

Special Meeting Notice



City of Niagara Falls, New York

D.C. Box 69, Niagara Falls, NY 14302-0069

July 2, 2014

Members of the City Council
and
Carol Antonucci, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Monday, July 14, 2014 at 4:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. Hold public hearing in accordance with Section 120-aa of the General Municipal Law regarding ordinance entitled "Solid Waste Refuse and Recycling".
2. Rescind Chapter 911 entitled "Garbage and Rubbish" and Chapter 924 entitled "Recycling Ordinance" and adopt Chapter 911 entitled "Solid Waste Refuse and Recycling".

Respectfully submitted,

CHARLES WALKER
Council Chairperson

Special Meeting Notice



Meeting 07072014

Monday, July 7, 2014 Council Meeting

PRESENTATIONS:

Community Missions Inc. – Briefing on financial situation

ADMINISTRATIVE UPDATE:

Agenda Item #1

**RE: City Council Agenda Item:
Demolition Contract CD2014-1
Change Order 2 for \$1,716.00**

Council Members:

On February 19, the City awarded demolition contract CD2014-1 to Regional Environmental Demolitions, Inc. in the amount of \$456,822.00. Unforeseen circumstances arose in the course of demolition of 2928 Highland Avenue, necessitating change order 1 in the amount of in the amount of \$5,632.82.

The sidewalk at 528 Tenth Street currently jogs around a raised concrete deck. With the demolition of the deck, the sidewalk will be irregular. It is proposed that the contractor remove the concrete sidewalk at the public frontage for the full width of the lot and replace this with a new concrete sidewalk which will be in line with the existing public sidewalks at each side of lot. The new concrete sidewalk shall conform to City of Niagara Falls, NY Dept. of Engineering specifications for all aspects of new sidewalk replacement in a public right-of-way, and also shall meet all requirements of contract CD2014-1 specifications for new concrete sidewalk replacement. Where necessary, the work shall include grading, finishing and seeding as per specifications.

The cost of this extra work is \$1,716.00. This is a fair price for replacement of this sidewalk so it conforms to the existing sidewalks in the neighborhood.

Funding is available in the Community Development budget code CD1.8666.0000.0450.500 (CDR599).

Will the Council approve change order 2 to CD2014-1 in the amount of \$1,716.00 and authorize the Mayor to execute any documents necessary to effectuate the same?

Agenda Item #2

RE: City Council Agenda Item:

Housing Visions Project

SHPO Agreement for demolition of 543 Sixth Street

Council Members:

Housing Visions, through Walnut Avenue Homes, LLC, is proceeding with a housing development in the Seventh Street area. One of the properties involved is the former Lammerts Garage at 543 Sixth Street. The property is currently owned by the Board of Education, but is under contract to be sold to Walnut Avenue Homes.

The New York State Historic Preservation Office (SHPO) has determined that the property is eligible for listing in the National Register of Historic Places. The City, as an approving and funding agency, and Walnut Avenue Homes, must obtain SHPO approval if the property is to be demolished. The City, Walnut Avenue Homes and SHPO will enter into an agreement detailing the steps to be taken to document the significant features of the structure, through digital photographs, pre-demolition drawings, copies of records and preparation of a narrative history. In addition SHPO has accepted plans for the development incorporating elements of the Lammerts Garage materials and design features. Any changes in the plans will require SHPO approval.

Walnut Avenue Homes will be responsible for all necessary undertakings and expenses. The City will cooperate in the effort to obtain approval for the demolition.

Will the Council vote to approve an agreement between the City, Walnut Avenue Homes, LLC and SHPO as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Agenda Item #3

RE: City Council Agenda Item:
National Grid Urban Center/Commercial District Revitalization Program &
National Grid Cooperative Business Recruitment - Grant Acceptance

Council Members:

On May 27, 2014, the City of Niagara Falls Community Development Department received written approval from the following National Grid competitive funding programs. The department submitted grant applications to National Grid in April 2014.

- (1) \$143,000 - National Grid Urban Center/Commercial District Revitalization Program
- (2) \$5,000 - National Grid Cooperative Business Recruitment

Grant (1) will be dedicated to the following economic development projects:

\$75,000 – Street lighting standard improvements on Third Street, from Main St. to Cedar Ave.

\$38,000 – Small business façade rehabilitation

\$30,000 – Gateway LED sign installation at the corner of Third & Niagara Sts.

Grant (2) will be dedicated to the following economic development project:

\$5,000 – Direct marketing of business opportunities in the City of Niagara Falls as well as available commercial space.

The City of Niagara Falls is providing a \$380,000 funding match via the 2012 Downtown Stabilization Project grant, received from the Western New York Regional Economic Development Council. No general fund dollars are being requested as part of this project.

Will the Council allow the Mayor to officially accept this grant offer from National Grid?

Agenda Item #4

RE: Minimum Wage Increase for Seasonal and Recreational Employees

Council Members:

As you are aware, the New York State Legislature enacted a minimum wage increase in a series of three (3) annual changes. Effective December 31, 2013, the New York State minimum wage was raised to \$8.00 per hour; on December 31, 2014, that figure will rise to \$8.75 per hour and on December 31, 2015, the minimum wage will rise to \$9.00 per hour.

While the City of Niagara Falls is exempt from the provisions of this law, this Administration is supportive of the minimum wage increase and proposes to raise the hourly rate for certain classifications of employees with pay scales currently below the State's minimum wage.

After a review of the City's pay plans, only wage Schedule K, Seasonal and Recreational titles, will be impacted by the proposed increases. The specific titles are Recreational Aide I & II, Recreational Specialist I & II and Parking Attendant and Lead Parking Attendant.

The attached is a proposal to enact minimum wage increases for these employees in a series of three increments; the first increase, to \$8.00 per hour, would be effective as of the date of Council approval. Subsequent increases would mirror the New York State schedule, rising to \$8.75 per hour on December 31, 2014 and to \$9.00 per hour on December 31, 2015. These increases will be paid from existing budgeted funds in the Seasonal and Recreational lines and will not be retroactive.

Will the Council so approve?

PROPOSED SALARY INCREASES FOR SEASONAL RECREATION EMPLOYEES IN TITLES & SERIES CURRENTLY BELOW MINIMUM WAGE
 IN ACCORDANCE WITH NYS MINIMUM WAGE

		CURRENT	PROPOSED RATE EFF <i>Upon Council Approval</i>	PROPOSED RATE EFF 12/31/2014	PROPOSED RATE EFF 12/31/2015	JCC
REC AIDE 1	STEP 1	7.25	8	8.75	9	7817
REC AIDE 1	STEP 2	7.4	8.15	8.9	9.15	
REC AIDE 2	STEP 1	7.65	8.4	9.15	9.4	7818
REC AIDE 2	STEP 2	7.9	8.65	9.4	9.65	
REC SPEC 1	STEP 1	8	8.75	9.5	9.75	7820
REC SPEC 1	STEP 2	8.5	9.25	10	10.25	
REC SPEC 2	STEP 1	9	9.75	10.5	10.75	7816
REC SPEC 2	STEP 2	9.5	10.25	11	11.25	
	STEP 3	10	10.75	11.5	11.75	
	STEP 4	12	12.75	13	13	
LEAD PRKG ATTEN	STEP 1	10.48	11	11	11	5750
PARKING ATTEN	STEP 1	8	8.75	9.5	9.75	5754
	STEP 2	8.5	9.25	10	10.25	
	STEP 3	9.5	9.75	10.5	10.75	
	STEP 4	10.48	11	11	11	
			7.25 TO 8.00 +.75	8.00 TO 8.75 +.75	8.75 TO 9 +.25	

Agenda Item #5

**SUBJECT: LETTER OF AWARD FOR RESURFACING & IMPROVEMENTS TO PARKING LOT #5
CLEVELAND AND NIAGARA AVENUES**

The following were the result of bids received on June 25, 2014 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Yarussi Construction, Inc. 5650 Simmons Ave. Niagara Falls NY 14304	\$172,340.00
Scott Lawn Yard, Inc.	\$189,900.00

It is the recommendation of the undersigned that this project be awarded to the low bidder

Yarussi Construction, Inc. at their total bid of \$172,340.00. Funding will be made available from casino funds in code H1312.2013.1312.0449.599.

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

**RE: CONSTRUCTION INSPECTION & CONTRACT ADMINISTRATION SERVICES;
GREENMAN PEDERSON, INC. FOR PIN 5760.18: PORTER ROAD BRIDGE PAINTING PROJECT**

A contract for the above referenced project was awarded to Greenman-Pederson, Inc. on November 26, 2012 in the amount of \$15,000.00.

Following the receipt of supplemental funds from the New York State Department of Transportation for the construction portion of this project, the City is now able to amend the professional services portion of this project – administration and inspection – to the above referenced firm. Costs associated with the construction related professional services total \$44,887.00 and are available in code H1110.2011.1110.0449.599.

Please note that existing agreements already in effect between the City and NYSDOT allow for a maximum 80% reimbursement of all contract administration and inspection funds expended.

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 #7

RE: Amendment to Agreement with Modern Disposal Services, Inc. for Refuse Collection and Disposal and Recyclable Materials Collection and Processing

Council Members:

At your April 28th, 2014 meeting you awarded the above referenced contract to Modern Disposal Services, Inc. ("Modern").

This contract provided for a five (5) year period for refuse hauling from collection sites using wheeled carts within the City limits, and related disposal and recycling also using carts.

Since that time it has been determined that certain revisions to the agreement are desirable based on citizen comments and other reaction to the changes in the City's refuse collection program.

Modern has submitted the attached letter dated June 16, 2014 setting forth the cost to provide for four (4) amendments to the service.

These amendments, on an annual basis total \$380,928, subject to any program adjustments, and require \$167,400 for the balance of this year. Funding is available from fund balance.

It is the recommendation of the administration that the City adopt these changes.

Will the Council so approve and authorize the Mayor to execute an amendment to the agreement with Modern in a form acceptable to the Corporation Counsel?

June 16, 2014

Ms. Donna Owens, CPM
City Administrator
City of Niagara Falls
PO Box 89
Niagara Falls NY 14302-0089

Received
JUN 17 2014
City Administrator



Re: Additional Collection Service Items (rev3)

Dear Ms. Owens:

Further to our discussion and in response to your request, I am pleased to provide the costs for additional services outside the scope of the current program.

The following information is broken out in the fashion requested. Cost information is based on 12 months of service with an effective date of August 1, 2014. These rates would be subject to any adjustment provided for under the terms for the current program, on each anniversary date (January 1, 2016, 2017, 2018 and 2019).

Cost to provide curbside garbage collection only, once per week, for 100 units at Jordan Garden and for Packard Court's 166 units. Should NFHA decide to purchase recycling carts we will revisit this item.
Annual amount: \$ 38,688.00

Additional 400 Small Business (non landlord sector). The "footprint" for businesses remains two (2) - 64 gallon carts for garbage serviced once per week and one (1) - 96 gallon cart for recycling serviced every-other-week. No additional carts or increases to service levels are anticipated.

Annual amount: \$232,128.00

Cost for City wide yard clippings collected weekly, in clear bags. Please note this rate is based on 32 weeks of service.
Annual amount: \$ 85,232.00

Cost for City wide leaf waste collected weekly, in clear bags. Please note this rate is based on 5 weeks of service.
Annual amount: \$ 14,880.00

All other terms and conditions apply including, but not limited to disposal charges and credit for acceptable recyclable materials.

Further to these items, the extension of the current 'Grace Period' scheduled to end August 1, 2014 needs to addressed as soon as possible.

Should you have any questions or require any additional information please do not hesitate to contact me.

Sincerely,


Joseph M. Hickman
Sales and Municipal Accounts Manager

Modern Disposal Services, Inc.

MODERN CORPORATION

■ 4746 Model City Road, P.O. Box 209, Model City, NY 14107-0209
■ 716-754-8226 ■ 1-800-662-0012 ■ Fax: 716-754-8964

Agenda Item #8

RE: Funding for Community Missions of Niagara Frontier, Inc. ("Community Missions")

Council Members:

The City has been requested by Community Missions to contribute the sum of \$150,000 to apply to operating expenses associated with the Crisis and Community Services programming activities undertaken by Community Missions. A funding agreement will be prepared by the Corporation Counsel which will detail the terms and conditions of the disbursement of any City dollars approved. The total amount requested by Community Missions is \$150,000 to be disbursed as follows:

- \$75,000 upon execution by all parties of a disbursement agreement.
- \$50,000 to be disbursed six (6) months of thereafter provided Community Missions is in compliance with the agreement.
- \$25,000 to be disbursed six (6) months thereafter provided Community Missions is in compliance with the agreement.

Funding is available from Casino revenues.

Attached hereto is a communication from Community Missions detailing this request.

Will the Council so approve?



June 27, 2014

Mr. Charles Walker, Council President
Niagara Falls City Council Members Grandinetti, Touma, Choolokian, and Anderson
Comptroller Brown and City Attorney Johnson
745 Main Street-City Hall
P.O. Box 69
Niagara Falls, New York 14302

Dear President Walker, City Council Members, Comptroller Brown and Attorney Johnson:

On behalf of Community Missions and our Board President Michael Lewis, I am grateful for the time that you have taken to review and consider the proposal that Community Missions has made in its request for support for the City of Niagara Falls for its Crisis Services programs. These programs in particular service some of the most vulnerable populations contained within the City of Niagara Falls: the homeless, poverty stricken, children living below the 200% poverty level, unemployed and underemployed and formerly incarcerated. All of these individuals require support to meet basic human needs of food, clothing, and shelter.

We have reviewed with you on several occasions the needs of the agency at this critical time in our 89 year history of serving these populations. This is the first request that we have made to the City for this fiscal need in those 89 years outside of the regular application process of funding for not for profits supported through Community Development.

At the last meeting on June 20th of CMI staff (Doug Renning our CFO and Joe Sbarbati our Associate Director) and Board President, Dr. Michael Lewis, you requested a strategic analysis/plan of how the funding from the City would be utilized in the current year (2014) and two subsequent years of 2015 and 2016. Within this material we have summarized actions that will be taken in the three years to address ongoing fiscal stability as well as provided you with these same three years of budgeting to demonstrate where the funds will be spent.

Based on the current fiscal year of 2014 and prior to the requested support, the following analysis has been undertaken:

- ± Expense and Income generation by program
- ± Overtime costs reviewed within programs
- ± Review of programs and their continuation and/or withdrawal from the Agency budget
- ± Agency and Program Administrative Overhead review

In addition to these actions, the Board reviewed strategies for increased income and revenue generation to support the programs especially in the non-contracted areas of Crisis Services:

Emergency Shelter, Community Kitchen, Mark's Place-HIV/Aids housing, Food Pantry and unfunded portions of the Adult Parole Re-entry Program. These strategy areas included:

- ↓ Niagara County Department of Social Services (NCDSS) for Emergency Shelter stays
- ↓ City of Niagara Falls for service support to citizens precariously housed and/or living in poverty
- ↓ Legislative support at the County level that would authorize a yearly contribution
- ↓ Grant writing and Foundation work continuing with these particular categories
- ↓ Social media increases of the agency Website, Facebook and Twitter
- ↓ Re-mapping of Agency services based on reviewed data analysis of programs
- ↓ Reduction of Administrative and Overhead expenses

Current status of income strategies:

- ↓ Niagara County DSS has contracted with the agency to provide per diem funding for eligible individuals and families at a rate of \$35 per day for adults and \$25 per day for children. This contract was effective May 1, 2014 and produced a receivable from the County of \$8,120.00 for the month of May 2014. Given its current start has only one month of data, it is not predictable at present to determine on-going monthly contributions. Conservative projections are using the \$8,000 for budgeting purposes.
- ↓ Current negotiations continue with the City of Niagara Falls for a contribution of \$150,000 split into three payments. The Agency is requesting payments of \$75,000, \$50,000 and \$25,000.
- ↓ Current negotiations are occurring within the Legislature with conversations led by CMI Board Members and Legislator Owen Steed on our behalf.

Additional steps to be taken:

- ↓ Interns have been focused on grant writing and foundation work through the remainder of 2014 almost exclusively. In 2014, donor base, grant and foundation income is up almost \$42,000 over the same time period in 2013.
- ↓ Analysis of the agency's health care plan and potential for movement to health exchanges-CMI currently contributes \$228,000 per year to health coverage; enrollment date September
- ↓ At the Tuesday, June 24 Board of Directors meeting, the Board approved my plan to have remapping of the agency analysis and re-envisioning completed by September 23, 2014 with an anticipated reduction in administrative overhead of 10% (approximately \$100,000).
- ↓ Analysis will be focused in three areas: Impact on Community, Manageability and Sustainability

We are confident that the Agency will address current funding issues and provide continued service with the support of the increased revenues from these varied sources. The Agency views the consolidation of programming and streamlining of the Agency's organizational structure as similar to the work the Council is currently undertaking to streamline and combine several versions of the City Charter. It is an important, but slow and laborious process, where results won't be seen until the end products are produced and in CMI's case fully annualized.

As stated in the various meetings held in April, May and June, the agency will not use any city funding for debt service to pay down loans, line of credit, workers compensation trust funds or payroll including IRS taxes or payments. All funding will be used for operating expenses associated with the Crisis and

City Council
June 27, 2014
Page 3

Community Services programming outlined at the top of page 2: basic human needs of food and shelter. Attached budgets and notations will demonstrate where and how the City's structured payments and other agency funds will be used surrounding outcomes of fiscal support and stability through funding years of 2014, 2015 and 2016. We are asking for requested fund payments to be decreasing in nature as the Agency's restructure takes hold.

Thank you for your consideration. Please let me know of any additional questions or concerns.

Sincerely and Respectfully yours,


Michael F. Lewis, Ph.D.
CMI Board President


Robyn L. Krueger
Executive Director

Cc: Mayor Paul Dyster

Agenda Item #9

SUBJECT: LETTER OF AWARD FOR INSTALLATION OF NEW ROOF MASONRY REPAIRS AND HVAC ADJUSTMENTS AT CARNEGIE BUILDING 1022 MAIN STREET

The following were the result of bids received on June 25, 2014 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Joseph A. Sanders & Sons, Inc. 107 Lathrop St. Buffalo NY 14212	\$659,810.00
Sicoli Construction Services, Inc.	\$727,700.00

It is the recommendation of the undersigned that this project be awarded to the low bidder

Joseph A. Sanders & Sons, Inc. at their total bid of \$659,810.00. Funding will be made available in code H0827.2008.0827.0449.599.

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

RE: 8th Annual Good News Gospel Festival/Health Fair

Council Members:

The Niagara Falls Memorial Medical Center (“NFMMC”) will be holding its 8th Annual Good News Gospel Festival/Health Fair on July 19, 2014. The location will be on the steps of the Niagara Arts and Cultural Center (“NACC”). NFMMC is requesting that the City serve as a major sponsor for this event with a contribution of \$2,500. Any City dollars will be disbursed pursuant to a funding agreement prepared by the Corporation Counsel.

Funding is available from Tourism Fund balance.

Will the Council so approve and authorize the Mayor to execute an agreement approved by the Corporation Counsel?

Agenda Item #11

RE: 2014 Annual Niagara Falls Blues Festival

Council Members:

The Niagara Festival & Entertainment Group is planning to promote and undertake its Annual Blues Festival scheduled to take place on September 11, September 12, September 13, and September 14, 2014 on Old Falls Street. The City has been asked to contribute the sum of \$40,000.00 to the cost of this festival. Funds will be dispersed pursuant to a funding agreement prepared by the Corporation Counsel. Funding is available from Tourism Fund balance.

Will the Council so approve and authorize the Mayor to sign a funding agreement approved by the Corporation Counsel?

**CITY OF NIAGARA FALLS
NEW YORK
OFFICE OF THE CITY ASSESSOR**

DATE: July 7, 2014
TO: The City Council
FROM: James R. Bird 
City Assessor
SUBJ: INFORMATIONAL ITEM: *2014 General Assessment Roll*

Listed below are the taxable totals of the General Assessment Roll for the City of Niagara Falls, New York, as now constituted and completed by the Board of Assessment Review for the year 2014 and was filed with the City Clerk on July 1, 2014.

Also, attached, please find the exemption summary for the 2014 roll.

Total Taxable Assessed Value	\$1,292,350,632
-------------------------------------	------------------------

Homestead	\$876,748,984
Non-Homestead	<u>415,601,648</u>
Total	\$1,292,350,632

Attachment

Exemption Code	Exemption Name	Exemption Count	Land Assessed Value	Total Assessed Value	Exemption Amounts			
					County	City/Town	School	Village
12100	NYS	300	56,704,724	88,598,804	88,598,804	88,598,804	88,598,804	0
12350	NYS+P AUTH	8	6,593,700	190,902,500	190,902,500	190,902,500	190,902,500	0
13100	COUNTY LIM	12	800,600	5,670,300	5,670,300	5,670,300	5,670,300	0
13350	CITY	148	14,940,900	211,302,100	211,302,100	211,302,100	211,302,100	0
13380	CITY MKT	1	784,200	1,835,000	502,700	502,700	502,700	0
13510	CEMETERY-T	5	896,700	1,790,200	1,790,200	1,790,200	1,790,200	0
13800	C4 SCHOOL	43	2,009,500	74,563,432	74,563,432	74,563,432	74,563,432	0
14100	US	8	629,000	3,946,900	3,946,900	3,946,900	3,946,900	0
14110	US PROPERT	2	265,700	2,483,000	2,483,000	2,483,000	2,483,000	0
14300	INDIAN RES	45	24,962,400	160,102,500	160,102,500	160,102,500	160,102,500	0
18020	MUNICI	79	6,165,300	118,526,208	118,526,208	118,526,208	118,526,208	0
18060	URA	7	806,400	806,400	806,400	806,400	806,400	0
18180	UDC	3	144,400	144,400	144,400	144,400	144,400	0
21600	RELIG RES	1	3,200	69,500	69,500	69,500	69,500	0
25110	RELIG CORP	207	3,977,550	32,975,100	32,975,100	32,975,100	32,975,100	0
25120	EDUC CORP	4	350,600	1,783,300	1,783,300	1,783,300	1,783,300	0
25130	NONPROFIT	37	845,700	5,889,700	5,889,700	5,889,700	5,889,700	0
25210	HOSPITAL P	5	93,000	25,156,200	25,156,200	25,156,200	25,156,200	0
25230	MENTL/MORA	17	327,400	2,271,600	2,271,600	2,271,600	2,271,600	0
25300	NONPROFIT	22	845,300	3,557,200	3,557,200	3,557,200	3,557,200	0
25600	HOSPITAL	3	42,400	481,000	481,000	481,000	481,000	0
26100	VETORG CTS	11	145,200	1,016,900	1,016,900	1,016,900	1,016,900	0
28100	STAFF HOUS	5	1,157,600	6,691,900	6,691,900	6,691,900	6,691,900	0
28110	AGED HOUS	6	51,900	3,352,900	3,352,900	3,352,900	3,352,900	0
28120	HOU DEV PR	37	268,200	6,414,100	6,414,100	6,414,100	6,414,100	0
28220	CDA	46	114,200	1,009,900	1,009,900	1,009,900	1,009,900	0
28520	NURSING H	1	383,300	3,894,400	3,894,400	3,894,400	3,894,400	0
33401	FORCLOSURE	73	160,700	521,300	521,300	521,300	0	0
38260	HOU DV PUB	33	1,438,400	21,270,800	21,270,800	21,270,800	21,270,800	0
41101	VETS-EF-CT	38	200,800	2,306,600	68,550	68,550	0	0
41111	VETS-PR-CT	219	1,071,200	14,239,900	4,953,641	4,953,641	0	0
41122	VET WAR C	994	5,143,760	64,395,500	9,446,273	0	0	0
41123	VET WAR T	994	5,143,760	64,395,500	0	8,833,801	0	0
41132	VET COM C	924	4,563,912	58,915,400	14,448,276	0	0	0
41133	VET COM T	923	4,560,612	58,870,400	0	13,463,763	0	0
41142	VET DIS C	199	1,088,200	12,863,900	3,626,635	0	0	0
41143	VET DIS T	199	1,088,200	12,863,900	0	3,464,235	0	0

Exemption Code	Exemption Name	Exemption Count	Land Assessed Value	Total Assessed Value	Exemption Amounts			
					County	City/Town	School	Village
41152	CW_10_VET/C	76	325,500	4,760,800	272,960	0	0	0
41172	CW_DISBLD_VET/C	11	54,200	729,600	144,165	0	0	0
41400	CLERGY	7	42,400	502,800	10,500	10,500	10,500	0
41800	AGED C/T/S	183	650,300	8,780,300	4,107,938	4,108,356	4,385,931	0
41801	AGED C/T	803	2,976,790	42,488,100	14,033,556	14,063,643	0	0
41802	AGED C	1	2,500	61,500	9,225	0	0	0
41804	AGED S	220	811,000	11,713,200	0	0	3,641,583	0
41834	Enhanced Star	3299	15,617,749	200,338,100	0	0	161,707,930	0
41854	Basic Star	7250	36,516,400	458,430,930	0	0	196,817,364	0
41903	DISABLED	3	15,300	238,400	0	23,745	0	0
41931	DISABILITY CT	133	460,830	6,089,100	2,526,778	2,528,618	0	0
44210	421 f Phys Imprvm CTS	109	784,400	8,529,200	1,056,066	1,056,066	1,056,066	0
44243	Multiple Units 421-j	2	8,400	342,000	0	29,250	0	0
44323	Res New Build 485-j	5	25,700	629,300	0	293,500	0	0
47200	RR CEILING	1	0	11,055,000	3,620,221	3,620,221	3,620,221	0
47590	Res-com-urban C/T/S	3	39,500	907,700	544,900	544,900	544,900	0
47596	RCUE T/S	2	35,500	3,810,800	0	3,194,200	3,194,200	0
47610	Bus Im CTS	53	9,272,350	50,397,796	5,763,003	5,763,003	5,763,003	0
47611	Bus Im CT	1	1,384,800	10,397,400	2,703,780	2,703,780	0	0
47612	Bus Im C	1	23,300	3,733,700	74,850	0	0	0
47900	AIR-POLUTN	1	176,900	43,050,100	25,824,000	25,824,000	25,824,000	0
48650	HOUSING DV	1	104,900	1,644,600	1,644,600	1,644,600	1,644,600	0
Total Exemptions Exclusive Of System Exemptions:		17,824	218,097,337	2,134,509,070	1,070,575,161	1,071,887,616	1,383,384,242	0
Total System Exemptions:		0	0	0	0	0	0	0
Totals:		17,824	218,097,337	2,134,509,070	1,070,575,161	1,071,887,616	1,383,384,242	0

Agenda Item #13

RE: Request for Approval to Settle and Pay Claim of Robert L. Alston

1558 Benjamin Drive, Niagara Falls, New York

Council Members:

Date Claim Filed:	December 31, 2013
Date Action Commenced:	N/A
Date of Occurrence:	December 19, 2013
Location:	1558 Benjamin Drive, Niagara Falls, NY
Nature of Claim:	Property damage due to City plow.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$65.65
Make Check Payable to:	Robert L. Alston
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 #14

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

Council Members:

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

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

<u>Provider</u>	<u>Date of Service</u>	<u>Amount</u>
Cardamone Chiropractic	6/19/2014	\$ 35.52

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

Will the Council so approve?

Agenda Item #15

RESOLUTION RELATIVE TO AMENDING CHAPTER 1129
OF THE CODIFIED ORDINANCES ENTITLED
"CAMPER PARKS"

Council Chairman Charles Walker

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1129 of the Codified Ordinances entitled "Camper Parks" is hereby amended to read as attached.

Bold and Underlining indicate **Additions.**

Strikethrough indicate **~~Deletions.~~**

CHAPTER 1129

Camper Parks and Manufactured Home Parks

1129.01. Definitions	1129.08. Garbage Receptacles
1129.01A. Manufactured Homes – Where Permitted	1129.09. Drainage from Sewers Only
1129.02. Application and Hearing	1129.10. Water and Sanitation
1129.03. Revocation/Suspension of Permit	1129.11. Lighting
1129.04. Responsibility of Owner/Operator	1129.12. Toilet and Shower Facilities
1129.05. Site to be Invisible from Main Highway	1129.13. Miscellaneous
1129.06. Space between Units	1129.14. Penalties
1129.07. Permanent Occupation Prohibited	

1129.01 DEFINITIONS.

As used in this chapter, the terms will have the following meanings:

“Person” means any individual, partnership, unincorporated association or corporation, any officer, agent, trustee, or employee of the foregoing.

“Camper”, “Trailer” or “Motor home” means an object designed for accommodation intended and used exclusively for travel, recreation and vacation and which is capable of being drawn or propelled by a motor vehicle or is self-propelled, and includes tent trailers or similar transportable accommodations, but does not include a mobile home. For the purposes of this ordinance, Acamper® refers to campers, trailers, and motor homes.

“Manufactured Home” means a structure transportable in one or more sections that, in the traveling mode, is 8 feet (2438 mm) or more in width or 40 feet (12192 mm) or more in length or, when erected on site, is 320 square feet (29.7m²) minimum, and that was built on or after June 15, 1976, on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term “manufactured home” shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the federal department of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974, as amended. The term “manufactured home” shall not include any self-propelled recreational vehicle. A label certifying compliance with the Standard for Mobile Homes, NFPA 501, ANSI A119.1, in effect at the time of manufacture is deemed acceptable. For the purpose of these provisions, a mobile home shall be considered a manufactured home.

“Manufactured Home Park” means any land or floor area occupied or designated for occupancy by ten or more manufactured homes which are intended for permanent occupancy

"Mobile home" means any modular unit built on a chassis that is designed for and used for year-round occupancy, with or without permanent foundations; a moveable or portable dwelling unit that was built prior to June 15, 1976, and designed and constructed to be towed on its own chassis, composed of frame and wheels, connected to utilities, and designed and constructed without a permanent foundation for year-round living, excluding travel trailers.

"Camper park" means any land or floor area occupied or designed for occupancy by one ten or more campers, trailers, or motor homes which are located for temporary recreational or travel purposes, but not permanent occupancy.

1129.01A MANUFACTURED HOMES – WHERE PERMITTED

A manufactured home may be not be erected, placed or otherwise be situated on any lot, parcel or land within the City of Niagara Falls unless same is erected, placed or otherwise situated within the confines of a licensed manufactured home park.

1129.02 APPLICATION AND HEARING

No camper park or manufactured home park shall continue to be operated nor shall any camper park or manufactured home park be located or established within the City unless a permit to operate and locate such camper park or manufactured home park is obtained in the following manner:

Planning Board Site Plan Review
Planning Board Approval
Board of Appeals Approval

The person desiring to operate a camper park or manufactured home park under the provisions of this chapter shall obtain the required special permits from the Niagara Falls Board of Appeals. The application shall include a description of the property upon which is proposed such camper park or manufactured home park. Notice of the hearing shall be given by at least one publication in the official newspaper of the City and by mail to the owners of adjacent property. The notices shall state the time and place when the public hearing is to be held by the Board of Appeals, not less than ten days from the date of publication and mailing. At the time of the hearing the Board of Appeals shall hear anyone appearing for the purpose of approving or objecting to the application, and at the conclusion of such hearing shall approve or disapprove the application.

If a camper park is fully approved, the license will be issued from the Clerk's Office Code Enforcement Department for an annual fee of two hundred and fifty dollars (\$250.00). The license is valid for one year from the date of issuance and shall be renewed annually through the City Clerk's Office Code Enforcement Department following the required annual inspection. The Clerk's Office shall notify the Building and Inspections Department to conduct the required inspections to renew the license. Upon notification from the Building and Inspections Department, the Clerk's Office shall renew the license upon payment.

If a manufactured home park is fully approved, the license will be issued from the Code Enforcement Department upon payment of the fee set forth for a trailer camp license in Chapter 1107.10 of the Codified Ordinances. The license is valid for one year from the date of issuance and shall be renewed annually through the Code Enforcement Department following the required annual inspection.

No permit/license obtained by a person pursuant to this Chapter shall be transferable to any other person without the express written consent of the Director of Code Enforcement following an inspection of the premises.

1129.03 REVOCATION OR SUSPENSION OF PERMIT/LICENSE

Whenever it is found that any camper park or manufactured home park is not being conducted in conformity with the provisions of this chapter of the laws of the State of New York, the permit/license to operate such camper park or manufactured home park shall be subject to revocation or suspension by the Director of Code Enforcement, or his designee, Building Commissioner in the following manner:

The Director of Code Enforcement, or his designee, Building Commissioner shall cause a notice to be served upon the holder of such permit/license by certified or registered mail specifying wherein they have failed to comply with this chapter or the laws and ordering them to comply within a specified number of days.

Upon a finding that there has been no compliance within the specified number of days, the Director of Code Enforcement, or his designee, shall cause a further notice to be served upon the permit/license holder by certified or registered mail ordering him to appear at a specified time and place, not less than five (5) days after the mailing of said notice, to show cause why the permit/license should not be revoked or suspended. At the time and place mentioned in the notice, a hearing shall be held before the Director of Code Enforcement and he shall, at his discretion, revoke or suspend the permit/license.

1129.04 RESPONSIBILITY OF OWNER OR OPERATOR

Every person owning or operating a camper park or manufactured home park shall maintain the same and all equipment and facilities in connection therewith, in a clean and sanitary condition and the equipment and facilities in a state of good repair. In addition, the owner must maintain accurate records of the tenancy of all campers and/or residents on the premises.

1129.05 SITE TO BE INVISIBLE FROM MAIN HIGHWAY

No permit or license shall be granted for any camper park unless the area in which the camp is to be located shall be set back at least one hundred (100) feet from the main highway on which the property fronts unless the areas shall not be visible from the main highway either by landscaping, existing buildings, or by other means first approved by the Planning Board and Site Plan Review process.

1129.06 SPACE BETWEEN UNITS

Each camper park permitted or licensed hereunder shall provide a space of at least ten feet between any each camper and hauling vehicle to be located thereon. Each camper or hauling vehicle shall also be located at least ten feet from any lot line, or as otherwise determined by the Site Plan Review process.

Each manufactured home park shall provide the space between each manufactured home as set forth in the New York State Uniform Fire Prevention and Building Code, or as otherwise determined by the Site Plan Review process.

1129.07 PERMANENT OCCUPATION PROHIBITED

Permanent occupation of a camper park is prohibited. Mobile homes and manufactured homes, as defined, are also expressly prohibited in a camper park.

No person operating a camper park shall allow (knowingly or otherwise) campers to be used in permanent fashion. A camper shall be considered permanent if one or more of the following are true:

- The wheels or similar supporting aids are removed, or it is affixed to the ground in such a manner that would prevent the ready removal of such camper; or
- The Vehicle registration is expired; or
- The Vehicle safety inspection is expired.

Notwithstanding the above, in the event of any question concerning occupancy, it shall be the responsibility of the owner to produce accurate records to indicate that no camper has been situated upon the premises beyond 10 months in any 12-month period. Any camper determined to be on premises more than 10 months in any 12-month period shall be considered permanent.

1129.08 GARBAGE RECEPTACLES

There shall be provided in camper parks receptacles for owners of campers for garbage, refuse, and rubbish as the City shall deem necessary and they shall at all times be maintained in a clean and sanitary condition.

1129.09 DRAINAGE INTO SEWERS ONLY

No person shall deposit any wastewater, drainage or discharge from any plumbing fixtures, including such fixtures within any camper, on the ground surface of any camper park or manufactured home park. All such fixtures must be connected to the Niagara Falls Water Board's City sewer system.

1129.10 WATER AND SANITATION

Each camper park or manufactured home park shall provide an adequate supply of pure water for drinking and domestic purposes. Each park shall also provide adequate sanitation facilities which shall be duly connected to the Niagara Falls Water Board's City sewage system.

1129.11 LIGHTING

Any camper park or manufactured home park established shall provide adequate illumination of the area and any facilities located thereon.

1129.12 TOILET AND SHOWER FACILITIES

Any camper park established shall provide, at a minimum, the number of toilet and shower facilities required pursuant to the New York State Uniform Fire Prevention and Building Code, and all such facilities must also comply with all federal, state and local laws.

1129.123 MISCELLANEOUS

In addition to the requirements set forth above, Other requirements may also be introduced as required or recommended by the Planning Board, Health Department, **Code Enforcement Building and Inspections Department** and or Niagara Falls Board of Appeals during the Site Plan Review Process.

1129.14 PENALTIES

Any person violating any of the provisions of this chapter shall be guilty of a violation and subject to a fine of not more than two hundred fifty dollars (\$250.00) or imprisoned for a term not to exceed fifteen (15) days, or both.

(Chapter adopted 04/03/01)

Agenda Item #16

RESOLUTION CALLING FOR A PUBLIC HEARING RELATIVE TO
ADOPTING CHAPTER 911 ENTITLED
“SOLID WASTE REFUSE AND RECYCLING”

Council Chairman Charles Walker

RESOLVED that a public hearing be held, in accordance with Section 120-aa of the General Municipal Law, adopting Chapter 911 entitled “Solid Waste Refuse and Recycling” on the 14th day of July, 2014 at 4:00 P.M. Daylight Saving Time, in the Council Chambers of the City of Niagara Falls, New York, and that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing.

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 curblin 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.

Agenda Item #17

**HONORING SEAN O'BRIEN FOR HIS ADMISSION TO THE
UNITED STATES MILITARY ACADEMY AT WEST POINT**

BY:

Council Chairman Charles Walker

Council Member Robert Anderson

Council Member Kristen M. Grandinetti

Council Member Glenn Choolokian

Council Member Andrew P. Touma

WHEREAS, Sean O'Brien has maintained an exemplary academic record while remaining actively involved in sports and extracurricular activities, including service on the Niagara County Youth Bureau, and

WHEREAS, Sean's acceptance to the United States Military Academy at West Point is the result of his hard work and deep commitment to the service of his country, and

WHEREAS, Sean's acceptance to the United States Military Academy at West Point is a source of great pride for the people of the City of Niagara Falls,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby honors Sean O'Brien for his admission to the United States Military Academy at West Point, and wishes him all the best in his future endeavors, trusting that his dedication to excellence will serve him and the United States of America well, both at West Point and beyond.

**CELEBRATING THE OPENING OF THE NEW TESTAMENT
REVIVAL CATHEDRAL IN THE CITY OF NIAGARA FALLS**

BY:

Council Chairman Charles Walker

Council Member Robert Anderson

Council Member Kristen M. Grandinetti

Council Member Glenn Choolokian

Council Member Andrew P. Touma

WHEREAS, the New Testament Revival Cathedral will begin its new ministry at 1002 Niagara Avenue in the City of Niagara Falls on July 20, 2014, and

WHEREAS, the Council wishes to mark this occasion by honoring Pastor Stanley L. Johnson and Elect Lady Charlotte Johnson as they begin this new ministry in the City of Niagara Falls,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council congratulates Pastor Stanley L. Johnson and Elect Lady Charlotte Johnson, as well as the congregants of the New Testament Revival Cathedral, on their new ministry in Niagara Falls, and welcomes them with open arms to our community.