost: \$6,000

Additional Electrical supplies for safety feature install on  
Doors (conduit, wire etc.)

Cost: \$500

Total Cost: \$14,700

6) Replace old Furniture:

a) 1 - New couch      Cost:      \$950

b) 3 - New Recliner Chairs      Cost      \$850

c) 8 - New Kitchen Table Chairs      Cost:      \$450

d) 2 - Office Chairs      Cost:      \$400

e) 5 - New Mattress      Cost:      \$1,050

Total Cost: \$3700

7) Repairs To Generator (Damage to generator from car striking  
it)

a) Fencing Cost: 6,200.00

b) Body & Mechanical Parts of Generator Repaired  
Cost: 5,500.00

Total Cost: 11,700.00

8) Wireless video security system

Total Cost: \$1,000.00

**Grand Total: 42,550.00**

Agenda Item #8

**RE: City Council Agenda Item—**

Declination of Offer to Purchase Authority Surplus Land

Council Members:

Upon the request of the New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”), the City of Niagara Falls (“City”) declines the offer to purchase certain property, as described below, from the New York Power Authority in favor of OPRHP’s use of the subject property for park purposes, including the possible construction of a new park police station.

As part of the relicensing of the Authority’s Niagara Power Project, the City, along with other local municipal entities, entered into the *Host Community Relicensing Settlement Agreement Addressing Non-License Terms and Conditions* (“Host Community Agreement”) with the Authority, dated June 27, 2005.

The Host Community Agreement provides for the transfer of surplus lands by the Authority to adjoining landowners and/or local government entities which includes offering a 1.25 acre parcel within the City, located along the Robert Moses Parkway right-of-way fence adjacent to DeFranco Park, to the City for \$1.00, provided the City consults with OPRHP regarding its future use.

The City does not have a present use for the property and recognizes the beneficial effects of OPRHP’s ability to use the site for park purposes, including as a potential site for a new park police station that is inland from the Niagara Gorge and would allow OPRHP to repurpose its existing police station on Goat Island.

Will the Council vote to so approve and authorize the Mayor to decline the Authority’s offer to purchase the subject property under the Host Community Agreement?

Agenda Item #9

**SUBJECT: MACKLEM AVENUE RECONSTRUCTION PROJECT  
LEWISTON ROAD TO COLLEGE AVENUE R.P. 174**

The following is the result of bids received on July 15 2014, for the above referenced project:

<b><u>CONTRACTOR</u></b>	<b><u>BASE BID</u></b>
Yarussi Construction, Inc. 5650 Simmons Ave. Niagara Falls NY 14304	\$1,331,781.00
Accadia Site Contracting	\$1,589,231.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder, Yarussi Construction, Inc. in the amount of \$1,331,781.00. Funding is available in code H1411.2014.1411.0449.599.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Agenda Item #10

**SUBJECT: LETTER OF AWARD FOR ROOF REPLACEMENT AT THE HYDE PARK GOLF COURSE CLUB HOUSE**

The following was the result of bids received on July 15, 2014, for the above referenced project:

<b><u>CONTRACTOR</u></b>	<b><u>BASE BID</u></b>
Danny Thompson, Inc. 2102 11 <sup>th</sup> St. Niagara Falls NY 14305	\$ 233,500.00
A1 Construction & Painting, Inc.	\$ 234,000.00
Joseph A. Sanders & Sons, Inc.	\$ 243,782.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Danny Thompson, Inc. at their base bid of \$233,500.00. Funding is available in H1314.2013.1314.0449.599.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Agenda Item #11

*RE: Funding for Demolitions-Department of Code Enforcement*

Council Members:

The Director of Code Enforcement is requesting that the sum of \$1,000,000 be made available to his department to perform additional demolitions during the balance of this year. It is anticipated that approximately 70 houses will be demolished with this sum of money. Funding is available from Casino revenues and will be transferred to Demolitions account code H0910.

Will the Council so approve?

Agenda Item #12

SUBJECT: Second Hand Dealers

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Chapter 338 of the Codified Ordinances states: “338.03...City Council may grant a license to carry on the business of secondhand dealer within the City...”

The following have submitted applications for secondhand dealer licenses. These applications have been approved by the Niagara Falls Police Department.

Uzed Dealz  
498 19<sup>th</sup> St  
Niagara Falls, NY 14303

Will the Council So approve?

Agenda Item #13

RE: Resolution 2014-52

Please be advised that Mayor Paul A. Dyster, on July 9, 2014, duly approved the following:

Resolution 2014-52, relative to Amending Chapter 1129 of the Codified Ordinances entitled "Camper Parks".

Agenda Item #14

**SUBJECT:**            **AGENDA ITEM:**

At the Traffic Advisory Commission meeting held on July 9, 2014 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 546 – 10<sup>TH</sup> STREET**

**[Physician verification of wheelchair dependency and/or severe  
restriction of movement, has been received]**

Submitted By:        Kimberly McCoy, on behalf of her son, Curtis Iveys, 546 – 10<sup>th</sup>  
Street

It is requested that City Council approve this recommendation.

Agenda Item #15

**SUBJECT:**            **AGENDA ITEM:**

At the Traffic Advisory Commission meeting held on July 9, 2014 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 2926 GRAND AVENUE**

**[Physician verification of wheelchair dependency and/or severe  
restriction of movement, has been received]**

Submitted By:        Louis Sciarrino, 2926 Grand Avenue

It is requested that City Council approve this recommendation.

Agenda Item #16

**SUBJECT:**            **AGENDA ITEM:**

At the Traffic Advisory Commission meeting held on July 9, 2014 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 3057 ORLEANS AVENUE**

**[Physician verification of wheelchair dependency and/or severe  
restriction of movement, has been received]**

Submitted By:        Martha Bulinski, 3057 Orleans Avenue

It is requested that City Council approve this recommendation.

Agenda Item #17

**SUBJECT:**            **AGENDA ITEM:**

At a Traffic Advisory Commission meeting held on July 9, 2014 the Commission recommended **APPROVAL** of the following item:

**REINSTATE ALTERNATE OVERNIGHT PARKING ON 87<sup>TH</sup> STREET  
BETWEEN MUNSON AVENUE & PERSHING AVENUE**

Alternate Overnight Parking was rescinded by the Traffic Advisory Commission, based upon a petition submitted by the residents of this block at their January 15, 2014 meeting. However, a subsequent petition submitted in June was signed by many of the same residents/households in favor of Alternate Overnight Parking and resulted in Traffic Engineering conducting a mail survey of the residents. The mail survey resulted in a majority of votes received back (60%) in favor of Alternate Overnight Parking, therefore, Alternate Overnight Parking will be reinstated in this block.

It is requested that City Council approve this recommendation.

Agenda Item #18

*RE: Request for Approval to Settle and Pay Claim of Jason Sykes, Marc Martinez, Shawn Arndt and Todd Faddoul*

1925 Main Street, Niagara Falls, NY 14302

Council Members:

Date Claim Filed:	N/A
Date Action Commenced:	March 12, 2012
Date of Occurrence:	1/1/2003 – 9/15/2013
Location:	Various
Nature of Claim:	CPLR Article 78 – Failure by City to promote Police Officers to Detective pursuant to Civil Service Law §58.
Status of Action:	Post Judgment stage.
Recommendation/Reason:	Best interests of City/Comply with Judgment of Appellate Division.
Amount to be Paid:	\$99,093.76 (see attached).
Make Check Payable to:	Jason Sykes, Marc Martinez, Shawn Arndt & Todd Faddoul as per attached.
Conditions:	General Release to City, approved by Corporation Counsel.

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

**PAYMENTS AS LOST WAGES**

1. Marc Martinez -	\$42,830.05
2. Jason Sykes -	\$20,669.21
3. Shawn Arndt -	\$19,990.07
4. Todd Faddoul-	<u>\$15,604.43</u>
	<b>\$99,093.76</b>

Agenda Item #19

**RE:     *Approval of In Rem Auction Bids from June 10, 2014***

Council Members:

Attached is the list of bids from the June 10, 2014 auction.

With regard to Schedule A, we recommend that the bids for Serial Nos. 43, 72, 130, 133, 236, 326, 330, 456, 494, 534, 662, 703, 705, 713, 788 and 846 be rejected and the deposits forfeited.

With regard to Schedule A, we recommend that the bids for Serial Nos. 8, 9, 10, 11, 98, 161, 378, 379, 446, and 612 be rejected and the bid deposit and auctioneer's fee returned to the bidder.

With regard to Schedule A, Serial Nos. 78, 79, 111, 116, 173, 322, 354, 505, 540, 743 and 744, we recommend that the bids be approved subject to the payment of delinquent landlord registration fees within thirty days. If these payments are not made, then their bids will be rejected.

With the exception of the above, we recommend that the bids on Schedule A be approved. The bids on Schedules B and C do not require Council approval and are submitted for your information. (Serial No. 51 is being rejected and the deposit forfeited. Serial No. 435 is being rejected and the deposit and auctioneer's fee refunded.)

Will the Council so approve and authorize the Mayor to execute deeds to the successful bidders in accordance with the Terms of Sale?

DATE	WPS	STREET ADDRESS	PRICE	Bidder Name	BUYER_CITY	BUYER_ST
1/03/0791		339 12TH ST	4,000.00	Great Lakes Real Estate INC	Lawton	NY
1/03/0792A		354 14TH ST	300.00	Great Lakes Real Estate INC	Lawton	NY
1/04/0168A		292 PORTAGE RD	200.00	Kufus, Bryan Charles	Niagara Falls	NY
1/04/0646		2433 MACDENNA AVE	6,500.00	Leute, Carl W	Niagara Falls	NY
1/04/0667		335 24TH ST	3,500.00	Tag, Carrie A	Niagara Falls	NY
1/04/0717		3452 MACDENNA AVE	400.00	Rebs, Cindy A	Niagara Falls	NY
1/04/0721		2462 MACDENNA AVE	450.00	Stark, Anita F	Hamburg	NY
1/04/0722		2462 MACDENNA AVE	450.00	Stark, Anita F	Hamburg	NY
1/04/0723		2466 MACDENNA AVE	450.00	Stark, Anita F	Hamburg	NY
1/04/0724		2468 MACDENNA AVE	450.00	Stark, Anita F	Hamburg	NY
1/04/0731		2476 MACDENNA AVE	300.00	Kajbas, Steah Edward	Niagara Falls	NY
1/04/0775		2453 CUDABACK AVE	4,000.00	Schwab, Steven Robert	Gasport	NY
1/04/0820		2326 MACDENNA AVE	200.00	2346605 Ontario Inc	Oshawa	ON
1/04/0821		2308 MACDENNA AVE	200.00	2346605 Ontario Inc	Oshawa	ON
1/04/0833		2316 MACDENNA AVE	75.00	Kajbas, Andrea Lynn	Niagara Falls	NY
1/04/0835		1917 CUDABACK AVE	75.00	Siklani, Debonah	Niagara Falls	NY
1/04/0836		1921 CUDABACK AVE	75.00	Siklani, Debonah	Niagara Falls	NY
1/04/0847		1963 CUDABACK AVE	50.00	Siklani, Debonah	Niagara Falls	NY
1/04/1239		1507 NIAGARA ST	125.00	Akmal, Masood	Astoria	NY
1/04/1419		2220 CUDABACK AVE	450.00	Moczek, Carol L	Niagara Falls	NY
1/04/1519		2237 WELSH AVE	250.00	Christies, Darryl I	Niagara Falls	NY
1/04/1825		216 25TH ST	5,000.00	Hoeks Handyman Service	Grand Island	NY
1/04/1869		2531 FALLS ST	100.00	Akmal, Masood	Astoria	NY
1/04/2023		2765 FALLS ST	8,500.00	Jarfords, Gary W	Youngstown	NY
1/04/2024		2769 FALLS ST	13,000.00	MC Buffalo Enterprises LLC	Grand Island	NY
1/05/0028		418 10TH ST	850.00	Lewis, Neil W	Niagara Falls	NY
1/05/0047		494 10TH ST	1,000.00	2346605 Ontario Inc	Oshawa	ON
1/05/0104		410 10TH ST	950.00	Stark, Richard E	Oshawa	ON
1/05/0152		1224 NIAGARA ST	6,000.00	Uptate Development	Niagara Falls	NY
1/05/0333		484 PORTAGE RD	13,000.00	Delorsky-Gustoni, Peter James	Youngstown	NY
1/05/0381		5417 FERRY AVE	13,000.00	Cann, Frank C	Niagara Falls	NY
1/05/0588		5820 NIAGARA ST	13,000.00	Leotawon, Vithou,Prasad	Bronx	NY
1/05/0585		453 17TH ST	13,000.00	Leotawon, Vithou,Prasad	Bronx	NY
1/05/0629		442 18TH ST	8,000.00	Syracuse, Paul Christopher	Gowanda	NY
1/05/0644		2795 FERRY AVE	10,000.00	Hoeks Handyman Service	Grand Island	NY
1/05/0663		493 18TH ST	50.00	Akmal, Masood	Astoria	NY
1/05/0683		428 18TH ST	75.00	Akmal, Masood	Astoria	NY
1/05/0753		431 18TH ST	250.00	Akmal, Masood	Astoria	NY
1/05/0753		447 18TH ST	250.00	Akmal, Masood	Astoria	NY
1/05/0820		451 20TH ST	75.00	Akmal, Masood	Astoria	NY
1/05/0833		445 20TH ST	4,500.00	Ray, Shaina L	Lawton	NY
1/05/0840		471 20TH ST	175.00	Saad, Saaji	Williamsville	NY
1/05/0841		473 20TH ST	175.00	Saad, Saaji	Williamsville	NY
1/05/0906		2303 FERRY AVE	25,000.00	Stark, Anita,F	Hamburg	NY
1/05/0946		648 22ND ST	5,000.00	Hoeks Handyman Service	Grand Island	NY
1/05/1394		444 20TH ST	6,000.00	Dikara, Joseph,Martin Jr	Niagara Falls	NY
1/05/1616		2710 MONROE AVE	14,500.00	Phl, Herman	Niagara Falls	NY
1/05/1897		2716 ORLEANS AVE	13,000.00	Lastawon, Vithou,Prasad	Bronx	NY
1/05/1710		2728 ORLEANS AVE	31,000.00	Ternkie, Joseph,M	Niagara Falls	NY
1/05/1899		495 27TH ST	15,000.00	Akmal, Masood	Astoria	NY
1/05/1915		3082 ORLEANS AVE	21,000.00	Leotawon, Vithou,Prasad	Bronx	NY
1/05/2051		847 HYDE PARK BLVD	37,000.00	Sedra, Gerson	Niagara Falls	NY
1/05/2075		3214 BULDER PK	7,000.00	Reinverto, Leo	Niagara Falls	NY
1/05/2105		1453 HYDE PARK BLVD	15,000.00	Phl, Herman	Niagara Falls	NY
1/05/2209		847 HYDE PARK BLVD	SOLO TOGETHER	Rizal, Herman	Niagara Falls	NY
1/05/2150		3215 ELY AVE	475.00	Brigh, Arnet	Niagara Falls	NY
1/05/2176		8248 AUDIAY AVE	3,000.00	Manso, Pace	Niagara Falls	NY
1/05/2282		3344 ELY AVE	150.00	2346605 Ontario INC	Oshawa	ON
1/05/2338A		3572 SHERWOOD AVE	26,000.00	Ternkie, Joseph,M	Niagara Falls	NY
1/05/2388B		554 8TH ST	300.00	2346605 Ontario INC	Oshawa	ON
1/05/2387		532 8TH ST	6,500.00	Patterson, Silvio,Fay	Niagara Falls	NY
1/05/2407		585 8TH ST	8,500.00	Uptate Development	Niagara Falls	NY
1/05/2461		562 8TH ST	SOLO TOGETHER	Uptate Development	Niagara Falls	NY
1/05/2419		532 10TH ST	9,000.00	Cigan, Gary S	Medford	NY
1/05/2501		528 MEMORIAL FERRY	300.00	Stagh, Trevor,Dawndra	Depew	NY
1/05/2533		558 12TH ST	13,500.00	MC Buffalo Enterprises LLC	Grand Island	NY
1/05/2620		1120 FERRY AVE	6,500.00	Mico Perle	San Leandro	CA
1/05/2688		553 THROLOWNE PL	400.00	2346605 Ontario INC	Oshawa	ON
1/05/2708		552 15TH ST	4,500.00	Xu, Zhou	Niagara Falls	ON
1/05/2723		1410 FERRY AVE	4,000.00	Hoeks Handyman Service	Grand Island	NY
1/05/2923		531 10TH ST	9,500.00	Niagara Certified Vacation Rents	Woodside	NY
1/05/2957		518 10TH ST	1,000.00	2346605 Ontario INC	Oshawa	ON
1/05/2960		520 10TH ST	8,500.00	Jarvis, Willy,D III	Buffalo	NY
1/05/2994A		553 10TH ST	650.00	American Hilda Pco Inc	Huntington	NY
1/05/3150		525 22ND ST	18,000.00	Manso, Pace	Niagara Falls	NY
1/05/3163		518 28ND ST	15,000.00	Hoeks Handyman Service	Grand Island	NY

LOT	WPS	STREET ADDRESS	PRICE	Bidder Name	BUYER_CITY	BUYER_ST
A	05/2302	523 23RD ST	12,000.00	Starks, Anita,F	Hamburg	NY
A	05/2324	545 24TH ST	700.00	2346605 Ontario INC	Oshawa	ON
A	05/2475	2812 FERRY AVE	18,000.00	Fox, Rene & Maroon	Niagara Falls	NY
A	05/2784	631 13TH ST	27,000.00	Niagara Comfort Vacation Rents	Woodside	NY
A	05/2889	534 16TH ST	450.00	Johnston, Bernadette H.	Niagara Falls	NY
A	05/2944	1607 PINE AVE	18,000.00	Geotawon, Vishra,Prasad	Erero	NY
A	05/2985A	1615 PINE AVE	18,000.00	Jenkins, Geoffrey T.	Niagara Falls	NY
A	05/3070	641 19TH ST	26,000.00	American Windy Pco Inc	Huntington	NY
A	05/3131	628 21ST ST	27,000.00	Les, Jessie S Yvett	Niagara Falls	NY
A	05/3201	635 20ND ST	21,500.00	Black, Terrell	Niagara Falls	NY
A	05/3226	2222 WALNUT AVE	9,000.00	Hooko Handyman Service	Grand Island	NY
A	05/3411	640 25TH ST	1,300.00	Remson, Joan,E	Niagara Falls	NY
A	05/3458	617 30TH ST	16,000.00	Mahmood Saad Akram	Niagara Falls	OH
A	05/3725	740 8TH ST	400.00	2946605 Ontario INC	Oshawa	ON
A	05/3746	711 CEDAR AVE	7,000.00	Coger, Gary,S	Hollywood	NY
A	05/3767	731 8TH ST	7,600.00	Ngilev S Nijar	Brempton	ON
A	05/3850	816 ARMORY PL	5,000.00	Oye, Tenika,E	Niagara Falls	NY
A	05/3885	728 CEDAR AVE	250.00	Kaar, Rosalyn	Wilmarville	NY
A	05/3915	748 SPRUCE AVE	8,000.00	Carver, Karla,P	Niagara Falls	NY
A	05/3924B	809 ASHLAND AVE	18,000.00	Xu, Thsu	Niagara Falls	OH
A	05/3956	820 PERCE AVE	350.00	Bart, Niver	Niagara Falls	NY
A	05/3964	1191 HARBOR E AVE	7,000.00	Shang, Jun H.	Roger	AR
A	05/3973	1113 HARBOR E AVE	6,000.00	Shang, Jun H.	Roger	AR
A	05/3977	1223 HARBOR E AVE	12,500.00	Black, Terrell	Niagara Falls	NY
A	05/3986	1182 HARBOR E AVE	14,000.00	Shang, Jun H.	Roger	AR
A	05/3988B	1033 19TH ST	1,000.00	AFE CITY LLC	Kennore	NY
A	05/3981	1028 10TH ST	4,000.00	Billing, Ueda,M	Niagara Falls	NY
A	05/3986	2735 ORAND AVE	25,000.00	Falout, Nicholas,Pasquale	Niagara Falls	NY
A	05/2014	2311 LASALLE AVE	6,000.00	Hooko Handyman Service	Grand Island	NY
A	05/3953	1313 20TH ST	7,000.00	SFB Development Inc	Grand Island	NY
A	05/2079	1004 10TH ST	10,500.00	Hooko Handyman Service	Grand Island	NY
A	05/2130	1726 ASHLAND AVE	5,000.00	Carver, Karla,P	Niagara Falls	NY
A	05/2140	1747 LASALLE AVE	7,500.00	Stoak, Gassan,Al	Niagara Falls	NY
A	05/2145	1731 LASALLE AVE	6,500.00	Ram, Lovely	Niagara Falls	NY
A	05/2154	1995 ASHLAND AVE	4,500.00	Chapman, Jeremy,Robert	Niagara Falls	NY
A	05/2331	1006 10TH ST	3,500.00	Thomson, Andrew,S	Niagara Falls	NY
A	05/2363	1333 ASHLAND AVE	4,000.00	Xu, Thsu	Niagara Falls	OH
A	05/2367	1246 ASHLAND AVE	1,700.00	AFE Development	Niagara Falls	NY
A	05/2375	1958 ASHLAND AVE	3,500.00	AFE CITY LLC	Kennore	NY
A	05/2385	1243 LASALLE AVE	16,000.00	Jackson, Taylor	Niagara Falls	NY
A	05/2389	1381 LASALLE AVE	8,000.00	Pederson, Lylla	Huffe	NY
A	05/2505	1148 ASHLAND AVE	5,500.00	Pharis, Richard,D	Niagara Falls	NY
A	05/2521	1110 13TH ST	3,000.00	Malloy, James,E Jr	Niagara Falls	NY
A	05/2948B	1121 PERCE AVE	50.00	Hill, David	Niagara Falls	NY
A	05/2080	1412 13TH ST	75.00	J.C. George Enterprises	Wilson	NY
A	05/2079	1416 13TH ST	75.00	J.C. George Enterprises	Wilson	NY
A	05/2083	1139 WILLOW AVE	125.00	J.C. George Enterprises	Wilson	NY
A	05/2087	1139 WILLOW AVE	125.00	J.C. George Enterprises	Wilson	NY
A	05/2088	1133 WILLOW AVE	125.00	J.C. George Enterprises	Wilson	NY
A	05/2089	1113 WILLOW AVE	125.00	J.C. George Enterprises	Wilson	NY
A	05/2706	1594 PERCE AVE	25.00	Wilson, Belinda,E	Niagara Falls	NY
A	05/2732A	1335 WILLOW AVE	500.00	Smith, Harrison	Buffalo	NY
A	05/2787	1431 13TH ST	25.00	Im, Aye,A	Niagara Falls	NY
A	05/2737A	1409 13TH ST	25.00	Im, Aye,A	Niagara Falls	NY
A	05/2761	1466 WHITNEY AVE	1,000.00	Chapman, Jeremy,Robert	Niagara Falls	NY
A	05/2782	1305 PERCE AVE	50.00	Crowell, Basila,Latoya	Niagara Falls	NY
A	05/2792	1814 LASALLE AVE	25.00	Smith, Caroline,S	Niagara Falls	NY
A	05/2801	1542 LASALLE AVE	10,000.00	Paul, Jesse, George IV	Niagara Falls	NY
A	05/2925	1555 PERCE AVE	150.00	Crowell, Basila,Latoya	Niagara Falls	NY
A	05/2966	1522 PERCE AVE	1,000.00	Hooko Handyman Service	Grand Island	NY
A	05/2970	1534 PERCE AVE	75.00	Crowell, Basila,Latoya	Niagara Falls	NY
A	05/3127	1880 PERCE AVE	2,300.00	Earthman, David,L	Buffalo	NY
A	05/3169	1423 18TH ST	600.00	Starks, Anita,F	Hamburg	NY
A	05/3170	1421 18TH ST	SOLD TOGETH	Starks, Anita,F	Hamburg	NY
A	05/3245	2008 LASALLE AVE	25.00	Cala, Kiberly,A	Niagara Falls	NY
A	05/2987	1953 WHITNEY AVE	11,000.00	Hooko Handyman Service	Grand Island	NY
A	05/2990	2228 PERCE AVE	225.00	Tosabito, Matt,I	Niagara Falls	NY
A	05/3118	1409 24TH ST	11,000.00	Hooko Handyman Service	Grand Island	NY
A	10/0004	2118 WILLOW AVE	2,500.00	Paul, Jesse, George IV	Niagara Falls	NY
A	10/0091	1511 13TH ST	1,000.00	Scarbroth, Thomas,M	Niagara Falls	NY
A	10/0117	1511 LINDWOOD AVE	5,500.00	Kirkland, Robert	Niagara Falls	NY
A	10/0118	1515 LINDWOOD AVE	4,500.00	Ramirez, Jamal,Y	Niagara Falls	NY
A	10/0134	1736 WILLOW AVE	75.00	Drake, Tyrone	Niagara Falls	NY
A	10/0139	1607 17TH ST	400.00	Davis, Hamilton	Buffalo	NY
A	10/0230	1506 18TH ST	400.00	Scarbroth, Thomas,M	Niagara Falls	NY
A	10/0268	2309 LINDWOOD AVE	11,500.00	EC Buffalo Enterprises LLC	Grand Island	NY

LOT	WPS	STREET ADDRESS	PRICE	Bidder Name	BUYER_CITY_	BUYER_ST	
A	00	10/3932	1130 LINWOOD AVE	700.00	Ferrell Realty Group	Buffalo	NY
A	00	10/3423	1323 LINWOOD AVE	4,600.00	Jefferts, Gary W.	Youngstown	NY
A	00	10/3427	1338 LINWOOD AVE	7,500.00	Rieck, Susan,Al	Niagara Falls	NY
A	00	10/3440	1357 MICHIGAN AVE	1,300.00	Akers, James R.	Niagara Falls	NY
A	00	10/3451	1347 MICHIGAN AVE	175.00	Akers, James R.	Niagara Falls	NY
A	00	10/3466	1307 LINWOOD AVE	25.00	Wilson, Barbara,R	Niagara Falls	NY
A	00	10/3490	1015 15TH ST	25.00	Akers, James R.	Niagara Falls	NY
A	00	10/3491	1611 15TH ST	25.00	Akers, James R.	Niagara Falls	NY
A	00	10/3501	1634 LINWOOD AVE	6,000.00	Coger, Gary,S	Hollandwood	NY
A	00	10/3546	1816 LINWOOD AVE	25.00	Rudick, William,H Jr	Hamburg	NY
A	00	10/3577	2475 MICHIGAN AVE	17,000.00	Stark, Anita,F	Niagara Falls	NY
A	00	10/3797	1130 MICHIGAN AVE	1,800.00	Frank T Ross	Niagara Falls	NY
A	00	10/3758	1132 MICHIGAN AVE	SOLD TOGETH	Frank T Ross	Niagara Falls	NY
A	00	10/3702	1144 MICHIGAN AVE	100.00	Fairchild, Sheri,A	Niagara Falls	NY
A	00	10/3791	1536 MICHIGAN AVE	25.00	Boans, Rudolphus Jr	Buffalo	NY
A	00	10/3801	1308 MICHIGAN AVE	100.00	Patel, Kojeshvumar, Rameshlal	Niagara Falls	NY
A	00	10/3810	1812 15TH ST	700.00	Uptate Development	Niagara Falls	NY
A	00	10/3807	1832 MICHIGAN AVE	6,600.00	Rieck, Susan,Al	Niagara Falls	NY
A	00	10/3883	1714 18TH ST	2,250.00	Coger, Gary,S	Hollandwood	NY
A	00	10/3888	1833 WESTON AVE	700.00	Coger, Gary,S	Hollandwood	NY
A	00	10/3903	1810 MICHIGAN AVE	1,250.00	Neumann, Douglas,P	Niagara Falls	NY
A	00	10/3976	1837 WESTON AVE	6,500.00	KC Buffalo Enterprises LLC	Grand Island	NY
A	00	10/3988	1717 18TH ST	5,000.00	Ms, Zhou	Niagara Falls	NY
A	00	10/3910	2145 WESTON AVE	18,000.00	Lefay, Nicholas	Niagara Falls	NY
A	00	10/1824	1853 SOUTH AVE	1,300.00	Alan William Flindley	Giffnock, Glasgow	UK
A	00	10/1206	1814 WESTON AVE	1,000.00	Spencer, Tyrnell,L	Niagara Falls	NY
A	00	10/1317	1203 SOUTH AVE	7,000.00	Felis, Peter,V	Rochester	NY
A	00	10/1458	1324 SOUTH AVE	25.00	Nettingham, Wayne,Alfred Jr	Franklinville	NY
A	00	10/1455	1332 SOUTH AVE	1,750.00	Coger, Gary,S	Hollandwood	NY
A	00	10/1535	1625 15TH ST	25.00	Colman, Willie,J	Niagara Falls	NY
A	00	10/1548	1640 SOUTH AVE	3,000.00	Young, Michael, D	Niagara Falls	NY
A	00	10/1548	1650 SOUTH AVE	1,750.00	Spencer, Tyrnell,L	Niagara Falls	NY
A	00	10/1555	1656 SOUTH AVE	500.00	Dyurhava, Inna	Buffalo	NY
A	00	10/1564	1643 CLEVELAND AVE	4,000.00	Chapman, Erena	Niagara Falls	NY
A	00	10/1587	1805 18TH ST	50.00	Williams, Leon,Ronnie	Niagara Falls	NY
A	00	10/1604	1874 SOUTH AVE	7,000.00	Haack Handymen Service	Grand Island	NY
A	00	10/1608	1886 SOUTH AVE	8,000.00	Presley, Danny	Jacksonville	AL
A	00	10/1647	1790 WESTON AVE	30,000.00	Wray, Tyrnell,Conrad	Niagara Falls	NY
A	00	10/1662	1713 SOUTH AVE	17,000.00	Quarrell, Syeda Gustala	Niagara Falls	NY
A	00	10/1652	1915 18TH ST	50.00	Georgis, Nicholas,I	Levittown	NY
A	00	11/0124	931 NIAGARA AVE	10,000.00	American Legion John J Leach	Niagara Falls	NY
A	00	11/0123	935 NIAGARA AVE	SOLD TOGETH	American Legion John J Leach	Niagara Falls	NY
A	00	11/0477	940 ONTARIO AVE	5,000.00	Miko Peris	San Leandro	CA
A	00	11/0479	1130 10TH ST	25.00	Boans, Rudolphus Jr	Buffalo	NY
A	00	11/0505	1024 NIAGARA AVE	3,000.00	Tag, Carlo,A	Niagara Falls	NY
A	00	11/0562	952 ONTARIO AVE	1,750.00	Perry, Alfonso,Demetrias	Niagara Falls	NY
A	00	12/1342	952 DEPOT AVE	2,000.00	Ferguson, Carlos,Isaac	Niagara Falls	NY
A	00	12/1347	954 DEPOT AVE	2,000.00	Cuscut, Luis, A	Niagara Falls	NY
A	00	12/1352	2412 10TH ST	SOLD TOGETH	Cuscut, Luis, A	Niagara Falls	NY
A	00	12/1359	939 GROVE AVE	SOLD TOGETH	Cuscut, Luis, A	Niagara Falls	NY
A	00	12/1341	2892 MCDON AVE	900.00	Honada, Enol,B	Roseville	NY
A	00	12/1376	2396 MCDON AVE	13,500.00	Ulan, Ryan,S	Niagara Falls	NY
A	00	12/1428	2362 MCDON AVE	8,000.00	Coger, Gary, S	Hollandwood	NY
A	00	12/1349	2827 MACGLEM AVE	7,500.00	Alan William Flindley	Giffnock, Glasgow	UK
A	00	12/1325	1164 NORTH AVE	750.00	Spencer, Tyrnell,L	Niagara Falls	NY
A	00	12/1398	1120 NORTH AVE	500.00	Duval Laddell Bailien	Niagara Falls	NY
A	00	12/4113	1158 GARDEN AVE	6,000.00	Dykes, Samiah	Niagara Falls	NY
A	00	12/4157	1094 GROVE AVE	100.00	Singh, Traver & Dawn Marie	Depew	NY
A	00	12/4158	1098 GROVE AVE	100.00	Singh, Traver & Dawn Marie	Depew	NY
A	00	12/4232	1080 FAIRFIELD AVE	50.00	Davis, Ned	Niagara Falls	NY
A	00	12/4233	1042 FAIRFIELD AVE	50.00	Davis, Ned	Niagara Falls	NY
A	00	12/4261	1030 CENTER AVE	900.00	Malby, James, E Jr	Niagara Falls	NY
A	00	12/4281	1617 10TH ST	200.00	Carver, William, I Jr.	Niagara Falls	NY
A	00	12/4276	1716 10TH ST	900.00	Ramirez, Yama,T	Niagara Falls	NY
A	00	12/4360	1899 10TH ST	300.00	Simmonds, Arthur & Odel	Niagara Falls	NY
A	00	12/4387	3108 HIGHLAND AVE	750.00	Malby, James, E Jr	Niagara Falls	NY
A	00	12/3884	1747 TENNESSEE AVE	7,000.00	Loney, Gregory,John	Niagara Falls	NY
A	00	12/4028	1745 TENNESSEE AVE	SOLD TOGETH	Loney, Gregory,John	Niagara Falls	NY
A	00	12/5083	2917 20TH ST	100.00	Ahmad, Muzozid	Aurora	NY
A	00	12/5123	2901 21ST ST	8,500.00	Berkov, Bobbie,Lee	Niagara Falls	NY
A	00	12/5218	2003 TENNESSEE AVE	100.00	Williams, Leon,Ronnie	Niagara Falls	NY
A	00	12/5250	1054 VIRGINIA AVE	75.00	Stork, Anita,F	Hamburg	NY
A	00	12/5490	1768 RHODE ISLAND AVE	50.00	Great Lakes Real Estate INC	Levittown	NY
A	00	12/5655	4101 HUDSON DR	50.00	Cattaneo, James,Michael II	Niagara Falls	NY
A	00	12/5062	1129 NIAGARA AVE	12,000.00	Furthman, David,L	Buffalo	NY
A	00	12/5089	1515 ONTARIO AVE	25.00	Singh, Traver & Dawn Marie	Depew	NY

NO	WPS	STREET ADDRESS	PRICE	Buyer Name	BUYER_CITY	BUYER_ST
A	001	13102 ONTARIO AVE	25.00	Cestano, James,Michael II	Niagara Falls	NY
A	001	13003 NIAGARA AVE	3,500.00	Morgan, Shiley,Marie	Niagara Falls	NY
A	001	13003 CLEVELAND AVE	12,000.00	Hilton, Percy, Jr	Niagara Falls	NY
A	001	13004 LOCKPORT ST	25.00	Morgan, Shiley,Marie	Niagara Falls	NY
A	001	13005 NIAGARA AVE	11,000.00	KC Buffalo Enterprises LLC	Grand Island	NY
A	001	13007 ONTARIO AVE	6,000.00	Xu, Zhen	Niagara Falls	NY
A	001	13008 NIAGARA AVE	5,000.00	Tag, Carrie,A	Niagara Falls	NY
A	001	13009 ONTARIO AVE	25.00	Singh, Trevor & Dawn Marie	Depew	NY
A	001	13010 NIAGARA AVE	15,000.00	Phelan, Joanne	Niagara Falls	NY
A	001	13015 NORTH AVE	4,500.00	Lewis, Steven,B	Niagara Falls	NY
A	001	13017 21ST ST	10,000.00	KC Buffalo Enterprises LLC	Grand Island	NY
A	001	13114 34 DUANE AVE	25.00	Singh, Trevor & Dawn Marie	Depew	NY
A	001	13115 36 DUANE AVE	25.00	Singh, Trevor & Dawn Marie	Depew	NY
A	001	13116 2788 1/2 LOCKPORT ST	25.00	Singh, Trevor & Dawn Marie	Depew	NY
A	001	13117 LOCKPORT ST	25.00	Boora, Rudolph, Jr	Buffalo	NY
A	001	13124 1367 NIAGARA AVE	15,000.00	Bernvento, Leo	Niagara Falls	NY
A	001	13128 2631 NORTH AVE	2,500.00	Farthman, David,L	Buffalo	NY
A	001	13130 2326 15TH ST	25.00	Blackwell, Genia,C	Niagara Falls	NY
A	001	13131 LOCKPORT ST	25.00	Johnson, Laura,A	Niagara Falls	NY
A	001	13132 2321 13TH ST	25.00	Ridick, William,H Jr	Niagara Falls	NY
A	001	13133 1334 NORTH AVE	1,000.00	Ferguson, Carlos,Daane	Niagara Falls	NY
A	001	13134 2327 16TH ST	25.00	Johnson, Laura,A	Niagara Falls	NY
A	001	13135 2321 16TH ST	8,500.00	Kay, Shalita,L	Lewiston	NY
A	001	13136 2308 16TH ST	SOLD TOGETH	Kay, Shalita,L	Lewiston	NY
A	001	13137 2324 21ST ST	19,000.00	Stark, Kimberly,M	Townsville	NY
A	001	13138 11 HYDE PARK BLVD	25.00	Monaco, Michael,L	Niagara Falls	NY
A	001	13139 15 HYDE PARK BLVD	25.00	Monaco, Michael,L	Niagara Falls	NY
A	001	13140 E D ST	4,000.00	Holland, Nicola,Renee	Niagara Falls	NY
A	001	13141 2034 ROYAL AVE	10,000.00	Kay, Shalita,L	Lewiston	NY
A	001	13142 845 87TH ST	8,000.00	Coppede, Richard,M	Niagara Falls	NY
A	001	13143 3650 PACKARD RD	23,500.00	Dream Home Property Management	Niagara Falls	NY
A	001	13144 145 62ND ST	17,000.00	Lastawec, Vishnu,Prasad	Erico	NY
A	001	13145 141 62ND ST	25,000.00	Lastawec, Vishnu,Prasad	Erico	NY
A	001	13146 482 56TH ST	25.00	Laubacke, Robert,Lynn	Niagara Falls	NY
A	001	13147 5675 DEVLIN AVE	25.00	Great Lakes Real Estate INC	Lewiston	NY
A	001	13148 5650 GRAND AVE	25.00	Wenston, Joanne,L	Niagara Falls	NY
A	001	13149 621 60TH ST	25.00	Schubel, Norman	Buffalo	NY
A	001	13150 617 60TH ST	25.00	Schubel, Norman	Buffalo	NY
A	001	13151 5619 LINDBERGH AVE	25.00	Shirroman, Cheryl,A	Niagara Falls	NY
A	001	13152 5650 LINDBERGH AVE	11,000.00	Walch, Anthony, Wsr	Niagara Falls	NY
A	001	13153 5651 FRONTIER AVE	9,000.00	Wesley, Evelyn, Lee	Niagara Falls	NY
A	001	13154 5607 FRONTIER AVE	175.00	Moyes, Joshua,J	Niagara Falls	NY
A	001	13155 215 58TH ST	50.00	Richard Stark	Oshawa	ON
A	001	13156 6126 STEPHENSON AVE	10,000.00	Gowal, Jovir	Niagara Falls	NY
A	001	13157 6126 STEPHENSON AVE	SOLD TOGETH	Gowal, Jovir	Niagara Falls	NY
A	001	13158 836 59TH ST	25.00	Szymanski, Michael,Herbert	Niagara Falls	NY
A	001	13159 726 59TH ST	25.00	Ferry, Alfonso,Donnetkat	Niagara Falls	NY
A	001	13160 722 59TH ST	25.00	Ferry, Alfonso,Donnetkat	Niagara Falls	NY
A	001	13161 205 73RD ST	50.00	Washington, Jenke,L	Niagara Falls	NY
A	001	13162 268 20TH ST	15,000.00	Tag, Carrie,A	Niagara Falls	NY
A	001	13163 229 20TH ST	6,500.00	Bene, Gerald,William	Niagara Falls	NY
A	001	13164 160 20TH ST	16,000.00	Sary Ellen Herbstromer	Jacksonville Beach,FL	FL
A	001	13165 247 20TH ST	11,500.00	Procyra, Lily	Health	NY
A	001	13166 340 22ND ST	17,000.00	Leban, Nicholas	Niagara Falls	NY
A	001	13167 344 22ND ST	SOLD TOGETH	Leban, Nicholas	Niagara Falls	NY
A	001	13168 7702 BUFFALO AVE	6,000.00	Duganbes, Frank	Niagara Falls	NY
A	001	13169 131 67TH ST	8,000.00	Fazio, Rajesh,Anwar, Ramondal	Niagara Falls	NY
A	001	13170 150 71ST ST	24,000.00	Mang, John,B	Niagara Falls	NY
A	001	13171 347 71ST ST	23,000.00	Sabedi, Narayan	Buffalo	NY
A	001	13172 1220 85TH ST	35,000.00	Great Lakes Real Estate INC	Lewiston	NY
A	001	13173 1220 85TH ST	33,000.00	Great Lakes Real Estate INC	Lewiston	NY
A	001	13174 508 87TH ST	31,000.00	Wagner, Kenneth J,	Niagara Falls	NY
A	001	13175 485 81ST ST	33,000.00	Wagner, James W,	Niagara Falls	NY
A	001	13176 1112 DAK ST	50.00	Conway, Sean Michael	La Mesa	CA
A	001	13177 748 81ST ST	80,000.00	Stelmis, Michael,A	Grand Island	NY
A	001	13178 682 102ND ST	1,200.00	George J. Barton	Niagara Falls	NY
A	001	13179 1843 CHEVALE DR	25.00	Reber, John,George	Niagara Falls	NY

CS	WPS	STREET_ADDRESS	BID_AMOUNT	Bidder Name	BUYER_CITY	BUYER_ST
1	04/1251	1601 NIAGARA ST	7,000.00	Conry, Frank,C	Niagara Falls	NY
1	04/1416	2232 CUDARACK AVE	8,000.00	Devit, Terri Chernetta	Niagara Falls	NY
1	04/1453	2229 FALLS ST	6,000.00	Drake, Tyrone	Niagara Falls	NY
1	04/1454	2251 FALLS ST	SOLD TOGETHER	Drake, Tyrone	Niagara Falls	NY
1	04/1680	2422 CUDARACK AVE	2,250.00	Hainrich, Everett,D	Niagara Falls	NY
1	04/1905	2707 FALLS ST	1,500.00	Buckley, Daniel Frederick	Niagara Falls	NY
1	04/1204	426 25TH ST	18,000.00	Tomika, Joseph,M	Niagara Falls	NY
1	04/1944	447 25TH ST	11,500.00	Thomas, Dennis,Joseph	Niagara Falls	NY
1	04/2532	506 12TH ST	23,500.00	Alan William Rindley	Gilfnock, Glasgow	UK
1	04/2918	511 18TH ST	28,000.00	APR CITY LLC	Sarasota	FL
1	04/2978	422 18TH ST	28,500.00	Barrish, Chandra & Senokoff	Niagara Falls	NY
1	04/1428	3612 WAGNUT AVE	28,000.00	Reis, Cody,A	Niagara Falls	NY
1	04/28187	782 CEDAR AVE	2,000.00	Uvan, Ryan,D	Niagara Falls	NY
1	04/2215	1013 15TH ST	4,500.00	Jacobs, Desobio, K O	Niagara Falls	NY
1	04/2818	1207 18TH ST	800.00	Anderson, Neil,Al	Niagara Falls	NY
1	04/1254	1879 PIERCE AVE	2,000.00	Searles, Bryant,Dwayne Jr	Niagara Falls	NY
1	04/0448	1505 15TH ST	3,000.00	Griss, James,Johnson-Martin	Lockport	NY
1	04/0518	3641 MICHIGAN AVE	7,000.00	Starks, Anita,F	Hamburg	NY
1	04/0768	1718 18TH ST	3,000.00	Falchig, Sheri,A	Niagara Falls	NY
1	04/1889	2817 SOUTH AVE	7,500.00	Ray, Arthur	Niagara Falls	NY
1	04/1258	1826 WESTON AVE	4,000.00	Stocks Handyman Service	Grand Island	NY
1	04/1234	1870 WESTON AVE	6,500.00	Cagan, Gary,S	Hallswood	NY
1	04/1588	1850 SOUTH AVE	8,500.00	Uvan, Ryan,B	Niagara Falls	NY
1	11/0295	2825 NIAGARA AVE	30.00	Pyritz, Pamela,A	Niagara Falls	NY
1	11/0211	2828 ONTARIO AVE	1,750.00	Stark, Trevor & Dawn Marie	Darien	NY
1	11/2800C	1468 WYOMING AVE	8,000.00	Mullins, David,Brian	Niagara Falls	NY
1	11/4315	1255 GARDEN AVE	4,000.00	Ferry, Alfonso,Dionetrias	Niagara Falls	NY
1	11/0278	812 FAIRFIELD AVE	3,000.00	Uvan, Ryan,B	Niagara Falls	NY
1	11/0282	1638 NIAGARA AVE	25.00	Weber, Nora,Tina	Niagara Falls	NY
1	11/0298	1838 NIAGARA AVE	5,200.00	Cary, Darman, Al	Niagara Falls	NY
1	11/0294	1824 NIAGARA AVE	5,500.00	Carlo D & Felton Harris	Niagara Falls	NY
1	11/1751	324 77TH ST	10,000.00	Zandona, Dana,Margaret	Grand Island	NY
1	14/0690	654 67TH ST	16,000.00	Huang, Jun H.	Bygo	AR
1	14/0501	104 72ND ST	26,000.00	Orsara Home PropertyManagement	Niagara Falls	NY
1	15/0850	475 100TH ST	100.00	Socko, Ronald	Niagara Falls	NY
1	15/0801	488 100TH ST	100.00	Socko, Ronald	Niagara Falls	NY
1	15/0901	488 100TH ST	100.00	Socko, Ronald	Niagara Falls	NY
1	15/0903	509 100TH ST	100.00	Socko, Ronald	Niagara Falls	NY
1	15/0904	511 100TH ST	100.00	Socko, Ronald	Niagara Falls	NY
1	15/0905	513 100TH ST	100.00	Socko, Ronald	Niagara Falls	NY
1	15/0906	519 100TH ST	100.00	Socko, Ronald	Niagara Falls	NY
1	15/0907A	10009 WHEATFIELD AVE	100.00	Socko, Ronald	Niagara Falls	NY
1	15/1282	460 101ST ST	7,500.00	Kintala, Richard J.	Niagara Falls	NY
1	15/1284	508 101ST ST	100.00	Socko, Ronald	Niagara Falls	NY
1	15/1285	510 101ST ST	100.00	Socko, Ronald	Niagara Falls	NY
1	15/1286	518 101ST ST	100.00	Socko, Ronald	Niagara Falls	NY
1	15/1287A	524 101ST ST	100.00	Socko, Ronald	Niagara Falls	NY
1	15/1287B	528 101ST ST	100.00	Socko, Ronald	Niagara Falls	NY
1	15/1288	532 101ST ST	100.00	Socko, Ronald	Niagara Falls	NY
1	15/1289	540 101ST ST	100.00	Socko, Ronald	Niagara Falls	NY
1	15/1290	548 101ST ST	100.00	Socko, Ronald	Niagara Falls	NY
1	14/1854	234 PORTAGE RD	5,000.00	8991 Buffalo Ave Inc.	Niagara Falls	NY
1	14/1860	245 PORTAGE RD	5,000.00	8991 Buffalo Ave Inc.	Niagara Falls	NY
1	14/1861	245 PORTAGE RD	5,000.00	8991 Buffalo Ave Inc.	Niagara Falls	NY
1	14/1862	255 PORTAGE RD	5,000.00	8991 Buffalo Ave Inc.	Niagara Falls	NY
1	14/1268	2548 FALLS ST	1,000.00	Benson, Linda,Pamela	Niagara Falls	NY
1	14/1267	2578 FALLS ST	SOLD TOGETHER	Benson, Linda,Pamela	Niagara Falls	NY
1	10/0588	2625 18TH ST	5,000.00	Abdullah, Dori, Khalid	Niagara Falls	NY
1	12/0454	4322 HYDE PARK BLVD	7,500.00	Uvan, Ryan,B	Niagara Falls	NY

Agenda Item #20

RESOLUTION 2014-

RESOLUTION RELATIVE TO RESCINDING CHAPTER 911 OF THE  
CODIFIED ORDINANCES ENTITLED "GARBAGE AND RUBBISH",  
RESCINDING CHAPTER 924 OF THE CODIFIED ORDINANCES  
ENTITLED "RECYCLING ORDINANCE" AND ADOPTING  
CHAPTER 911 OF THE CODIFIED ORDINANCES ENTITLED  
"SOLID WASTE REFUSE AND RECYCLING"

Council Chairman Charles Walker

WHEREAS, this City Council has reviewed the "Solid Waste Refuse and Recycling" Ordinance attached hereto; and

WHEREAS, pursuant to Section 120-aa of the General Municipal Law, on Monday July 14, 2014, this City Council held a public hearing relating to the proposed provisions in the attached ordinance; and

WHEREAS, this City Council acknowledges recent public information that demonstrates that the City of Niagara Falls has the lowest recycling rate in Western New York and the proposed provisions contained in the attached ordinance are intended to increase that recycling rate; and

WHEREAS, this City Council also acknowledges that other municipalities in Erie and Niagara Counties have recycling rates which exceed the existing recycling rate in the City of Niagara Falls; and

WHEREAS, this City Council further acknowledges the adequacy of markets for separated materials, and that an increase in the recycling rate in the City of Niagara Falls, because of these markets, is intended to increase revenue for the City of Niagara Falls, and also result in a corresponding decrease in expenses in disposal costs; and

WHEREAS, the City of Niagara Falls has helped to facilitate the effort and expense to be incurred by residents in meeting the proposed separation requirements by providing refuse carts and recycling carts to residents at no cost; and

WHEREAS, this City Council is mindful that the public health and safety will be promoted by the proposed provisions in the attached ordinance in that it is widely known that depositing refuse and recyclables in carts, such as those the City is providing, rather than depositing such items in plastic bags, deters rodents and other vermin that seek a potential food source, as well as the provisions in the attached ordinance which contain provisions aimed at rodent control.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 911 entitled "Garbage and Rubbish" and Chapter 924 entitled "Recycling Ordinance" are hereby rescinded; and be it further

RESOLVED that Chapter 911 of the Codified Ordinances entitled "Solid Waste Refuse and Recycling" is hereby adopted as attached hereto.

CHAPTER 911  
SOLID WASTE REFUSE AND RECYCLING

- 911.01 General provisions
- 911.02 Licensing of independent private waste haulers
- 911.03 Refuse
- 911.04 Recyclables
- 911.05 Storage of Refuse and Recyclables
- 911.06 Miscellaneous provisions
- 911.07 Rodent control measures
- 911.08 Enforcement; appearance tickets
- 911.09 Penalties for offenses

911.01 GENERAL PROVISIONS

A. Scope. This Chapter establishes rules for the collection and management of residential, commercial and institutional refuse and recyclables. It is not intended to regulate refuse collectors involved in hazardous or infectious waste collection and transportation.

B. Purpose and short title.

(1) It is the purpose of this Chapter to provide for the protection of the public health, safety and general welfare of the people of the City of Niagara Falls by establishing rules and regulations governing:

(a) The generation, separation, storage, collection, transportation, processing and disposal of refuse and recyclables within the City limits;

(b) Residential and commercial refuse and recyclable management;

(c) Licensure of refuse and recyclable collectors; and

(d) The preparation, collection, transportation and disposal of refuse and recyclable items in accordance with all state laws.

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

(3) This Chapter is adopted pursuant to General Municipal Law § 120-aa.

(4) This Chapter shall be known as "Solid Waste Refuse and Recycling."

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

ADMINISTRATIVE FEE

Fees charged to users for administration and enforcement of this Chapter. Such fees will be set from time to time by resolution of the City Council.

AUTHORIZED RECYCLING FACILITY

A permitted or specifically exempt facility or facilities for processing, reprocessing and/or recycling recyclable materials as defined herein or listed in the rules and regulations promulgated by the Director of the Department of Public Works or his designee. This term shall exclude incineration facilities, waste-to-energy facilities and landfills.

#### BULK WASTE

(1) Solid waste which is too large or too heavy to place inside a City-Issued Refuse Cart. The term includes, but is not limited to, discarded small household furniture, bedding and mattresses, hot-water tanks, carpet (maximum three rolls, each no larger than four feet long and 18 inches wide). This will also include, but is not limited to, white goods/appliances, such as refrigerators, freezers, washers, dryers, stoves, scrap metal and other large appliances.

(2) This term does not include air conditioners, microwave-emitting equipment, microwave ovens, regulated material, such as tires, hazardous, regulated medical and infectious waste.

#### CITY

The City of Niagara Falls, a municipal corporation incorporated in 1892 pursuant to the laws of the State of New York.

#### CITY-ISSUED CART

Any City-Issued Refuse Cart or City-Issued Recycling Cart as defined in this Chapter.

#### CITY-ISSUED RECYCLING CART

A 96 gallon roll-away (wheeled) recycling cart issued by the City to property owners or their representatives, capable of semi-automated and/or automated recycling collection, for the sole purpose of storage, collection and disposal of source-separated recyclables.

#### CITY-ISSUED REFUSE CART

A 64 gallon roll-away (wheeled) refuse cart issued by the City to property owners or their representatives, capable of semi-automated and/or automated refuse collection, for the sole purpose of storage, collection and disposal of source-separated solid waste.

#### CITY PROGRAM

The City of Niagara Falls Solid Waste and Recycling Program which, among other things, calls for the collection of solid waste by a waste hauler under contract with the City.

#### COMMENCEMENT DATE

August 1, 2014.

#### COMMERCIAL REFUSE

Solid waste generated at locations other than single-family, two-family, three-family or multi-family dwellings. This definition includes refuse generated by multi-family complexes, businesses, schools, churches, post offices, restaurants, governmental properties, institutional properties, parking lots, parking garages and parking ramps. Commercial refuse excludes all industrial, hazardous, regulated medical and infectious waste.

#### COMMERCIAL REFUSE WASTE HAULER

A person engaged in the business of collection, removal, transportation or disposal of residential and commercial refuse.

#### COMMERCIAL REFUSE MANAGEMENT

The purposeful, systematic control of the generation, separation, storage, collection, processing and disposal of commercial refuse.

#### COMMERCIAL USER

Any producer of solid waste other than single-family, two-family, three-family or multi-family dwellings. This definition includes multi-family complexes, businesses, schools, churches, post offices, restaurants, governmental properties, institutional properties, parking lots, parking garages and parking ramps. A commercial user excludes all industrial users, hazardous waste users and those users generating regulated medical and infectious waste.

#### COMMINGLED RECYCLABLES

Mixed recyclable materials separated from municipal solid waste (MSW) at the point of generation.

#### COMPOSTING

A controlled microbial degradation of organic waste yielding a nuisance-free product of potential value as a soil conditioner.

#### CONSTRUCTION AND DEMOLITION WASTE

Any and all solid waste resulting from building construction, reconstruction, repair or demolition; from grading or other incidental work in connection with any premises; or from replacement of building equipment or appliances, which work is performed by the owner or occupant.

#### CURBSIDE COLLECTION

The collection at individual residential households and commercial buildings by a waste hauler or private waste hauler, for subsequent transport to a waste disposal facility.

#### DEAD ANIMALS

Dead animals or parts of animals from slaughterhouses are not included in this category.

#### DIRECTOR

The Director of the Department of Public Works or his designee.

#### ELECTRONIC WASTE (E-WASTE)

Any discarded electronic or electrical devices or their parts.

#### HAZARDOUS WASTE

A solid waste or combination of solid wastes which, because of its quantity, concentration or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed. From a regulatory standpoint, hazardous waste is defined on a basis of regulations in the Resource Conservation and Recovery Act administered by the United States Environmental Protection Agency (USEPA). This includes residential hazardous waste such as oil-based paint, paint thinners, household cleaners and aerosol containers.

#### ILLEGAL DUMPING

Dumping, throwing, placing, depositing or leaving, or causing to be dumped, thrown, deposited or left, any solid waste of any kind or any object or substance which tends to pollute, mar or deface, into, upon or about:

(1) Any public street, highway, alley, road, right-of-way, park or other public place, or any lake, stream, watercourse, or other body of water, except by direction of the City of Niagara Falls; or

(2) Any premises privately owned other than the premises where the solid waste or object or substance originated.

#### INDUSTRIAL USER

Any producer of solid waste that generates industrial waste as defined herein.

#### INDUSTRIAL WASTE

Any and all residue and solid waste resulting directly from industrial or manufacturing operations. It shall not include solid waste originating from office operations of an industrial establishment, nor shall it include solid waste resulting from the commercial operations of persons, engaged in the construction and demolition of buildings, the repairing of streets and buildings, demolition or excavation. Residue or waste resulting from tree or landscaping services shall also be excluded. Industrial waste excludes all hazardous, regulated medical and infectious waste.

#### INFECTIOUS WASTE

Includes but is not limited to human and animal surgical wastes, blood and blood product wastes, human tissue or parts. Biological waste products and laboratory wastes which have come in contact with pathogenic organisms generated by entities such as medical institutions, biological research organizations, laboratories and hospitals.

#### INSTITUTIONAL REFUSE

Refuse originating in and around governmental institutions, tax-exempt hospitals and public, charitable, philanthropic or religious institutions. All refuse from institutions not included in this definition shall be considered commercial refuse. Institutional waste excludes all hazardous, regulated medical and infectious waste.

#### INTEGRATED WASTE MANAGEMENT

Coordinated use of a hierarchy of management methods, including recycling, composting, incineration, and land filling.

#### MATERIALS RECOVERY FACILITY (MRF)

A materials recovery facility.

#### MULTIFAMILY USER

An improved parcel of land in the City of Niagara Falls which is designated for or occupied by a residential use with four-family dwelling units.

#### MULTIFAMILY COMPLEX

More than four residential dwelling units that are either attached or detached on a single parcel of land.

#### NON-RECYCLABLE MATERIAL

That portion of the waste stream not included under the definition of "recyclables" contained herein and not treated or separated as hazardous waste under § 27-0903 of the New York State Environmental Conservation Law, source, special nuclear or by-product material as defined in the United States Atomic Energy Act of 1954, or low-level radioactive waste as defined in § 29-0101 of the New York State Environmental

Conservation Law. Non-recyclable material includes, but is not limited to, the following:

(1) Garbage: putrescible solid waste, including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods. Garbage originates primarily in home kitchens, stores, markets, restaurants and other places where food is stored, prepared or served.

(2) Rubbish: rags, sweepings, excelsior, rubber, leather, crockery, shells, clothing, dirt, filth, ashes, wastepaper and similar waste material.

(3) Construction and demolition waste: waste resulting from construction, remodeling, repair and demolition of structures, road building and land clearing. Such wastes include but are not limited to bricks, concrete and other masonry materials, soil, rock, lumber, road spoils, paving material and tree or brush stumps.

(4) Medical and infectious waste: as that term is defined herein.

(5) Styrofoam.

(6) Propane tanks.

(7) Paint cans.

(8) Flammable liquids.

(9) Household cleaners.

(10) Chemicals, dry or liquid.

(11) Wood items.

(12) Concrete.

(13) Garden hose.

(14) Electrical cords.

#### NONRESIDENTIAL PRODUCERS

Any producer of solid waste other than a residential producer, including but not limited to commercial users.

#### OCCUPANT

A person occupying the premises which he or she owns or controls or a tenant or renter of the owner of such premises.

#### OTHER RECOVERABLE MATERIALS

Any material, substance, by-product, compound or any other item generated or originating within the City and separated from solid waste at the point of generation for separate collection, sale, external reuse or reprocessing and/or disposition other than by disposal in landfills, sewage treatment plants or incinerators. Other recoverable materials do not include recyclable materials as defined herein. Other recoverable materials excludes all hazardous, regulated medical and infectious waste.

#### OWNER

The owner of premises within the City of Niagara Falls or another person who has agreed to be or has been designated as the owner's agent for purposes of fulfilling the owner's obligations under this Chapter.

#### PARCEL

A single address or location that may have a single-family, two-family, three-family or multi-family dwelling, or a commercial use that qualifies for collection of refuse and recyclables by the waste hauler.

PERSON

Any natural person, partnership, association, joint venture, corporation, estate, trust, association, improvement district, governmental entity or other legal entity.

PREMISES

A single parcel of land upon which may be situate a building or group of buildings.

PRIVATE WASTE HAULER

A person not under contract with the City that is engaged in the business of collection, removal, transportation or disposal of residential and commercial refuse and recyclables that is licensed and so authorized by the Director.

REAR YARD

A yard extending between the side lot lines of a lot and situated between the rear lot line and the rear line of the principal building or use, projected to the side lot lines; in a corner lot, a yard extending between the interior side lot line and the exterior side yard and situated between the rear lot line and the rear line of the principal building or use, projected to the interior side lot line and exterior side yard.

RECYCLABLE MATERIAL

Any solid waste generated or originating within the City as designated in the rules and regulations promulgated hereunder and defined by the most-current recycling menu issued by the City and/or the waste hauler, including but not limited to:

- (1) Aluminum cans: containers fabricated primarily of aluminum and commonly used for soda, beer or other beverages.
- (2) Kitchen cookware: metal pots, pans, tins and utensils.
- (3) Steel and tin cans: empty cans only.
- (4) Glass: clear or colored jars, bottles and containers which are primarily used for packaging and bottling of various matters.
- (5) Newspaper: the common, inexpensive machine-finished paper made chiefly from wood pulp used for newspapers without bags, strings or rubber bands.
- (6) Paper board: wood-pulp-based material without any wax coating such as cardboard, pizza boxes, paper bags and corrugated cardboard.
- (7) Office paper and junk mail: envelopes, flyers, brochures and postcards.
- (8) Phone books: all types and sizes.
- (9) Magazines and catalogs: all types and sizes.
- (10) Wax coated containers such as milk and juice cartons: empty containers only.
- (11) Plastic containers: containers used primarily for laundry products, dishwashing detergents, milk, water most common being PET (polyethylene terephthalate) and HDPE (high-density polyethylene) but may selectively include other common plastic resin types.

RECYCLING CART

See "City-Issued Recycling Cart".

RECYCLING or RECYCLED

Any method, technique or process utilized to separate, process, modify, convert, treat or otherwise prepare solid waste so that its component materials or substances may be beneficially used or reused as raw materials.

#### REFUSE

(1) Solid waste generated at residences or at commercial users. This includes garbage, animal waste, yard trimmings, commercial refuse or other waste and other material which is not defined as recyclables or yard waste.

(2) Excluded from the definition of refuse (municipal solid waste) are the following which the waste hauler shall have no obligation to accept or process (herein the "excluded wastes"): any radioactive, volatile, highly flammable, explosive, toxic, biomedical, or hazardous material, dirt, or any other waste or material not meeting the requirements of this article. The term "hazardous material" shall include, but not be limited to, any amount of waste listed or characterized as hazardous by the United States Environmental Protection Agency or any state agency or jurisdiction.

#### REFUSE CART

See "City-Issued Refuse Cart".

#### REFUSE MANAGEMENT

The purposeful, systematic control of the generation, separation, storage, collection, transportation, processing and disposal of refuse generated by residential and commercial users.

#### RESIDENTIAL BUILDING REFUSE

Any and all refuse or residue resulting from building construction, reconstruction, repair or demolition or other incidental work in connection with any premises; or from replacement of building equipment or appliances, which work is performed by the owner or resident.

#### RESIDENTIAL REFUSE

Refuse originating in and around single-family, two-family, three-family, and multi-family dwellings.

#### RESIDENTIAL USER

A person who owns or occupies an improved parcel of land in the City of Niagara Falls which is designed for or occupied by a residential use with four or fewer dwelling units. This term includes, but is not limited to, vacant parcels and parcels with two residential structures on one parcel. This also includes those persons, owners or occupants of single-family, two-family, three-family, or multi-family dwellings which produce solid waste and are used exclusively for residential purposes.

#### SCAVENGING

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

#### SEPARATE AND ADDITIONAL COLLECTIONS

Residents desirous of disposing of quantities of additional refuse may separately contract with a City-approved private waste hauler.

#### SINGLE-FAMILY DWELLING

An improved parcel of land in the City which is designated for or occupied by a residential use with one dwelling unit. This includes manufactured homes and mobile homes.

#### SINGLE STREAM RECYCLING

A system in which all paper fibers and containers, such as glass, plastic, or aluminum, are mixed together in the same recycling cart.

#### SOLID WASTE

Includes but is not limited to garbage, refuse, non-recyclable rubbish, recyclable material, construction and demolition waste, white goods/appliances, bulk waste, yard trimmings and yard waste.

#### SOURCE SEPARATION

The segregation of recyclable material and other recoverable material from non-recyclable solid waste at the point of generation for separate collection, donation, sale or other disposition.

#### SPECIAL COLLECTION SERVICE EXEMPTION

All persons having physical limitations which prevent placement of City-Issued carts at the curb are entitled to apply to receive Special Collection Service, provided the following criteria is met:

(1) Age only criteria: Any residence where there are no persons between the ages of 12-70 capable of placing the cart(s) curbside or roadside. Any person requesting an age only exemption must present a written certificate from a physician licensed to practice in New York State stating that the person, because of age, is incapable of placing the cart(s) curbside or roadside. This request must be verified by the Director.

(2) Physical condition criteria: Each person between 12-70 at a residence not capable of placing the cart at the curbside must present a written certificate from a physician licensed to practice in New York State stating they are physically incapable of placing the cart curbside. This request and certification must be verified by the Director.

#### SPECIAL COLLECTION SERVICE REQUEST

Citizens requiring Special Collection Service must submit their request annually, no later than August first each year, in writing to the Department of Public Works, PO Box 69, Niagara Falls, NY 14302-0069.

#### STRANDED COSTS

The City's investment in education, research, technology, capital, equipment and infrastructure for the refuse and recycling program.

#### THREE-FAMILY DWELLING

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

#### TRANSFER STATION

A location where certain types of waste can be temporarily stored after having been dropped off by any type of collector and being removed by larger vehicles for subsequent treatment and ultimate disposal.

#### TWO-FAMILY DWELLING

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

#### USER

An occupant, owner, parcel, person or premises within the City of Niagara Falls that generates solid waste.

#### WASTE DISPOSAL FACILITY

The structures, land, and other improvements on the land, used for treating, sorting, or disposing of waste. A waste disposal facility may consist of several treatment, storage, or disposal operational units.

#### WASTE HAULER

The person under contract with the City of Niagara Falls that is engaged in the business of collection, removal, transportation and disposal of residential, commercial, and institutional refuse and recyclables.

#### WASTE STREAM REDUCTION PROGRAM

Programs designed to reduce the volume of solid waste, to enhance reclamation and recovery of solid waste or recyclables otherwise destined for the municipal waste stream, and includes recycling programs.

#### WHITE GOODS/APPLIANCES

A large and/or bulky household item (such as a refrigerator, freezer, washer, dryer, stove, etc.) ordinarily operated by gas or electric current.

#### YARD TRIMMINGS

All accumulations of grass or shrubbery clippings, leaves, tree branches, and other materials accumulated as the result of the care of the lawn, shrubbery, vines and trees by a property owner.

#### YARD WASTE

Compost material, organic yard and garden waste, leaves, brush and cuttings from shrubs, hedges and trees which are more than four inches in diameter. This term does not include regulated material.

#### D. Duties and powers of the Director.

(1) The Director, in addition to other powers cited in this Chapter, shall have the authority and responsibility to:

(a) Enforce all provisions of applicable state and local laws regulating residential, commercial, institutional and industrial refuse and recycling licensure, collection and management in the City of Niagara Falls.

(b) Subject to City Council approval, promulgate rules and regulations regarding the methods of collection of residential and commercial solid waste.

(c) Subject to City Council approval, set rules and regulations governing exemptions to this Chapter.

(d) Subject to City Council approval, add to or delete from the list of items to be recycled and establish rules and regulations regarding the separation, preparation, collection, transport and disposal of recyclables.

(e) Abate any refuse-related health hazard or public nuisance and charge the property owner the cost of the abatement. Unpaid charges shall be the personal liability of the owner of the real property upon the real property upon which such hazard or nuisance was found.

(f) For good cause shown, grant a Special Collection Service exemption request from the curbside or roadside collection requirements of refuse and recyclables to any person who because of age or physical condition is unable to deliver the refuse cart or recycling cart to the curbside or roadside area.

(g) For good cause shown, grant an exemption from the fencing and screening requirements for dumpsters required herein.

911.02 LICENSING OF INDEPENDENT PRIVATE WASTE HAULERS.

A. Any private waste hauler operating or desiring to operate within the City shall, within 90 days of the effective date of this Chapter and prior to the first day of January of each year thereafter, register with the Director and apply for a license for operation. The term of the license issued to a private waste hauler shall run from January 1 to December 31 of the year issued. Upon proper registration and payment of the required fees as set forth by the City Council resolution, from time to time, the City Clerk shall issue a license to the private waste hauler, which license shall not be transferable. Such license shall not be effective until approved by the City Council.

B. At the time of registration and as a condition precedent to receiving a license, the private waste hauler shall provide the City Clerk, on a form prepared by the City Clerk, the following:

(1) The name of the private waste hauler, business address and telephone number.

(2) The name, address and telephone number of the persons having the largest ownership interest in the private waste hauler.

(3) The name, address and telephone number of the officers of the corporation or general partners of the partnership, if applicable.

(4) A current listing of all collection sites which the private waste hauler services within the City and the number of dumpsters or other trash receptacles serviced at such collection site, which listing shall be timely updated during the course of the year, as necessary, by the private waste hauler.

(5) A recitation that the private waste hauler shall refuse to accept for collection any waste material which has not been prepared for collection by the generator of the waste material in conformity with this Chapter.

(6) The quantity, by ton, of all garbage, non-recyclable material and refuse collected within the City during the twelve-month period prior to the date of issuance of the license. The name(s) and location(s) of the disposal site(s) must also be included.

(7) The quantity, by ton, and the type of all recyclable material collected within the City and delivered to a recycling facility during the twelve-month period prior to the date of issuance of the license. The name(s) and location(s) of the recycling facility(ies) must also be included.

(8) Such other information as the City Clerk shall deem appropriate and necessary.

C. Private waste haulers shall abide by this Chapter and the recycling regulations, as amended from time to time by the Director. Failure to comply with this Chapter and such recycling regulations may result in revocation of the private waste hauler's license pursuant to this Chapter.

D. Any vehicles used by private waste haulers shall be watertight and equipped with airtight tarps anchored to the vehicles for such portions of the vehicles as are used for the transportation of garbage, non-recyclable material and refuse and/or recyclable material. The airtight tarps shall be in place at all times the vehicle is in the City, whether empty or full, except during the physical act of collection so as to prevent any spillage onto the public right-of-way.

E. The name of the private waste hauler operating any vehicle used for the transportation of garbage, non-recyclable material and refuse and/or

recyclable material within the City shall be displayed on both sides of each such vehicle in a prominent and legible manner.

F. General Regulations.

(1) Persons who utilize private waste haulers shall have their solid waste collected at least once a week, or more frequently when it is determined by the Director that such additional collections are necessary to protect the public health, safety and welfare. The waste hauler is not required to collect any waste material, garbage, non-recyclable material and refuse and/or recyclable material from any person who is required to utilize a private waste hauler under the terms of this Chapter.

(2) All dumpsters utilized by private waste haulers for the collection of waste material, garbage, non-recyclable material and refuse and/or recyclable material as required by this Chapter shall comply with the regulations set forth in the City Ordinances and shall be located on private property and shall be in an area enclosed by fencing and screening as required in the City Ordinances. The fencing and screening shall at all times be maintained in good repair.

(3) The fencing and screening of dumpsters shall be completed within 90 days of the effective date of this Chapter. Appropriate building permits must first be obtained from the Department of Code Enforcement. Persons who are unable to comply with the fencing and screening requirements may file a written request for an exception thereto with the Director. An investigation of the requested exception will be conducted by the Director. At the conclusion of such investigation, the Director shall, within 45 days of the filing of the requested exception, render a decision granting, conditionally granting or denying the requested exception. The person seeking the requested exception shall bear the burden of demonstrating inability to comply with the requirements of this Chapter.

(4) Private waste haulers shall operate their vehicles within the City so as to cause the least possible disruption to traffic flow on City streets.

(5) A private waste hauler's sticker shall be prominently displayed on each vehicle operated by or on behalf of the private waste hauler authorized, by license, to collect waste material in the City.

(6) All private waste haulers licensed by the City shall agree to indemnify and hold harmless the City for any pending, threatened or actual claims, liability or expenses arising from the disposal of waste material by any private waste hauler in violation of this Chapter.

G. Denial, suspension or revocation of private waste hauler's license. When the City Clerk determines that a violation of this Chapter or the recycling regulations, as amended from time to time by the City, may have been committed by a private waste hauler or an applicant for a private waste hauler's license, he/she may recommend to the City Council that the private waste hauler's application for license or the license can be denied, suspended or revoked, as the case may be, or that the holder of said license be subject to a reprimand. Notice and an opportunity to be heard shall be provided as follows prior to the denial, reprimand, suspension or revocation of a private waste hauler's license.

(1) Notice.

(a) The City Clerk shall notify the affected applicant or licensee of the alleged violation in writing. The notice shall include the following:

(1) A statement of the condition allegedly violated, referring to the pertinent section of this Chapter.

(2) A short and plain statement of the alleged violation.

(3) A statement of the time, place and nature of the hearing, the body before whom the hearing shall be held and the relief sought.

(b) The notice shall be personally delivered or sent by certified or registered mail to the applicant's or licensee's last known address at least ten days before the hearing date, with a copy to the Director.

(2) Hearing.

(a) Hearings shall be held before the City Council or a hearing officer designated by it within a reasonable period, which shall be at least ten days after service of notice.

(b) The applicant or licensee may be represented by counsel at the hearing and may offer evidence and cross-examine witnesses.

(c) In the event that the City Council designates a hearing officer to hold the hearing, such hearing officer shall make findings of fact and transmit those findings to the City Council within 30 days after the close of the hearing.

(d) Within 30 days after the close of the hearing or within 60 days after the close of the hearing in the event that a hearing officer hold the hearing, the City Council shall:

(1) Determine whether the alleged violation of this Chapter or recycling regulations has occurred; and

(2) If the City Council determines that such a violation has occurred, decide whether an applicant's license shall be denied or whether an existing private waste hauler's license be suspended, revoked or its holder reprimanded.

(e) The City Council shall then promptly notify the applicant or licensee, in writing, of its determination.

911.03 REFUSE.

A. Public collection and disposal of refuse.

(1) All residential refuse, except as exempted herein, originating in the City shall be collected by the waste hauler under contract with the City as further delineated in this Chapter. Such refuse shall be stored and prepared for collection by property owners and occupants in accordance with the provisions of this Chapter. Property owners and occupants must adhere to the provisions of this Chapter.

(2) The waste hauler shall also collect refuse from commercial users in the City, inclusive of multi-family complexes, that qualify to participate in the City program and do participate in the City program and deliver it to an authorized disposal facility as further described in this Chapter. The criteria used to determine whether a commercial user, inclusive of a multi-family complex, qualifies to participate in the City program shall be determined by the Director. Among the criteria to qualify to participate in the City program, a commercial user must demonstrate to the satisfaction of the Director that such user does not regularly generate a quantity of refuse that exceeds the capacity of two (2) City-Issued Refuse Carts. In the case of a multi-family complex user, such user must demonstrate to the satisfaction of the Director that it does not regularly generate a quantity of refuse that exceeds the capacity of four (4) City-Issued Refuse Carts. In the event such a commercial user is determined by the Director to qualify to participate in the City Program, up to two (2) City-Issued Refuse Carts will be made available to that user. In the event a multi-family complex user is determined by the Director to qualify to participate in the City Program, up to four (4) City-Issued Refuse Carts will be made available to that user.

(3) The waste hauler shall not collect construction and demolition waste, industrial waste, infectious or hazardous refuse/waste.

(4) The waste hauler shall collect residential refuse as well as commercial refuse from commercial users, inclusive of multi-family complexes, that qualify for and participate in the City's program once per week.

A residential user that produces construction or demolition waste must arrange for the disposal of such waste by a licensed private waste hauler or, in the alternative, may obtain a permit from the Director to dispose of such waste at the waste hauler's facility. In addition, a residential user that produces a quantity of refuse that exceeds the capacity of the City-Issued Cart may obtain a permit from the Director to dispose of such refuse at the waste hauler's facility.

(5) Refuse collection at a frequency greater than once per week will be handled on a case-by-case basis. Such separate and additional collections must be scheduled by the user with the waste hauler or a private waste hauler. User fees for such separate and additional collections shall be established by the waste hauler or a private waste hauler and charged to the user consistent with the frequency of the additional collections.

(6) Single-family, two-family, three-family and multi-family dwelling users and multi-family complexes that qualify to participate in the City program may place one bulk waste item per dwelling unit at the curb at a frequency determined by the waste hauler. Bulk waste must be placed in a location that does not impede with the collection of the City-Issued Carts. Users are responsible for removing refrigerant, must present adequate information indicating refrigerant has been removed and the doors shall be removed.

(7) Commercial users and multi-family complexes that do not qualify to participate in the City program and industrial users must provide for the lawful collection and disposal of refuse by a private waste hauler.

(8) Commercial users and multi-family complexes not serviced by the waste hauler under contract with the City must establish to the satisfaction of the Director that a private waste hauler is providing collection and disposal services for the commercial user and multi-family complexes and that refuse collection is being made at a frequency determined by the Director to be consistent with public health requirements. Failure to provide for adequate collection and disposal services or to provide satisfactory proof to the Director of such collection shall constitute a violation of this Chapter.

(9) Commercial users and multi-family complexes who elect to be serviced exclusively by a private waste hauler and commercial users and multi-family complexes who have had public collection service discontinued shall provide commercial containers or alternate containers sufficient in number to contain all refuse accumulating between scheduled refuse collections and shall not allow refuse to be stored or to accumulate on their property. Any substantial accumulation of refuse is hereby declared to be a public health hazard and a public nuisance and shall constitute a violation of this Chapter. The Director shall determine whether or not the accumulation of refuse is substantial.

(10) The Director shall have the authority to abate any public health hazard or public nuisance and to impose the administrative fees, charges and penalties of this Chapter as well as the cost of disposal for such abatement.

(11) Commercial users and multi-family complexes who produce construction and demolition waste and industrial waste must be serviced exclusively by a private waste hauler.

(12) No person or company, except the waste hauler, or a private waste hauler, shall engage in the collection of residential refuse placed between the sidewalk and curb by residential users for public collection.

(13) The waste hauler under contract with the City will not collect or remove yard trimmings and yard waste produced by commercial contractors. Yard trimmings and yard waste produced by commercial contractors must be removed from the premises by the commercial contractor or by the owner or occupant of the premises.

(14) No City employees, equipment nor the waste hauler shall enter private property or structures in making collections unless it can be demonstrated to the satisfaction of the Director that it is in the best interest of the City and more feasible to enter certain private property to make collection. When it is determined by the Director that City employees, their equipment or the waste hauler may enter private property in making collections, the owner of said private property must execute a consent, release and hold harmless agreement with the City allowing access to private property and releasing the City from any liability as a result of entering the property as well as holding the City harmless against any claims made against the City.

(15) The waste hauler shall have no obligation to pick up and remove any refuse which was not generated in a residence in the City, nor does waste hauler have an obligation to pick up and remove any refuse which was not generated by a qualifying commercial user or a multi-family complex located in the City.

(16) Vehicular tires and tire casings will not be picked up or removed by the City or any agency thereof. The City will dispose of unmounted passenger vehicular tires for a charge per tire, if said tires are dropped off to the Department of Public Works Corporation Yard. The charge per tire will be determined by the Director upon approval by resolution of the City Council.

(17) It shall be the duty of every owner or occupant of every residential dwelling within the City to keep the public sidewalk and area between the public sidewalk and street free and clear of all kinds of solid waste.

(18) All carts placed for collection must be placed three to five feet from the street's edge, with the cart's latch bar facing the street.

(19) No person shall cart, dump, burn, deposit or otherwise dispose of or cause to be carted, dumped, burned, deposited or otherwise disposed of any solid waste upon any public highway, street or other public place or upon any private property except as provided in this Chapter.

#### B. Residential refuse carts.

(1) The City will provide City-Issued Refuse Carts for the sole purpose of refuse storage and collection as follows:

(a) Single-family dwelling. The user will receive one City-Issued Refuse Cart.

(b) Two-family dwelling. The user will receive two City-Issued Refuse Carts.

(c) Three-family dwelling. The user will receive three City-Issued Refuse Carts.

(d) Multi-family dwelling. The user will receive one City-Issued Refuse Cart for each dwelling unit in the dwelling up to a maximum of four City-Issued Refuse carts. In the alternative, the multi-family dwelling user may opt out of the City program and contract with a private waste hauler.

(2) In the event a City-Issued Refuse Cart is lost, damaged, rendered unusable or removed from the assigned premises, the City will provide replacement City-Issued Refuse Carts to users as deemed necessary by the Director. The City may, after investigating the facts involving the lost, damaged, unusable or removed cart, charge users a replacement fee for these carts equal to the cost of a new cart, in accordance with rules and regulations established by the Director. The cost of a new City-Issued Cart may fluctuate from time to time depending upon market conditions. Any replacement City-Issued Refuse Cart shall remain the property of the City.

(3) Any City-Issued Refuse Cart is owned by the City, shall remain at the assigned premises, and shall be used solely for the purpose of storage and collection of refuse.

(4) Upon application by a residential user and for good cause shown, the Director may authorize a residential user to receive one additional City-Issued Refuse cart at a premises for inclusion in the City Program.

#### C. Commercial refuse carts.

(1) Commercial users and multi-family complexes that qualify to participate in the City Program and do participate in the City program must adhere to this Chapter. Qualifying commercial users have the option to receive up to two (2) City-Issued Refuse Carts and qualifying multi-family complexes have the option to receive up to four (4) City-Issued Refuse Carts.

(2) All commercial users and multi-family complexes must have a sufficient number of containers or carts to hold all refuse accumulated between scheduled collections and shall not allow refuse to be stored or to accumulate on their property in a manner or amount contrary to the rules and regulations of this Chapter.

#### D. Preparation of refuse for collection by the waste hauler.

(1) A user who places items at the curb for collection and disposal by the waste hauler shall separate garbage and non recyclable material from recyclable material and prepare the same for collection and disposal in accordance with this Chapter.

(2) Refuse offered for collection shall be prepared for collection by the user of the premises as provided in this section.

(3) The placement of refuse for collection at or in front of a premises other than the premises at which the refuse originated constitutes illegal dumping and is prohibited by this Chapter and such activity shall constitute a violation of this Chapter.

(4) All residential and commercial refuse shall be placed in City-Issued Refuse Carts for collection between the sidewalk and the curb or alongside the roadway in front of the premises where the refuse originated at a distance between three and five feet from the street edge; the cart's latch bar must face the street in an area free of snow to allow for the placement of the owners'/occupants' refuse and recycling carts. Such carts must be placed in such a location so as to not interfere with pedestrian or vehicular traffic in the City right-of-way nor impede wheelchair access in the public right-of-way. Such carts may not be placed for collection prior to 5:00 p.m. the day prior to the scheduled collection day and must be removed no later than 11:00 p.m. the day the refuse and recyclables are collected.

(5) Any and all brush and tree parts produced by the activity or efforts of the owner or occupant of the premises shall be in bundles not exceeding four feet in length and 50 pounds in weight. The bundles shall be placed at the curb in a reasonable manner so as to not impede traffic and to permit ease of handling by one person. Leaves may be left in loose piles at the curb or alongside the roadway for collection by the City in the fall of

each year pursuant to a schedule to be promulgated by the Director each year and published by the Director.

(6) City-Issued Refuse Carts must not be filled over their level capacity and the lids must be completely closed.

(7) All commercial users and multi-family complexes that participate in the City program shall properly deposit refuse in City-Issued Refuse Carts. All commercial users and multi-family complexes that do not participate in the City program shall properly deposit refuse in carts approved by the Director for collection by a private waste hauler as set forth in this Chapter.

(8) For good cause shown, the Director is hereby authorized to grant a Special Collection Service exemption from the curbside or roadside collection requirements to any person who qualifies for such exemption.

#### E. Yard Trimmings.

Yard trimmings placed for collection by the waste hauler may be placed in the City-Issued Refuse Cart. In the alternative, yard trimmings may be placed for collection separate and apart from any other waste or refuse in a landscape craft bag or a plastic bag at the curb area provided that the plastic bag is clear and the contents are visible to the waste hauler during the time frames set forth by the Director for such collection.

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

(1) Owners of premises shall be responsible for compliance with the provisions of this Chapter and shall remain responsible therefor regardless of the fact that this Chapter may also place certain responsibilities on occupants and regardless of any agreements between owners or occupants as to which party shall assume such responsibility.

(2) Owners and occupants of rental property located in the City shall provide to the tenant a document specifying the requirements that the tenant shall meet as to the storage and disposal of refuse and the legal penalties for violation of those requirements.

### 911.04 RECYCLABLES.

#### A. Public collection and disposal of recyclables.

(1) All residential recyclable material originating in the City shall be collected by the waste hauler under contract with the City as further delineated in this Chapter. Such recyclable material shall be stored and prepared for collection by property owners and occupants in accordance with the provisions of this Chapter. Property owners and occupants must adhere to the provisions of this Chapter.

(2) The waste hauler shall also collect recyclable material from commercial users and multi-family complexes in the City that qualify to participate in the City program and do participate in the City program, and deliver them to an authorized recycling facility as further described in this Chapter. The criteria used to determine whether a commercial user qualifies to participate in the City program shall be determined by the Director. A commercial user that qualifies to participate in the City Program shall receive one (1) City-Issued Recycling Cart. A multi-family complex that qualifies to participate in the City program shall receive up to two (2) City-Issued Recycling Carts.

(3) Recyclables shall be stored and prepared for collection according to the provisions of this Chapter.

(4) The City encourages users to participate in this recycling program. Notwithstanding the foregoing, the quantity of recyclables put out for collection by a residential user or commercial user and multi-family complexes that participate in the City's program shall be in the sole discretion of such users.

(5) The waste hauler shall collect recyclable material from residential users and commercial users and multi-family complexes that participate in the City's program once every two (2) weeks.

(6) Recyclable material collection at a frequency greater than once every two (2) weeks will be handled on a case-by-case basis. Such separate and additional collections must be scheduled by the user with the waste hauler or a private waste hauler. User fees for such separate and additional collections shall be established by the waste hauler or a private waste hauler and charged to the user consistent with the frequency of the additional collection.

(7) Commercial users and multi-family complexes that do not qualify to participate in the City Program and industrial users must provide for the lawful collection and disposal of recyclable material.

(8) In the event a commercial user or multi-family complex user fails to qualify for the City Program or if such users qualify for the City Program and choose not to participate, that user must be serviced by a private waste hauler.

(9) Commercial users and multi-family complexes not serviced by the waste hauler under contract with the City must establish to the satisfaction of the Director that a private waste hauler is providing collection and disposal services of recyclables for those commercial users and that collection of recyclable material is being made at a frequency determined by the Director to be consistent with public health requirements. Failure to provide for adequate collection and disposal services or to provide satisfactory proof to the Director shall constitute a violation of this Chapter.

(10) Commercial users and multi-family complexes who are serviced by a private waste hauler and commercial users who have had public collection service discontinued shall provide commercial containers sufficient in number to hold all recyclable material accumulating between scheduled recyclable collections and shall not allow recyclables to be stored or to accumulate on their property in a quantity sufficient to pose a public health hazard and public nuisance. Any substantial accumulation of recyclable material is hereby declared to be a public health hazard and a public nuisance and shall constitute a violation of this Chapter. The Director shall determine whether an accumulation is substantial.

(11) The Director shall have the authority to abate any public health hazard or public nuisance and to impose the administrative fees, charges and penalties of this Chapter as well as the cost of disposal for such abatement.

(12) No person, except the waste hauler or its designee, or a licensed private waste hauler approved by the Director, shall engage in the collection of residential recyclable material placed between the sidewalk and curb by residential users for public collection.

(13) No City employees, equipment nor the waste hauler shall enter private property or structures in making collections unless it can be demonstrated to the satisfaction of the Director that it is in the best interest of the City and more feasible to enter certain private property to make collection. When it is determined that City employees, their equipment or the waste hauler will enter private property in making collections, the owner of said private property must execute a consent, release and hold harmless agreement with the City allowing access to private property and releasing the City from any liability as a result of entering the property as well as holding the City harmless against any claims made against the City.

(14) The waste hauler shall have no obligation to pick up and remove any recyclable material which was not generated in a residence in the City, nor does the waste hauler have an obligation to pick up and remove any

recyclable material which was not generated by a qualifying commercial user or multi-family complex user located in the City.

(15) It shall be the duty of every person, owner or occupant of every residential dwelling within the City to keep the public sidewalk and area between the public sidewalk and street free and clear of all kinds of solid waste.

(16) No person shall cart, dump, burn, deposit or otherwise dispose of or cause to be carted, dumped, burned, deposited or otherwise disposed of any solid waste upon any public highway, street or other' public place or upon any private property except as provided in this Chapter.

(17) In the event a recycling cart is lost, damaged, rendered unusable or removed from the assigned premises, the City will provide replacement recycling carts to users as deemed necessary by the Director. The City may, after investigating the facts involving the lost, damaged, unusable or removed cart, charge users a replacement fee for these carts equal to the cost of a new cart, in accordance with rules and regulations established by the Director. Any replacement recycling cart shall remain the property of the City. The cost of a new City-Issued Cart may fluctuate from time to time depending on market conditions.

#### B. Preparation of recyclables.

(1) Recyclables shall be prepared for collection according to the rules and regulations established by the Director subject to the approval of the City Council.

(2) All residential and commercial recyclables shall be placed in Recycling Carts for collection between the sidewalk and the curb or alongside the roadway in front of the premises where the recyclables originated at a distance between three and five feet from the street edge; the cart's latch bar must face the street in an area free of snow to allow for the placement of the owners'/occupants' refuse and recycling carts. Such carts must be placed in such a location so as to not interfere with pedestrian or vehicular traffic in the City right-of-way nor impede wheelchair access in the public right-of-way. Such carts may not be placed for collection prior to 5:00 p.m. the day prior to the scheduled collection day and must be removed no later than 11:00 p.m. the day the refuse and recyclables are collected.

(3) Only recyclables as delineated in the rules and regulations promulgated by Director shall be placed in the Recycling Cart.

(4) Materials placed in the Recycling Cart by any user which are improperly prepared and/or which are deemed not recyclable will, for a first offense, be issued a warning by the waste hauler and the failure by the user to cure such defect thereafter shall be considered a violation of this Chapter and subject to the fines and penalties provided herein.

#### C. Ownership.

Recyclable material placed between the sidewalk and the curb by the owner/occupant or his agent for collection shall immediately become the property of the City when so placed, and may not be removed, taken, possessed or scavenged. Notwithstanding the foregoing, the owner/occupant of the premises, or his agent, may remove any items so placed for collection.

#### D. Residential collection of recyclables.

(1) The waste hauler shall collect properly prepared recyclable material placed at the curb from all of its residential users on the same day it collects refuse at intervals determined by the waste hauler.

(2) The waste hauler will deliver collected recyclable material to an authorized recycling facility.

(3) Residential properties will receive Recycling Carts as follows:

- (a) Single family: one Recycling Cart.
- (b) Two family: two Recycling Carts.
- (c) Three family: three Recycling Carts.
- (d) Multi family: two Recycling Carts or present to the

Director appropriate documentation of a service contract engagement with a private waste hauler.

(4) Recycling carts. Upon application by a residential user and for good cause shown, the Director may authorize a residential user to receive an additional City-issued Recycling Cart at a premises for inclusion in the City Program.

#### E. Nonresidential producers of recyclables.

(1) All Commercial users and multi-family complex users shall provide for the lawful collection and disposal of recyclables. Every commercial user that qualifies for and participates in the City's program shall be issued one (1) Recycling Cart as set forth herein. Every multi-family complex user that qualifies for and participates in the City's program shall be issued up to two (2) City-Issued Recycling Carts as set forth herein. The waste hauler shall collect recyclables from such commercial users and multi-family complexes participating in the City program and deliver them to an authorized recycling facility as described by this Chapter. Such recyclables shall be stored and prepared for collection by such commercial users and multi-family complexes according to the provisions of this Chapter. The City encourages users to participate in the recycling program. Notwithstanding the foregoing, the quantity of recyclable material shall be at the commercial user's and multi-family complexes' sole discretion.

(2) It is the responsibility of the commercial user and multi-family complexes to identify any items designated as recyclable in this Chapter and/or in the rules and regulations promulgated by the Director and to prepare a plan for the collection of its recyclables subject to approval by the Director.

(3) Commercial users and multi-family complexes may develop an alternate plan for the collection of recyclable material by a licensed private waste hauler. Such a plan must be consistent with all of the provisions of this Chapter and is subject to approval by the Director.

(4) All licensed private waste haulers shall deliver collected recyclables to an authorized recycling facility.

(5) The Director shall have the authority to abate any emergency public health hazard or public nuisance and to impose the administrative fees, charges and penalties of this Chapter as well as the cost of disposal for such abatement.

#### F. Tenant responsibility for recycling.

Notwithstanding the provisions above, a property owner may apply to the Director for approval of a waiver of primary responsibility for compliance with recycling laws, rules and regulations, provided that such property owner shall furnish to the Director adequate proof, as promulgated by the Director in rules and regulations governing recycling, that the tenants have assumed responsibility for compliance with recycling laws, rules and regulations. This approval may be revoked by the Director in accordance with promulgated rules and regulations.

G. For good cause shown, the Director is hereby authorized to grant a Special Collection Service exemption from the curbside or roadside collection requirements to any person who qualifies for such exemption.

911.05 STORAGE OF REFUSE AND RECYCLABLES.

(1) No refuse or recyclable material shall be placed or stored on any premises within the City except as permitted by this Chapter.

(2) Residential refuse and recyclables shall be deposited promptly and stored in City-issued carts as set forth in this Chapter.

(3) Commercial refuse and recyclables shall be deposited promptly and stored in City-issued carts or commercial containers as authorized by this Chapter.

(4) City-issued carts shall not be stored in the front yard of any residence, business, commercial or industrial site, except when placed at the curblines for collection.

(5) Refuse and recyclables shall be stored in a manner so as not to create a public health hazard or public nuisance.

(6) Any substantial accumulation of refuse or recyclables is hereby declared to be a public health hazard and a public nuisance and shall constitute a violation of this Chapter.

(7) Refuse and recyclables shall not be placed or stored in the street, sidewalk or in any public place except as authorized by this Chapter.

(8) The Director shall have the authority to abate any emergency public health hazard or public nuisance and to impose the administrative fees, charges and penalties as set forth in this Chapter as the cost of disposal for such abatement.

911.06 MISCELLANEOUS PROVISIONS.

A. No person shall write, paint or draw any word, inscription, design, figure or mark, or otherwise mar or deface any City-Issued Cart without express written consent of the City. Any such conduct is a violation of this Chapter.

B. Severability. Should any section, paragraph, sentence, clause or phrase in this Chapter be declared unconstitutional or invalid for any reason, the remainder of the Chapter shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this article are declared to be severable.

C. Dead animals. Dead animals shall be removed by the City, from the right-of-way only, upon request, except that an animal hospital or other business caring for or harboring animals must remove and dispose of dead animals without the aid of the City. The owner or custodian of an animal may remove and dispose of any dead animal by contract with a private waste hauler. In no event shall a dead animal remain undisposed of for a period longer than 12 hours.

D. Emergency collection and disposal. In the event of a public emergency declared by the Mayor, the Director may provide by contract for the public collection, removal and disposal of refuse without competitive bidding. In such case, the Director may impose such conditions as he or she may deem advisable and shall supervise all work under such contracts.

E. Scavenging. No person shall interfere with, take, remove or scavenge for any material in any City-Issued Refuse Cart, recycling cart or any bulk waste which has been placed between the sidewalk and the curb by the owner and/or occupant for collection by the waste hauler.

F. City-Issued Refuse Carts and Recycling Carts for special events. City-Issued Refuse Carts and Recycling Carts provided by the City and placed by the City in the public right-of-way, parks or other public places shall be used only for deposit of refuse and recyclables generated on the public right-of-way by pedestrians and motorists or generated by persons using the parks or other public places. The placing into such carts of refuse or recyclables originating from areas other than the public right-of-way or other public places constitutes illegal dumping and is prohibited by this Chapter. Carts provided by the City for special events or projects shall be used only for deposit of refuse and recyclables generated at the special event or project. When so deposited, such refuse and recyclables become the property of the City.

G. Illegal dumping. No person shall place, throw, deposit or dump or cause to be placed, thrown, deposited or dumped any refuse of any nature including, but not limited to, residential refuse, building refuse, bulk waste, commercial refuse, institutional refuse, construction waste, hazardous waste, industrial waste, infectious waste and/or recyclable materials in or upon any premises, street (including the area between the sidewalk and the curb), sidewalk or park, or in any refuse or recycling cart placed in a right-of-way, park or public place, or provided for a special project or event.

H. Regulations governing collection of refuse and or recyclables. No collector of refuse and/or recyclable collector shall:

- (1) Violate a rule or regulation established by the Director.
- (2) Dispose of refuse at a site not approved by the New York State Department of Environmental Conservation.
- (3) Litter.
- (4) Scavenge.
- (5) Collect refuse or recyclables placed between the sidewalk and curb by residential or nonresidential producers for collection without prior written approval by the Director.

#### 911.07 RODENT CONTROL MEASURES.

A. No owner/occupant of residential and nonresidential property shall store, place or allow to accumulate any materials that may serve as food or harborage for rodents in a site accessible to rodents.

B. Firewood or woodpiles shall be stacked at least 12 inches above the ground, away from walls or fences, shall be reasonably secure and shall be stabilized in a structurally sound manner so as to avoid a risk of harm from collapse or movement.

C. No person shall feed in the open any domestic or wild fowl, birds or animals, except in such a manner as to prevent the scattering of feed or seed upon the ground or ground level, which can or will provide food for rodents, insects, vermin or other pests.

D. Owners of nonresidential property must have a rodent control program in effect which provides for abatement and control of rodents by a licensed exterminator.

E. Prior to the issuance of a demolition permit, the applicant for the permit must establish that a licensed exterminator has completed rodent

abatement at the site or certify that the property is free from rodents or other vermin.

911.08. ENFORCEMENT; APPEARANCE TICKETS.

A. The Director, any person designated by him and such other persons as may be designated by resolution of the City Council are hereby authorized and directed to enforce this Chapter, to cause collections to be made according to this Chapter; and to cause to be printed and distributed proper notice to each premises within the City to notify persons governed by this Chapter of the dates and times for refuse collection and of the recycling regulations promulgated pursuant to this Chapter.

B. The Director or a person designated by him are hereby authorized to issue and serve appearance tickets with respect to violations of this Chapter. An appearance ticket shall be served personally by the Director or by a person designated by the Director on the person designated as the person alleged to have committed an offense.

911.09 PENALTIES FOR OFFENSES.

A. Any violation by a person, firm or corporation of any provision of this Chapter or the recycling regulations, as amended from time to time, shall be deemed a violation punishable by the following:

- (1) First violation; a written warning;
- (2) Second violation within 12 months of the first violation; a fine of \$50;
- (3) Third violation within 12 months of the first violation, a fine of \$100;
- (4) Fourth violation within 12 months of the first violation, a fine of \$150; and
- (5) Each subsequent violation within 12 months of the first violation, a fine of \$250.

B. Any person who takes part in or assists in any violation of this Chapter shall be deemed to have committed the same violation as the original violator and shall also be subject to the penalties provided herein.

C. Each day that a violation of this Chapter is committed or permitted to exist shall constitute a separate offense.

D. The notice of violation shall state the date, time and place of the violation, the section or sections violated, the fine imposed and the date on which the violator may appear in the City of Niagara Falls City Court to contest the violation. The notice of violation shall be signed and affirmed by the Director, or his designee(s).

E. If any penalty imposed pursuant to this Chapter remains unpaid for 30 days, the City Council may authorize the Corporation Counsel to commence a civil action to collect such fine.