

## Agenda Item #1

The following claims have been filed in the Office of the City Clerk during the month of June 2011. The claims were subsequently referred to the Office of the Corporation Counsel.

### NOTICE OF CLAIM

### ALLEGED DAMAGE

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

Financial damages caused by Notice of  
Condemnation

Giusiana, John  
c/o Michael J. Down Attorney at Law

Property damages caused by city workers

See, David  
3 Tudol Lane #7  
Lockport, NY 14094

Automobile damages caused by hitting pot hole

Robinson, Pierce  
616 25<sup>th</sup> Street

Reference to monies owed from Niagara Falls  
Police Department

Walker, Vanessa  
c/o Nationwide Insurance

Automobile damages caused by hitting pot hole

Clark, Jean  
2205 Linwood Ave

Property damage caused by windstorm

D'Arcy, Tina  
c/o Perl & Perl LLP

Personal injuries caused by tripping on object in  
sidewalk

Napoli, Frank  
87 First Street Louth  
St. Catharines, ON L2W 1A6

Automobile damages caused by hitting pot hole

Estell, Heaven L.  
c/o Sean E. Cooney, Esq.

Personal injuries caused by object in playground  
equipment.

Vlaswo, Vernita  
2220 Linwood Ave

Property damages caused by fallen tree.

Curcione, Yolanda  
c/o Mercury Casualty Company

Automobile damages caused by manhole cover

D'Arcy, Tina  
c/o Perla & Perla, LLP

Amended notice of claim

### SUMMONS

Bergey, Michael  
c/o Costello, William Attorney

#144305

Agenda Item #2

A contract for the above referenced project was awarded to Scott Lawn Yard, Inc. on July 6, 2010 in the amount of \$262,195.00.

Subsequent to the start of the project, additional areas were selected for turf establishment in lieu of new pavement and parking lot access improvements adding \$2310.00 to the work performed. However, quantity under-runs in existing contract items will allow this work to be performed for a \$0.00 change to the contract total.

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 #3

The City has received a request to allow access to the above referenced properties from Honeywell International, Inc.

Honeywell has been identified by the New York State Department of Environmental Conservation as a potentially responsible party for hazardous substances at the property due to historic activities of a company Honeywell acquired in 1979.

Honeywell wishes to perform certain preliminary design, treatability work and remedial design work for the property.

Honeywell has agreed to provide insurance coverage and to indemnify the City in relation to this access.

Will the Council approve granting access to Honeywell and its consultants and authorize the Mayor to sign an Access License Agreement in a form acceptable to the Corporation Counsel?

Agenda Item #4

Pursuant to the Stipulated Order on Consent entered into with the New York State Office of the Attorney General, the City is required to retain a qualified individual or organization from outside the Niagara Falls Police Department (NFPD) to serve as an INDEPENDENT AUDITOR, who shall be primarily responsible for consulting with designated NFPD Officials in the creation and revision of the policies and training protocols referenced in the Order and for auditing the NFPD's compliance with the terms of the order. Several resumes were reviewed with the Attorney General's Office and telephone interviews were conducted. The Attorney General's Office, NFPD administrative staff and the Corporation Counsel agreed that Warshaw & Associates Inc. are well qualified to perform this function. Attached hereto is a copy of the proposal submitted by Warshaw & Associates Inc.

It is anticipated that much of the initial work in this project will be accomplished during the first 90 days. The cost for the first 90 days is not anticipated to exceed \$57,000.00. Additional funding will be requested in October of 2011 at which time the scope of additional services provided by Warshaw & Associates Inc. will be known. Funding is available from Special Projects Fund Balance (H0816.2008.0816.0451.000).

Will the Council so approve?

Agenda Item #5

Attached is a proposed Agreement with Family and Children's Service of Niagara Inc. to provide an Employee Assistance Program for non-uniform employees of the City of Niagara Falls. Funding is included in the 2011 budget and will also be provided for in the 2012 budget.

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

Agenda Item #6

The Fire Department requests permission to purchase certain pieces of equipment in order better perform its duties. These items consist of the following:

1. Fire Hoses - \$8,500.00
2. Nozzles - \$5,800.00
3. Small Tools - \$3,000.00
4. Smoke Ejectors (fans used to remove smoke and gases from fired buildings) - \$3,000.00
5. Escape Harnesses (New York State mandated) - \$30,000.00
6. Oxygen Filling Stations (New York State mandated) - \$10,000.00

**Total: \$60,300**

Funding is available from Special Projects Fund Balance.  
Will the Council so approve?

Agenda Item #7

The County of Niagara and the City of Niagara Falls have jointly received \$58,803 under the above referenced program.

Attached is a proposed agreement with the County and the proposed budget for the program which sets forth the allocation of these funds.

There is no City match required.

Will the Council so approve and authorize the Mayor to execute the attached Memorandum of Understanding and any other documentation necessary to effectuate this grant?

Agenda Item #8

The Police Department has received the above referenced grant in the amount of \$40,000.

No City match is required under this grant.

Will the Council approve acceptance of this grant and authorize the Mayor to execute any required documentation?

Agenda Item #9

The City has received a request from the property owner to allow an awning/sign at 1909 Pine Avenue that would extend into the City's right-of-way. This has been reviewed by the appropriate departments who recommend its approval.

It is recommended that the Council approve this subject to:

1. The owner receiving all applicable permits and inspections.
2. The owner agrees to defend and indemnify the City from liability related to the encroachment.
3. The owner adding the City as an additional insured on its liability insurance policy.
4. The license for the encroachment be revokable on sixty (60) days notice.
5. Subject to a positive recommendation from the Planning Board. This item is on the Planning Board's July 13, 2011 agenda.

Will the Council so approve?

Agenda Item #10

In an effort to increase tourism in the City, it is recommended that the City contribute the sum of \$50,000.00 towards the airport's efforts to provide incentives for air service development. Funding is available from Special Projects Fund Balance.

Will the Council so approve?

Agenda Item #12

At the Traffic Advisory Commission meeting held on June 29, 2011 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 2173 SENECA AVENUE

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

Submitted By: Lawrence Quigliano, on behalf of his wife Shirley, 2173 Seneca Avenue

It is requested that City Council approve this recommendation.

Agenda Item #13

At a Traffic Advisory Commission meeting held on June 29, 2011, the Commission recommended APPROVAL of the following item:

**INSTALL "NO STANDING ANYTIME" SIGNS APPROXIMATELY 20' EAST & WEST OF THE DRIVEWAYS AT 7713 & 7723 BUFFALO AVENUE (BOULEVARD KAR MART)**

The request was made because driveway access is being blocked by parked cars, and to provide sight distance for vehicles exiting the driveways of traffic on Buffalo Avenue.

Submitted By: Frank D'Agostino, Boulevard Kar Mart, 7723 Buffalo Avenue

It is requested that City Council approve this recommendation.

Agenda Item #14

At a Traffic Advisory Commission meeting held on June 29, 2011, the Commission recommended APPROVAL of the following item:

**RESCIND THE PREVIOUSLY APPROVED ITEM FROM THE 7/7/10 TAC MEETING WHICH ALLOWED TWO SIDED PARKING WITH ALTERNATE OVERNIGHT PARKING & REVERT BACK TO "NO STANDING ANYTIME" ON THE SOUTH SIDE, WITH ONE (NORTH) SIDED OVERNIGHT PARKING ONLY & A "NO PARKING TUESDAY 7 A.M. - 1 P.M." RESTRICTION ON CEDAR AVENUE FROM 7<sup>TH</sup> STREET TO THE ALLEY BETWEEN 8<sup>TH</sup>/9<sup>TH</sup> STREETS**

The request was made to conform the lane widths to Federal & State Minimum Design Standards.

Submitted By: City of Niagara Falls Engineering Department based on the recommendation of Foit-Albert Associates

It is requested that City Council approve this recommendation.

Agenda Item #15

At a Traffic Advisory Commission meeting held on June 29, 2011, the Commission recommended APPROVAL of the following item:

**PAINT A CROSSWALK & INSTALL THE APPROPRIATE CROSSWALK SIGNAGE ON GIRARD AVENUE, WEST OF 66<sup>TH</sup> STREET (CONNECTING THE SIDEWALKS/HANDICAPPED RAMPS BETWEEN THE SCHOOL DISTRICT'S CENTRAL OFFICE & CATARACT ELEMENTARY SCHOOL)**

The request was made to provide a safe (marked & signed) crossing point for students, employees and parents between the School District's two buildings.

Submitted By: Mark Laurrie, Deputy Superintendent, School District of the City of Niagara Falls, NY

It is requested that City Council approve this recommendation.

Agenda Item #16

At a Traffic Advisory Commission meeting held on June 29, 2011 the Commission recommended APPROVAL of the following item:

**INSTALL ALTERNATE OVERNIGHT PARKING ON 22<sup>ND</sup> STREET, BETWEEN CENTRE AVENUE AND TENNESSEE AVENUE (TWO BLOCKS)**

A Petition from the residents of this block was received with 59% signatures.

Submitted By: Mary Dewysocki, Property Manager, Niagara I, II, & II Apartments,  
Kenmore Development

It is requested that City Council approve this recommendation.

Agenda Item #17

At the Traffic Advisory Commission meeting held on June 29, 2011 the Commission recommended APPROVAL of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 1105 - 20<sup>TH</sup> STREET (WOODLAWN AVENUE SIDE)  
[Physician verification of wheelchair dependency and/or severe restriction of  
movement, has been received]**

Submitted By: Carol Gariano, on behalf of her mother Anne Garabedian, 1105 - 20<sup>th</sup>  
Street

It is requested that City Council approve this recommendation.

Agenda Item #18

At the Traffic Advisory Commission meeting held on June 29, 2011 the Commission recommended APPROVAL of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 1186 HAEBERLE AVENUE**

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

Submitted By: Jean Roemer, Niagara County Health Department, Public Health Nursing & Homecare Services, on behalf of Carolyn Gayton, 1186 Haeberle Avenue

It is requested that City Council approve this recommendation.

Agenda Item #19

At the Traffic Advisory Commission meeting held on June 29, 2011 the Commission recommended APPROVAL of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 2424 GRAND AVENUE**

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

Submitted By: Assunta Tecchio, 2424 Grand Avenue

It is requested that City Council approve this recommendation.

## Agenda Item #20

RELATIVE TO HOME RULE LAW FOR  
THE CITY OF NIAGARA FALLS FIRE DEPARTMENT

BY:

Council Chair Sam Fruscione  
Council Member Robert A. Anderson, Jr.

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

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

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

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

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

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

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

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

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

RELATIVE TO APPOINTMENT OF MARRIAGE OFFICER

BY: Council Chairman Samuel Fruscione

WHEREAS, Niagara Falls has an international reputation as The Honeymoon Capitol; and

WHEREAS, couples arrive at the City Clerk's Office from all over the world to obtain a marriage license; and

WHEREAS, it is advantageous for the City and convenient to the couple to have these marriages solemnized within the municipal boundaries of the City of Niagara Falls; and

WHEREAS, the Council finds it appropriate to add an additional Marriage Officer.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that in accordance with Section 11-c of the New York Domestic Relations Law, Kristen Grandinetti, a resident of the City of Niagara Falls, New York, be appointed as a Marriage Officer for the City of Niagara Falls for a term of four years.

Agenda Item #22

RELATIVE TO APPOINTMENT TO THE  
NIAGARA FALLS BOARD OF APPEALS

BY:

Council Chair Sam Fruscione

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Board of Appeals, to fill the unexpired term of Mr. James Maxwell who is relocating his residence out of the City of Niagara Falls:

**APPOINTMENT**

John Pallaci  
2711 Linwood Avenue  
Niagara Falls, New York 14305

12/31/2013

RELATIVE TO EXTENDING THE MORATORIUM UPON CONSIDERATION OF APPLICATIONS FOR PAWN  
BROKERS/SECOND-HAND DEALERS

BY: Council Chairman Samuel Fruscione

WHEREAS, at its November 1, 2010 meeting, this Council imposed a 90-day Moratorium on the consideration of applications for pawn broker and second-hand dealer licenses; and

WHEREAS, this Moratorium was extended at the May 2<sup>nd</sup>, 2011 Council meeting; and

WHEREAS, this Moratorium will expire on July 31<sup>st</sup>, 2011; and

WHEREAS, the review of the Ordinance is not yet completed.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that: the Moratorium on the consideration of applications for pawn brokers and second-hand dealer licenses be extended to October 31, 2011.

RESOLUTION RELATIVE TO ADOPTING CHAPTER 366  
OF THE CODIFIED ORDINANCES ENTITLED  
"PEDICAB AND PEDICAB DRIVERS"

By: Council Chairman Samuel Fruscione

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 366 of the Codified Ordinances entitled "Pedicab and Pedicab Drivers" is hereby adopted to read as follows:

CHAPTER 366  
PEDICAB AND PEDICAB DRIVERS

366.01 License Required	366.05 Fees	
366.02 Application for Owner's License	366.06	Construal of Provisions
	366.07	Suspension or Revocation of License
366.03 Application for Driver's License	366.08 Failure to Comply	
366.04 Issuance of License	366.09	Operating Regulations

366.01 LICENSE REQUIRED.

A. No person, firm, corporation or legal entity shall engage in the business for profit or otherwise of operating a pedicab for hire in the City of Niagara Falls without first obtaining an owner's license as described in this chapter.

B. No person shall act as a driver of a pedicab without first obtaining a driver's license as described in this chapter.

366.02 APPLICATION FOR OWNER'S LICENSE.

A. An application for an owner's license under this chapter shall be filed in the Office of the City Clerk. The application shall be signed and sworn to by the applicant and shall contain the following information:

1. The name, address, and telephone number of the applicant, and, if the applicant is a partnership or operating under an assumed name, a certified copy of the certificate of partnership or assumed name or names, and, if the applicant is a corporation, the names and addresses of all corporate officers and stockholders.

2. A publicly listed telephone number or cell phone number maintained by the applicant.

3. The name, home address, telephone number and date of birth of each driver who will drive pedicabs for the applicant, and a copy of each driver's valid New York State motor vehicle driver's license.

4. Insurance.

(a) Proof of commercial general liability insurance, including personal injury liability insurance specific to pedicabs for hire in the amount of \$1,000,000 per occurrence and \$2,000,000 aggregate. The City shall be included as an additional insured on said insurance.

(b) Proof of statutory workers' compensation and employer's liability insurance for all employees.

(c) A fully executed hold harmless agreement, in a form satisfactory to the City, by which the applicant shall indemnify and save harmless the City and its agents and employees from and against all claims, damages, loss and expense (including but not limited to attorney's fees) arising out of or resulting from the licensed activity, sustained by any person or persons, provided that any such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property caused by the tortious or

negligent act or omission of the applicant, or the applicant's employees, agents, or subcontractors.

5. One or more photographs of each pedicab to be used by the applicant, and a description of each such vehicle, including length, width, and passenger capacity.

6. A New York State tax identification certificate.

7. Proof that the applicant is the holder of a valid motor vehicle driver's license.

8. A copy of the applicant's driving record obtained from the Department of Motor Vehicles.

9. An affidavit from the applicant stating that each vehicle for which a license is required complies with all requirements of the New York Vehicle and Traffic Law.

10. A set of the applicant's fingerprints, or, if the applicant is a legal entity other than an individual, a set of fingerprints of the chief executive officer or chief representative of that legal entity, to be taken by the City of Niagara Falls Police Department.

B. The Niagara Falls Police Department (NFPD) shall investigate the applicant's qualifications and background. The NFPD shall initiate a criminal history record search through the State Division of Criminal Justice Services (DCJS) by submitting the applicant's fingerprints and required procedures fee, which shall be paid by the applicant, to the DCJS. The results of the criminal history record search shall be reviewed by the Superintendent of Police, or by a member of the NFPD designated by the Superintendent of Police.

#### 366.03 APPLICATION FOR PEDICAB DRIVER'S LICENSE

A. An applicant for a pedicab driver's license shall be filed in the Office of the City Clerk. The application shall be signed and sworn to by the applicant and shall contain the following information:

1. Proof that the applicant is at least 18 years old.

2. Proof that the applicant is the holder of a valid motor vehicle driver's license.

3. A copy of the applicant's driving record obtained from the Department of Motor Vehicles.

4. A statement that the applicant is in good health and not subject to any infirmity of mind or body that might render the applicant incapable or unfit to safely operate a pedicab.

5. A statement that the applicant is able to communicate effectively in English.

6. A statement that the applicant does not unlawfully use any drug or controlled substance.

7. A set of the applicant's fingerprints, or, a set of fingerprints of the chief executive officer or chief representative of that legal entity, to be taken by the Niagara Falls Police Department.

B. The NFPD shall investigate the applicant's qualifications and background. The NFPD shall initiate a criminal history record search through the State Division of Criminal Justice Services (DCJS) by submitting the applicant's fingerprints and required procedures fee, which shall be paid by the applicant, to the DCJS. The results of the criminal history record search shall be reviewed by the Superintendent of Police, or by a member of the NFPD designated by the Superintendent of Police.

C. No pedicab driver's license shall be issued to any applicant who fails to meet the standards established in Article 23-A of the Corrections Law of the State of New York. In addition to and not in limitation of the foregoing, no pedicab driver's license shall be issued to any applicant who is at the time of application under indictment for a felony anywhere in the United States, or who has been convicted of a felony anywhere in the United States within the past five years preceding the application, or who has been convicted of two or more misdemeanors within the past

two years preceding the application, or who has been convicted of more than one moving violation in the past year.

D. No pedicab driver's licenses shall be issued to any applicant who has been convicted of any of the following crimes: robbery, rape, sexual abuse, aggravated sexual abuse, or course of sexual conduct against a child, or of the crime of assault with intent to commit any of the aforementioned crimes.

E. No pedicab driver's license shall be issued to any applicant who has been convicted of the crime of criminal sale of a controlled substance, in any degree as established in the Penal Law.

366.04 ISSUANCE OF LICENSE.

Upon consideration of the factors listed in '366.02 and 366.03 above, the City Clerk may issue a license to the applicant. Each license shall expire on December 31 in the year issued. The City Clerk shall have authority to impose reasonable conditions upon any license issued. The City Clerk may also refuse to issue a license to an applicant based upon a determination that the applicant fails to satisfactorily meet the requirements stated in those sections. Denial of an application shall be sent to the applicant in writing at the address indicated on the application. Upon the applicant's written request, a hearing may be conducted by the City Clerk at which the applicant may provide evidence that he or she should be issued a license.

366.05 FEES.

The following fees shall be paid for licenses under this chapter:

License	Fee
Owner's License	\$250.00, plus \$50.00 for each additional vehicle
Driver's License	
Initial application	\$10.00
Each renewal	\$35.00

366.06 CONSTRUAL OF PROVISIONS.

Nothing in this chapter shall be construed so as to supersede any provision of the New York State Vehicle and Traffic Law, and/or any regulation of the New York State Insurance Department. No license granted under this chapter shall be construed so as to give permission to the licensee to do any act or engage in any activity contrary to the aforementioned state laws.

336.07 SUSPENSION OR REVOCATION OF LICENSE.

The City Clerk may, upon due notice and following a hearing, revoke, suspend or refuse to renew any license issued for a violation of any of the provisions of this chapter or for any other act or omission that demonstrates the licensee's inability to safely and properly conduct the licensed activity. When a license shall be revoked or suspended, no refund of any portion of the license fee shall be made. Notice of such revocation, suspension or refusal to renew and the reason or reasons therefor in writing shall be served by the City Clerk upon the licensee or mailed to the licensee's address as stated on the application.

336.08 FAILURE TO COMPLY WITH CITY, STATE AND FEDERAL LAWS.

Every pedicab owner and/or driver licensed under this chapter shall comply with all City, State and Federal laws. Failure to do so will justify the suspension or revocation of a license.

336.09 OPERATING REGULATIONS.

Every pedicab operated under this chapter shall comply with the following regulations:

A. Each pedicab driver shall be in a physical condition to safely operate and control the pedicab at all times.

B. Each pedicab shall be equipped with a radio or cellular communication device.

C. Each pedicab shall be equipped with a battery- or generator-powered white front light visible for at least 500 feet, red taillights visible for at least 300 feet, at least one light on each side visible for at least 200 feet, reflective tires or wheels, brake lights, a horn or other audible signal that can be heard for at least 100 feet, and hydraulic or mechanical brakes capable of causing the vehicle to skid on dry clean pavement.

D. Pedicabs shall illuminate headlights and taillights when operating after sunset, and when operating in fog or in inclement weather.

E. No person shall attach any trailer, sidecar, or other auxiliary vehicle to any pedicab.

F. All pedicabs shall follow established schedules as adopted in Addendum B.

G. Pedicabs shall be driven in the traffic lane closest to the curb, except when necessary in emergencies to make way for vehicular and pedestrian traffic.

H. Pedicabs shall not operate between the hours of 1:00 a.m. and 7:00 a.m.

I. Passengers and drivers shall remain seated at all times while the pedicab is in motion. No person shall stand on any part of a pedicab while the pedicab is in motion. No person shall ride on the back of any pedicab.

J. Pedicabs shall be equipped with seat belts for all passengers under age five and helmets for all passengers under age 14.

K. Pedicabs shall be equipped with a reflective orange triangle as required for slow-moving vehicles.

L. Pedicabs shall be kept clean and in good working order.

M. Pedicabs shall be of heavy steel-frame construction with wheels not less than 26 inches in diameter. No pedicab shall be operated under this chapter that is not, in the opinion of the NFPD, safe for use upon the public highways.

N. Each pedicab shall have a sign affixed to the back reading "Keep Back 25 feet" in letters not less than three inches high.

O. No pedicab shall be left unattended unless locked and with brakes activated.

P. Each pedicab driver shall wear neat and clean attire and shall display his or her pedicab driver's license on his or her person.

Q. Each pedicab driver shall carry a copy of this chapter while on duty.

R. Each pedicab driver shall notify police in case of accident or injury.

S. Each driver shall post a schedule of fares, if any, in the pedicab and shall give a receipt to each passenger upon request.

T. No owner or driver shall allow passengers to smoke or to drink alcoholic beverages. Each pedicab shall feature a sign or logo indicating that smoking and drinking alcoholic beverages is prohibited.

U. The City Clerk shall have authority to reject or cause the removal of any banners, noisemakers, pennants, flags, or other devices attached to any pedicab that would, in the City Clerk's judgment, obstruct or distract drivers and/or pedestrians so as to cause a danger or hazard.

V. Each pedicab shall be subject to inspection at all times by the NFPD.

W. No pedicab shall be in any manner leased, loaned, given, or transferred for use by any person, firm, corporation, or legal entity, unless and until such person, firm, corporation or legal entity is duly licensed and insured as an owner or driver under this chapter.

ADDENDUM B

1. Pedicabs shall operate only on routes designated as permitted routes on a map approved by the City Council, as may be amended by the Council from time to time, and placed on file in the Office of the City Clerk.
2. Pedicabs shall pick up and discharge passengers only in parking lots or similar off-street areas. The Niagara Falls Police Department shall have authority to determine if an area is unsafe for picking up and discharging passengers. Intentional pick-up or discharge of passengers anywhere other than in a parking lot or similar off-street area, or intentional use of an area designated as unsafe shall be cause for revocation or suspension of an owner=s or driver's license under this chapter.