

April 4, 2016

PRESENTATIONS:

1. Shawn Kennedy – Presentation of Proclamation by Mayor Paul A. Dyster and Resolution presented by City Council Members
 2. Paul A. Dyster, Mayor – Casino Spending Plan
-

ADMINISTRATIVE UPDATE:

None

Agenda Item #1

SUBJECT: Bid #2016-05 Sale of Street Millings

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

TO: Armand Cerrone, Inc.

4625 Witmer Road

Niagara Falls, NY 14305

FOR: Sale of approximately 37,785 tons of street millings

generated during the 2016 paving season: \$.89/ton

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to eight (8) vendors. Three (3) bids were received. The above referenced company submitted the highest price for the millings. The two (2) other bids that were received were from Lafarge North America at \$.86/ton and Buffalo Fuel Corporation at \$.85/ton.

Will the Council so approve?

Agenda Item #2

SUBJECT: Bid #2016-03 Clearing of Vacant Lots

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

TO: K.J. Smith Enterprises, Inc.

3616 Highland Avenue

Niagara Falls, NY 14305

FOR: One (1) year contract to furnish of proper equipment and experienced manpower to clear, cut and or mow all vegetation (weeds, brush, etc.) at various locations within the City of Niagara Falls, NY. This contract has the ability to be extended for two (2) additional years if mutually agreeable and upon City Council approval.

Man Hours for properties less than one (1) acre (est. 3,200 hours):
\$10.00/Man Hour

Price per acre for properties one acre or larger (est. 150 acres):
\$17.50/Acre

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to eight (8) vendors. Four (4) bids were received. After reviewing each bid we determined that K.J. Smith Enterprises, Inc. submitted the lowest overall bid as shown on the attached tally sheet.

Funds for this expenditure are included in the DPW Community Beautification code: A8510.0000.0449.080.

Will the Council so approve?

BID #2016-03

CLEARING OF VACANT LOTS

	ITEM #1 ESTIMATE 3,200 MAN HOURS FOR PROPERTIES LESS THAN ONE ACRE	ITEM #2 ESTIMATED 150 ACRES FOR PROPERTIES ONE ACRE OR LARGER
K.J. Smith Enterprises, Inc. 3616 Highland Avenue Niagara Falls, NY 14305	\$10.00/Man Hour	\$17.50/Acre
Niagara Grass Cutting 2637 Niagara Falls Boulevard Niagara Falls, NY 14304	\$17.00/Man Hour	\$30.00/Acre
Beau Enterprises, Inc. 4250 Williams Road Ransomville, NY 14131	\$34.50/Man Hour	\$40.00/Acre
Henry Services, Inc. PO Box 264 Sanborn, NY 14132	\$37.50/Man Hour	\$58.00/Acre

Agenda Item #3

RE: Request from New York State Division of Veterans' Affairs for space in City Hall

Council Members:

Attached hereto is a copy of correspondence to the City Administrator from the State Division of Veterans' Affairs. The Division of Veterans' Affairs is requesting the opportunity to utilize unused office space in City Hall on a limited basis as described in the attached letter. This accommodation has been made to the Office of Veterans' Affairs in the past. This office space will benefit veterans residing in the City with their concerns and questions.

Will the Council so approve?



**Division of
Veterans' Affairs**

ERIC J. HESSE
Director

7 March 2016

Ms Owens,

I am submitting this written proposal to request office space at Niagara Falls City Hall for a New York State Benefits Advisor (VBA).

Office space needed: 120 sq ft.

The office will be staffed four or five days per week, Monday through Friday.

Office hours will be from 8:00 am to 4:00 pm.

Currently, New York State Veterans' Affairs assists Niagara Falls veterans with obtaining Federal and State benefits on Thursdays from the VA clinic on Pine Avenue. The clinic no longer has space available for a VBA to work from that site, as VA medical staffing has increased. In an effort to provide better assistance to Niagara Falls veterans, we are willing to provide a full-time Veterans Benefits Advisor. However, we are in need of office space to do this.

Thank you in advance for your attention on this matter. Please feel free to contact me at 716-474-1463 with any questions.

Paul J. Romesser
Associate Training Technician
New York State Division of Veterans' Affairs
Walter J. Mahoney State Office Building
65 Court St Suite 200, Buffalo NY 14202
716-474-1463

Agenda Item #4

RE: Agreement with Buffalo Niagara Riverkeeper for Habitat Restoration Projects

Council Members:

The City of Niagara Falls has been approached by Buffalo Niagara Riverkeeper to perform habitat restoration projects in Hyde Park and along Gill Creek.

This would be done by Riverkeeper or contractors on its behalf and is fully funded through Riverkeeper, so no City funds are involved.

Will the Council authorize the Mayor to enter into an agreement with Buffalo Niagara Riverkeeper authorizing this project in a form acceptable to the Corporation Counsel?

Agenda Item #5

RE: Request for Approval to Settle and Pay Claim of Huelin Thomas, Jr.

PO Box 2051, Niagara Falls, NY 14302

Council Members:

Date Claim Filed:	January 7, 2016
Date Action Commenced:	N/A
Date of Occurrence:	January 5, 2016
Location:	Niagara Avenue at intersection with 11 th Street, Niagara Falls, New York
Nature of Claim:	Automobile damage sustained in an accident with City vehicle.
City Driver:	Vincent M. Rychel
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$1,274.00
Make Check Payable to:	Huelin Thomas, Jr.
Conditions:	General Release to City, approved by Corporation Counsel.

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

Agenda Item #6

RELATIVE TO CONGRATULATING BABY CAKES CUPCAKE DINER

BY:

COUNCIL CHAIRMAN ANDREW TOUMA

COUNCIL MEMBER KRISTEN GRANDINETTI

COUNCIL MEMBER EZRA SCOTT, JR.

COUNCIL MEMBER KENNY TOMPKINS

COUNCIL MEMBER CHARLES WALKER

WHEREAS, the Niagara Falls City Council wishes to congratulate Baby Cakes Cupcake Diner for winning the 3rd Annual KISS 98.5 Cupcake Challenge; and

WHEREAS, Baby Cakes Cupcake Diner is a local bakery, located at 1412 Pine Avenue in the City of Niagara Falls, this was a dream come true for mothers and co-owners, Christina Groce and Tracey Storey; and

WHEREAS, Christina is a professional cake artist and her business partner Tracy is a pastry chef who studied at the Niagara Falls Culinary Institute. Baby Cakes Cupcake Diner specializes in made-to-order custom cakes and gourmet cupcakes.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Niagara Falls, New York, does hereby congratulate Baby Cakes Cupcake Diner and welcome them to the Niagara Falls neighborhood.

Agenda Item #7

RELATIVE TO REAPPOINTMENT TO THE MUNICIPAL CIVIL SERVICE COMMISSION

BY:

COUNCIL CHAIRMAN ANDREW TOUMA

COUNCIL MEMBER KRISTEN GRANDINETTI

COUNCIL MEMBER EZRA SCOTT, JR.

COUNCIL MEMBER KENNY TOMPKINS

COUNCIL MEMBER CHARLES WALKER

BE IT RESOLVED, that the following individual is hereby reappointed to the City of Niagara Falls Municipal Civil Service Commission, effective May 31st 2016, for the term expiring on the date which appears opposite her name:

REAPPOINTMENT: _____ TERM EXPIRES:

Josephine A. Tavano

05/31/2022

953 Lafayette Ave

Niagara Falls, NY 14305

Agenda Item #8

TRAFFIC ADVISORY COMMISSION APPOINTMENT

BY:

COUNCIL CHAIRMAN ANDREW TOUMA

COUNCIL MEMBER KRISTEN GRANDINETTI

COUNCIL MEMBER EZRA SCOTT, JR.

COUNCIL MEMBER KENNY TOMPKINS

COUNCIL MEMBER CHARLES WALKER

WHEREAS, there is currently one vacant seat on the Niagara Falls Traffic Advisory Commission, due to the passing of Mr. Chester Hyla.

NOW THEREFORE, BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Traffic Advisory Commission, effective immediately.

APPOINTMENT

TERM EXPIRES:

Schurron Cowart
151 Buffalo Avenue #1401
Niagara Falls, NY 14303

12/31/2018

RESOLUTION No. 2016

**RELATIVE TO ACKNOWLEDGING SHAWN “BABY SHAWN”
KENNEDY FOR HIS BRAVERY AND COURAGE**

Council Chairman Andrew Touma
Council Member Kristen Grandinetti
Council Member Ezra Scott, Jr.
Council Member Kenny Tompkins
Council Member Charles Walker

WHEREAS, the City of Niagara Falls wishes to acknowledge Shawn “Baby Shawn” Kennedy for his bravery, courage and admiration from all of the residents in the City of Niagara Falls; and

WHEREAS, Baby Shawn is a 5 year old child, diagnosed with a rare form of brain cancer known as DIPG (Diffuse Intrinsic Potine Glioma). He has and will continue to receive treatments at the St. Jude Children’s Hospital in Memphis, but that hasn’t stopped his smiles, diminished his amazing personality or his abundance of energy; and

WHEREAS, Baby Shawn continues to enjoy life with his family, he recently met his biggest hero, Stephen Curry, basketball player for the Golden State Warriors. “Baby Shawn” sat with the team during warm-ups and enjoyed some one-on-one time with Curry; through Make-A-wish foundation, he recently enjoyed a Disney cruise with his whole family.

NOW, THEREFORE, BE IT RESOLVED, that the City of Niagara Falls, New York, does hereby recognize Shawn “Baby Shawn” Kennedy for his bravery and courage.

Agenda Item #10

RESOLUTION RELATIVE TO AMENDING CHAPTER 701
OF THE CODIFIED ORDINANCES ENTITLED
“ANIMALS, FOWL AND DOGS”

By: Council Member Kristen Grandinetti

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 701 of the Codified Ordinances entitled ~~Animals, Fowl and Dogs~~ is hereby amended as shown on the attached.

Bold and Underlining indicate **Additions**.

Strikethrough indicates **~~Deletion~~**.

CODIFIED ORDINANCES OF NIAGARA FALLS
PART SEVEN - GENERAL OFFENSES ORDINANCES

CHAPTER 701

Animals, Fowl, ~~and Dogs~~ **and Cats**

701.01	Definitions.	701.12	Removal of Dog and Other Animal Defecation From Public and Private Properties.
701.02	Fowl and Livestock Prohibited In Residential Districts.	<u>701.13 Responsibilities for Owners of Cats.</u>	
701.03	Consent of Property Owners to Keep Pets; Permit.	<u>701.14 Cats as Nuisances</u>	
701.04	Dogs at Large.	<u>701.15 Maintenance Requirements for Cats; Abandonment Prohibited</u>	
701.05	Seizure and Impounding of Dogs.	<u>701.16 Damage to Persons or Property by Cats Prohibited</u>	
701.06	Owning, Harboring or Keeping a Barking Dog.	<u>701.17 Harboring Stray Cats Prohibited</u>	
701.07	Licensing of Dogs.	<u>701.18 Complaints, Appearance Tickets</u>	
701.08	Identification of Dogs	<u>701.19 Redemption of Seized Cats</u>	
701.09	Limitations of Number of Dogs and Cats	<u>701.20 Trap, Neuter, Vaccinate and Return (TNVR) Program</u>	
701.10	Exceptions for Litters	701.99	Penalties
701.11	<u>Ownership Prior to Enactment</u>		

CROSS REFERENCES

Rabies - Consol. Laws, Public Health Law, Title IV

State penal provisions - Consol. Laws, Penal Law 180-197

Stable refuse - S.U. & P.S. 911.10

Dogs prohibited in public market - S.U. & P.S. 915.25(a)

Animals in parks - S.U. & P.S. 923.02 (c), 923.03(f)

701.01 DEFINITIONS

As used in this article, the following terms shall have the meanings indicated:

ABANDONED CAT - A cat of any age which shall be left unattended, unclaimed, unlicensed or at large for a period of 72 hours or more.

AGRICULTURE AND MARKETS LAW – the Agriculture and Markets Law of the State of New York in effect as of the effective date of this article, as amended by this article and as amended thereafter.

ANIMAL CONTROL OFFICER - Any person authorized from time to time to enforce the provisions of the Agriculture and Markets Law of the State of New York and provisions set forth in this article.

AT LARGE – An animal that is not confined, outside an area of escape such as a pen, corral, yard, cage, house, vehicle, or other secure enclosure, unless otherwise under appropriate human control.

CAT - Any animal of a feline species.

CITY – means City of Niagara Falls, New York.

CLERK – means the City Clerk, or Deputy City Clerk, of the City of Niagara Falls, where licenses are to be validated or issued.

COLONY - A group of one or more community cats.

COMMUNITY CAT - Any cat that is:

A. Homeless, stray, at large or abandoned, where the cat:

- (1) Has been socialized to people, or is less than five weeks old;**
- (2) Could become feral as connection with humans is farther removed; and**
- (3) In the case of cats older than five weeks, has a good potential to quickly become domesticated once again; or**

B. Feral, where the cat:

- (1) Is not socialized towards humans;**
- (2) Is born in the wild or is the offspring of an owned cat; or**
- (3) Is a formerly owned cat that has been abandoned; or**

C. A cat that lives in the community but is not owned by a human, sometimes referred to as a "free-roaming" or "street" cat.

DETECTION DOG – means any dog that is trained and is actually used for such purposes or is undergoing training to be used for the purpose of detecting controlled substances, explosives, ignitable liquids, firearms, cadavers, or school or correctional facility contraband.

DOG – means any member of the species canis familiaris.

~~DOG CONTROL OFFICER — any person authorized from time to time to enforce the provisions of the Agriculture and Markets Law of the State of New York and provisions set forth in this article.~~

DOMESTICATED CAT - A cat that is social towards humans, that currently lives within the residence or on the property of a person or persons accepted as the cat's owner and that is considered appropriate as a companion for humans.

EAR TIPPING - A straight-line cutting of the tip of the left ear of a cat with the cat is anesthetized.

GUIDE DOG – means any dog that is trained to aid a person who is blind and is actually used for such purpose, or any dog owned by a recognized guide dog training center located within the State of New York during the period such dog is being trained or bred.

HARBOR – means to provide food or shelter to any dog or cat.

HEARING DOG – means any dog that is trained to aid a person with a hearing impairment and is actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such training.

IDENTIFICATION TAG – means a tag which sets forth a permanent municipal identification number, as required by the provisions set forth in this article.

~~CITY — means City of Niagara Falls.~~

NEUTER - To permanently sterilize male cats to render them incapable of impregnating female cats by means of either surgery performed to remove the reproductive organs or chemical sterilization by which the cats are injected with a drug approved by the United States Food and Drug Administration for that purpose.

~~OWNER — means any person who harbors or keeps any dog, cat or other animal.~~

OWNER - Every person having a property right in an animal and every person keeping, harboring

or feeding an animal for more than 48 hours. This provision shall not include a person who keeps or feeds an animal on behalf of an owner at the owner's request to accommodate the owner's temporary needs.

PERSON - An individual, firm, partnership, corporation or association of persons.

PERSON WITH DISABILITY – means any person with a disability as that term is defined in Subdivision 22 of Section 292 of the New York State Executive Law.

POLICE WORK DOG – means any dog owned or harbored by any municipal police department or any State or Federal law enforcement agency, which has been trained to aid law enforcement officers and is actually being used for police work purposes.

PUBLIC NUISANCE - A cat that causes damage to public or private property or causes harm to any person.

SENIOR RESIDENT – means any resident of the City age 65 or older.

SERVICE DOG – means any dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability, provided that the dog is or will be owned by such person or that person's parent, guardian or other legal representative. SERVICE DOG shall also refer to dogs defined herein as a DETECTION DOG, GUIDE DOG, HEARING DOG, POLICE WORK DOG, THERAPY DOG, and WORKING SEARCH DOG.

SPAY - To permanently sterilize female cats to prevent estrus (heat) cycles and eliminate their ability to become pregnant by means of either surgery performed to remove the ovaries and uterus or chemical sterilization by which the cats are injected with a drug approved by the United States Food and Drug Administration for that purpose.

STERILIZE - To spay or neuter a cat.

STRAY CAT - A cat having no known owner or custodian.

THERAPY DOG – means any dog that is trained to aid the emotional and physical health of patients in hospitals, nursing home, retirement homes and other settings and is actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such purpose.

TRAP, NEUTER, VACCINATE AND RETURN PROGRAM (TNVR) - A program in which community cats are humanely trapped, evaluated, vaccinated, sterilized and ear tipped by a veterinarian and returned to the trap location with the intent of controlling or reducing feline population and reproduction.

VETERINARIAN - A person licensed to practice veterinary medicine in the State of New York.

WAR DOG – means any dog which has been honorably discharged from the United States armed services.

WORKING SEARCH DOG – means any dog that is trained to aid in the search for missing persons and is actually used for such purposes; provided, however, that such services provided by said dog shall be performed without charge or fee.

Section adopted 12/28/10

701.02 FOWL AND LIVESTOCK PROHIBITED IN RESIDENTIAL DISTRICTS.

No person shall keep or cause or allow to be kept upon any property in the City or in any building located thereon, which property is classified in the Zoning Ordinances as a residential district, any bees, pigeons, chickens, geese, ducks, turkeys or livestock. (C. 70 S1, adopted 9/7/54.)

701.03 CONSENT OF PROPERTY OWNERS TO KEEP PETS; PERMIT.

Notwithstanding the provisions of Section 701.02, the Building Commissioner may issue a permit which may allow the keeping of such animals or fowl as pets in such residential districts providing the occupants of the properties on each side and in the rear of the property involved consent that such a permit be issued. (C. 70 S1, adopted 9/7/54.)

701.04 DOGS AT LARGE.

No person owning, harboring or having the care, custody or charge of any dog shall allow, or permit such dog, whether in the company of any person or not, to run at large in the City of Niagara Falls except on leash. Such dogs shall not be permitted to run at large at any time of the year except on leash. (Amended 5/8/72.)

701.05 SEIZURE AND IMPOUNDING OF DOGS.

Any peace officer, police officer or representative of the Society for the Prevention of Cruelty to Animals is hereby authorized to seize any dog running at large in violation of Section 701.04 or Section 923.02(c) of these ordinances and immediately deliver the same to the pound maintained by the Society for the prevention of Cruelty to Animals. If such dog does not bear a license tag, it shall be disposed of pursuant to Article 7 of the Agriculture and Markets Law of the

State of New York. If the dog seized bears a license tag, the officer or representative of the Society for Prevention of Cruelty to Animals shall ascertain the owner of such dog and shall give immediate notice by personally serving such owner or member of his family at least eighteen years of age with a notice in writing stating that the dog has been seized and will be destroyed unless redeemed within the period provided in Article 7 of the Agriculture and Markets Law of the State of New York, and further provided that the owner pays the following impoundment fees:

- (1) Fifty Dollars (\$50.00) for the first impoundment of any dog owned by that person; or
- (2) One Hundred Dollars (\$100.00) for the second impoundment of the same dog owned by that person or
- (3) One Hundred Fifty Dollars (\$150.00) for each and every subsequent impoundment of the same dog owned by that person.

The foregoing fees are in addition to the penalties provided by Section 701.99 of this Chapter. (C. 45 S2, adopted 9/6/38; amended 7/2/75; amended 9/19/83; 11/28/05; 10/04/06.)

701.06 OWNING, HARBORING OR KEEPING A BARKING DOG.

No person owning, harboring or keeping any dog or dogs shall suffer or permit such dog to disturb the peace and quiet of the neighborhood by barking, howling or making other loud or unusual noises for ten or more continuous minutes.

Any person who owns, harbors or keeps any dog who is barking, howling or making other loud or unusual noises at any time of the day or night, shall impound said dog in the owner's or keeper's home or residence.

Failure of any person to impound said dog upon the request of a police officer is a violation of this ordinance. Any person violating this section shall be fined Twenty-five Dollars (\$25.00) for the first offense and Fifty Dollars (\$50.00) for the second or subsequent offense. (New Section approved by City Council 10/17/77; amended 12/28/10)

701.07 LICENSING OF DOGS.

(1) All dogs within the City of Niagara Falls four (4) months of age or older, unless otherwise exempted, shall be licensed. The owner of each dog required to be licensed shall obtain, complete and return to the Clerk, a dog license application together with the license fee, any applicable license surcharges and such additional fees as may be established by the City of Niagara Falls. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life in which case vaccination shall not be required. In the case of a spayed or neutered dog, every application shall also be accompanied by a certificate signed by a licensed veterinarian showing that the dog has been spayed or neutered, provided such certificate shall not be required if the same is already on file with the Clerk. Each license shall be valid for a period of one year and shall not be transferable.

(2) The owner of one or more purebred dogs registered by a recognized registry association may annually make an application for a purebred license, in lieu of or in addition to the individual licenses required by subdivision (1) of this section. A purebred license shall be valid for a period of one year beginning with the first day of the month following the date of issuance and shall be renewable annually thereafter prior to the expiration date.

The application shall state the name, address and telephone number of each owner, the sex, breed, registry name and number of each purebred registered dog over the age of four months which is harbored on the premises, and the sex and breed of each purebred dog over the age of over the age of four months which is harbored on the premises and which is eligible for registration. The application shall also include a statement by the owner that all purebred dogs over the age of four months which are harbored on the premises have been listed.

The application shall be accompanied by a license fee of \$25.00 and a certificate of rabies vaccination or statement in lieu thereof, as required by subdivision (1) herein. In addition to the purebred license fee imposed herein, each applicant for a purebred dog license shall pay a surcharge of \$3.00.

No purebred license shall be transferable. Upon change of ownership of any dog licensed under a purebred license, such dog shall become subject to the licensing provisions of subdivision (1) of this section, except when the new owner holds a valid purebred license.

(3) The fees for dog licenses are as follows:

(a) For each spayed or neutered dog: \$11.50

(b) For each unspayed or unneutered dog: \$17.50

(c) Notwithstanding the provisions of subdivisions (a) and (b) herein, the license fee for any dogs owned by one or more persons each of whom is sixty-five years of age or older is \$6.50 for each spayed or neutered dog and \$12.50 for each unspayed and unneutered dog.

(d) In addition to the license fee established by subdivisions (a), (b) or (c) herein, each applicant for a dog license shall pay a surcharge of \$1.00 if the dog to be licensed is spayed or neutered, or a fee of \$3.00 if the dog sought to be licensed in unspayed or unneutered.

(e) In addition to the license fees established above, each applicant for a dog license for a dog identified as unlicensed during an enumeration shall pay a surcharge of \$5.00 which shall be retained by the City of Niagara Falls and used to defray the cost of an enumeration of dogs living within the City of Niagara Falls. In the event the additional fees collected exceed the expenses incurred by the City in conducting an enumeration in any year, such excess fees may be used by the City for any other lawful purpose

(f) There shall be no fee for any license issued for any detection dog, guide dog, hearing dog, service dog, therapy dog, war dog, working search dog or police work dog. Each copy of any license for such dogs shall be conspicuously marked detection dog, guide dog, hearing dog, service dog, therapy dog, war dog, working search dog or police work dog, as may be appropriate, by the City Clerk.

(g) In the event an owner fails to renew any license before the expiration of the current license, there shall be a fee of \$10.00 imposed for late renewal.

(h) In the event an owner has failed to pay the license fee for any required one year period prior to the current year (hereinafter "delinquent fees"), said owner must pay the amounts owed for the delinquent fees in addition to the license fee for the current year, plus late fees in accordance with subdivision (g) herein.

(i) Fees may be changed from time to time pursuant to the City Code and existing local law. License fees may also change based upon state surcharge payments.

Section adopted 12/28/10

701.08 IDENTIFICATION OF DOGS

Dogs shall be identified as follows:

(1) Each dog licensed shall be assigned, at the time the dog is licensed for the first time, a permanent municipal identification number. Such identification number shall be carried by the dog on an identification tag which shall be affixed to a collar on the dogs at all time.

(2) The official identification number shall constitute the official identification of the dog to which it is assigned and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.

(3) At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge.

(4) No tag carrying an official identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.

(5) The identification tag shall be imprinted with the "City of Niagara Falls", a unique identification number and the telephone number of the City Clerk's office.

(6) The cost for the identification tag shall be \$5.00. If an identification tag is lost or stolen, a new identification tag and new permanent municipal identification number will be issued at a cost of \$5.00 per replacement tag.

(7) If there is a change of ownership, a new identification tag and new permanent municipal identification number will be issued to the new owner, who shall be charged a fee of \$5.00 for same.

(8) In the event of a change in ownership of any dog which has been assigned an official identification number or in the address of the owner of record of any such dog, the owner of record

shall, within ten days of such change, notify the Clerk. If any dog which has been assigned an official identification number is lost or stolen, the owner of record shall, within ten days of the discovery of such loss or theft, notify the Clerk. In the case of a dog's death, the owner of record shall so notify the Clerk either prior to renewal of license or upon the time of such renewal.

Section adopted 12/28/10

701.09 LIMITATION OF NUMBER OF DOGS AND CATS.

It shall be unlawful for any person to own, keep, care for, have custody of or knowingly permit at any time, more than three (3) dogs and/or cats, nor more than two (2) of which may be dogs, in any residence or apartment in the City, excluding properly licensed animal shelters; animal hospitals and clinics; grooming parlors; obedience schools and boarding or breeding kennels. (Adopted 11/13/84.)

701.10 EXCEPTIONS FOR LITTERS.

The owner or person who has custody of a dog or cat may retain the puppies or kittens born of said dog or cat exceeding the permissible numbers set forth in Section 701.09 for a period not exceeding 12 weeks after the birth of the animals. If, after that time, there are more dogs and cats than the permissible numbers set forth above in any one residence or apartment, the owner or person in custody of such dogs or cats shall be in violation of this ordinance. (Adopted 11/13/84.)

701.11 **OWNERSHIP PRIOR TO ENACTMENT**

Any person who lawfully owned more than the number of dogs and/or cats permitted by Section 701.09 prior to the enactment of this ordinance may retain their animals provided the same are properly licensed with the provisions of this chapter, provided, however, that any combination of dogs or cats shall at no time exceed four (4) animals. If for any reason a dog or cat is lost, sold, given away or dies, and there still remains in the residence or apartment more dogs or cats than allowed hereby, then there shall be no replacement of such animal. Failure to obtain a license for a dog prior to the effective date of this ordinance shall be prima facie evidence that such animal owned or possessed by a person prior to the effective date of this ordinance.

Notwithstanding the limitations set forth in the preceding paragraph, any person who lawfully owned more than four (4) dogs or cats or combination thereof prior to the enactment of this ordinance may retain such animals in excess of that limitation provided that within three months following the date of enactment of this provision, said person obtain a permit from the City Clerk, which permit must be renewed annually and which may be issued only if after annual inspection by the ~~City Dog~~ **Animal** Control Officer, it is determined that:

- (a) The animals in the owners possession are not creating a nuisance,

- (b) There is adequate waste disposal, and
- (c) The keeping of said animals does not constitute a hazard to the public safety, health and welfare. The provisions of the preceding paragraph relating to replacement of such animals shall likewise be applicable to permit holders. (Adopted 11/13/84.)

701.12 REMOVAL OF DOG AND OTHER ANIMAL DEFECATION FROM PUBLIC AND PRIVATE PROPERTIES.

(1) An owner or person having custody of a dog or any other animal shall not permit said dog or animal to defecate on any school ground, public street, alley, sidewalk, tree bank, park or any other public grounds or on any private property other than the premises of the owner or person having custody of said dog or other animal unless said defecation is removed immediately.

(2) It shall be unlawful for any person who owns or has custody of a dog or other animal to permit animal feces or waste to accumulate on his property without removing or disposing of the same within the time prescribed by order of the ~~City Dog~~ **Animal** Control Officer or his designee. (Adopted 11/13/84.)

701.13 RESPONSIBILITY OF OWNER(S) FOR CATS

It shall be the duty and responsibility of every owner of any cat to exercise and maintain such care and control over it that it does not become a nuisance, as set forth in this chapter.

701.14 CATS AS NUISANCES

A cat shall become a nuisance whenever it shall engage in or commit any of the following within the confines of the city:

- A. Injure or threaten injury to persons or other domestic animals or birds.**
- B. Injure property, including lawns, flowers, shrubs and trees.**
- C. Upset or otherwise interfere with garbage receptacles.**
- D. Be found in any commercial establishment without the consent or permission of the owner thereof.**
- E. Be kept or placed by its owner under cruel, unsanitary or otherwise inhumane conditions or be abandoned by its owner.**
- F. Defecate, urinate, dig or otherwise damage property other than the property of the owner.**

- G. Engage in loud or habitual crying or whining or conduct itself in such a manner as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such cat.**

**701.15 MAINTENANCE REQUIREMENTS FOR CATS, ABANDONMENT
PROHIBITED**

- A. The owner of every cat shall be responsible for maintaining such animal in safe, sanitary and healthful surroundings and in such a manner as will not constitute a nuisance to neighboring property owners or to the public.**
- B. No cat shall be fed, sheltered, maintained or harbored that is not domesticated. The area where cats are kept shall be clean and sanitary and shall not create a disturbance by reason of noise, odor or other causes. No person shall abandon any cat or permit a cat in his custody to become a stray.**

701.16 DAMAGE TO PERSONS OR PROPERTY BY CATS PROHIBITED

No cat shall cause damage to any person or property. Any person who owns, maintains or harbors any cat that causes such damage shall be strictly liable for the damage and may be prosecuted for a violation of this chapter.

701.17 HARBORING STRAY CATS PROHIBITED

No person shall harbor, maintain or feed any unlicensed or stray cat. Any person who shall do so following receipt of a notice from the Animal Control Officer advising said person that a violation of this chapter is occurring may be prosecuted if he continues such activities.

701.18 COMPLAINTS; APPEARANCE TICKETS

- A. Any person who observes or has knowledge of a cat violating any provision of this chapter may file a signed complaint under oath, with the Animal Control Officer of the city specifying the objectionable conduct of the cat and the name and address, if known, of the owner or other person harboring said cat.**
- B. Upon receipt by the Animal Control Officer of any such complaint, or in the event that any cat is found by the Animal Control Officer to be in violation of any provision of this chapter, the Animal Control Officer shall, if possible, seize and take into custody said cat and, in any event, issue or deliver to the owner of said cat an appearance ticket detailing the violations and**

instructing the owner to appear before the Niagara Falls City Court or to answer such appearance ticket by registered or certified mail, return receipt requested, within five days of the date of such violation. If said appearance ticket is disregarded by such person, the Animal Control Officer or complainant may file an information with said Court which Court may then issue a warrant for the arrest of such person.

701.19 REDEMPTION OF SEIZED CATS

Any cat found in violation of this chapter will be seized by the Animal Control Officer, and the owner, in order to obtain possession of the cat, must pay a fine and per diem expenses incurred in the keeping of said cat. The expense shall be in such amounts as follows: A fine of \$25 payable to the City Controller for the release of said cat, if said cat is released at the city's holding area, to be paid to the City Clerk, or, if released at the Society of the Prevention of Cruelty to Animals (SPCA), a fine of \$25 plus all per-diem expenses incurred by the SPCA shall be paid to the SPCA, which shall reimburse the city on a monthly basis for the fines so collected. The per-diem expenses shall be retained by the SPCA.

701.20 TRAP, NEUTER, VACCINATE AND RETURN (TNVR) PROGRAM

TNVR of community cats shall be legal in the CITY, and interested citizens are encouraged to participate in and support TNVR activities on a voluntary basis.

- A. All persons who attempt to trap community cats for TNVR in the CITY should be familiar with the guidelines supported by regional and national feral and community cat organizations regarding appropriate methods of TNVR.
- B. Socialized cats and all kittens subject to TNVR shall be eligible to be, but not mandated to be, re-socialized and put up for adoption.
- C. An ear-tipped cat received by local shelters shall be returned to the location where trapped unless veterinary care is required. A trapped, ear-tipped cat shall be released on site unless veterinary care is required. TNVR programs shall be permitted to feed, water and care for trapped cats until they are released.
- D. Notice. All persons wishing to engage in TNVR must annually advise the office of the City Clerk. All TNVR programs shall provide the following information:
 - (1) The name, phone number and property address of the contact person;
 - (2) The location of the proposed TNVR program;
 - (3) The addresses of all properties within a fifty-foot radius of the proposed TNVR program.

- E. Upon receipt of the TNVR notice, the City Clerk shall maintain a log of TNVR programs within the CITY.**

- F. Failure to provide the requisite notice to the City Clerk prior to implementation of a TNVR program shall be considered a violation of this section.**

701.99 PENALTY

Any person violating any of the Sections herein other than Section 701.06, or violating Section 915.25(a) or 923.02(c) of the Codified Ordinances of the City of Niagara Falls when the animal is a dog, shall be penalized fifty dollars (\$50.00) for the first offense. Each and every violation thereafter shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred and Fifty Dollars (\$250.00), or a sentence of imprisonment not to exceed fifteen (15) days or both such fine and imprisonment.

Section adopted 12/28/10

Agenda Item #11

**RELATIVE TO REQUESTING STATE LEGISLATION TO CHANGE THE
METHOD OF APPOINTMENT FOR THE MEMBERS OF THE
NIAGARA FALLS WATER BOARD**

BY:

Council Member Ezra Scott, Jr.

Council Member Kenny Tompkins

WHEREAS, when the legislation establishing the Niagara Falls Water Board and the Niagara Falls Water Authority were originally enacted, they provided that the City of Niagara Falls would have two of the five appointments of members to the Board and one of the three appointments of members of the Authority; and

WHEREAS, it would be in the best interests of the residents of the City for the City to control the appointments of members of the Niagara Falls Water Board and Niagara Falls Water Authority.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that it hereby requests our state legislators, Senator Robert G. Ortt and Assemblyman John D. Cerreto to introduce legislation amending the Public Authorities Law to allow for the City of Niagara Falls to appoint all of the members of the Niagara Falls Water Board and the Niagara Falls Water Authority.