

NIAGARA FALLS LOCAL LAW NO. 2 FOR THE YEAR 2018

A Local Law to amend the Niagara Falls City Charter as amended, by adding Section 10.37 and by repealing Section 10.9 of Article X of the Charter, entitled “Taxation and Assessment.”

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

Section 1. The Niagara Falls City Charter, as amended, is hereby amended by addition a new Section 10.37 “Residential, Commercial and Institutional User Fees for Refuse Collection and Recycling” to read as attached:

Section 2. Section 10.9 of the Niagara Falls City Charter as amended, is hereby repealed in its entirety.

Section 3. This Local Law shall take effect as provided in the Municipal Home Rule Law.

**Underlining** and **Bold** indicate additions.

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

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**10.37 Residential, Commercial and Institutional User Fees for Refuse Collection and Recycling.**

**A. Authorization to establish the Special Revenue Fund - Recycling and Refuse.**

**The City of Niagara Falls is hereby authorized to establish the Special Revenue Fund – Recycling and Refuse for the purposes of funding the costs incurred by the City of Niagara Falls for the collection, processing, disposal and recycling of refuse.**

**B. User fees for collection of Single Family, Two Family, Three Family, Commercial and Institutional refuse and recycling placed for collection and stranded costs shall be established as follows:**

- 1. For 2019 the City Controller shall propose user fees and revenue estimates for the Special Revenue Fund – Recycling and Refuse to be adopted by the City Council with the 2019 Proposed Budget.**
  
- 2. On or before the 15<sup>th</sup> day of September preceding the expiration of each fiscal year after 2019, the City Controller shall make an estimate of the user fees and probable revenues to be received by the city for the Special Revenue Fund – Recycling and Refuse during the said fiscal year, and also an estimate of the several sums of money which it deems necessary to pay the expenses of the refuse and recycling program and for the various purposes contemplated by this local law, and otherwise by law for the succeeding fiscal year. After the City Controller has determined the user fees and made such estimates, he shall submit them in writing, with such reasons for them in detail as he may have to give, to the City Council, which shall convene a public hearing and consider such user fees and estimates. The City Council shall hear any taxpayer who wishes to be heard in reference thereto. After such hearing, it may adopt such estimates so submitted to it, may add items thereto or increase,**

diminish or reject any item therein contained except such as relates to the city indebtedness. On or before the first regular meeting of the City Council of the City of Niagara Falls held in the month of October preceding the expiration of each fiscal year, the City Council shall, by separate resolution, adopt the user fees and estimates as thus amended. When it shall have adopted the sums as herein provided, the same shall be entered at large in its minutes and published in its proceedings. The several sums contained in the final estimates of revenue to be received by the city, applicable for such purpose, and of moneys necessary to be raised by user fees in addition thereto, to pay the expenses of conducting the business of refuse and recycling, shall be and become appropriated in the amounts and for the purpose named therein for the following fiscal year. The several amounts specified in such fiscal estimate as necessary to pay the expenses of the Special Revenue Fund – Recycling and Refuse and for the various purposes contemplated by this local law and otherwise by law for the following fiscal year, after deducting that portion of the estimated revenue from user fees applicable for such purpose, shall constitute the Special Revenue Fund – Recycling and Refuse budget, and the amount of such budget shall be raised by charging user fees as herein provided. The number of dwelling units to be charged fees with regard to any property shall be determined by the number of dwelling units based on the records maintained by the City Assessor for said property. Bills for such user fees shall be prepared and sent to each owner annually.

C. The fees for collection, processing and disposal of residential and commercial refuse and recyclables and the cost for new containers shall be proposed annually by the City Controller subject to the approval of the City Council as a part of the annual budget process. Such fees must be approved by the City Council and maintained on file in the City Controller's office and in the office of the City Clerk.

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- D. The City Administrator may negotiate fees subject to the approval of the City Council for each type or class of commercial and institutional entity based on volume and time requirements for collection for such commercial and container service within the City, provided that such fees shall in all instances cover at a minimum the incremental full costs of providing said service, as certified by the City Controller.**
- E. Parcels of land which are not improved by a structure or which are improved by a vacant structure which has been inspected by the Chief Building Inspector and found to be properly secured and not receiving City service shall not be charged a user fee until improved, occupied or City service begins.**
- F. Late Payment Charge and Interest. Unpaid residential, commercial and institutional user fees shall be the personal liability of the owner and charges remaining unpaid 30 days after the bill will be assessed a late charge of \$5.00 per month for each month the bill is unpaid. Any such unpaid fee and late charge remaining in November shall be added to the upcoming year's tax bill for the parcel of property against which it shall be a lien. The amount added to taxes shall include an additional administrative charge equal to \$15 for each delinquent account. All collection, processing, disposal and recycling program charges, penalties and interest thereon shall be a lien upon the real property benefited by the collection, processing and disposal program from the date that the fee is annually adopted and such lien shall be prior and superior to every other lien or claim, except the lien of an existing tax or local assessment. The City Controller shall certify to the City Council the amount of any such lien which has not been paid at the time and in the manner prescribed, with a description of the real property affected thereby, and the City Council shall include such amount in the annual tax levy and shall levy the same upon the real property in default. Judgments against a property**

owner resulting from violations of local law shall, if unpaid, shall also be added to the property taxes as set forth above. All fees collected in accordance with this section shall be paid over to the Special Revenue Fund – Recycling and Refuse.

G. Discontinuance of service for nonpayment of fees. The City Administrator may order the discontinuance of a residential, commercial or institutional user's public collection service when, after due notice, the user has not paid user fees upon direct billing by the City or after such delinquent fees have become a lien upon the real property. Upon discontinuance of public collection service for nonpayment of user fees, the user must establish to the satisfaction of the City Administrator that a licensed commercial refuse and/or recyclable collector will service the user.

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**[SECTION 10.9**

**A. Pursuant to Section 400 of the Real Property Tax Law of the State of New York, the City Council shall have the power to raise additional revenue by the imposition of service charges, special ad valorem levies and special assessments on certain real property for which exemptions have been allowed by the Real Property Tax Law of the State of New York, exclusive of property used exclusively for charitable, hospital, educational or cemetery purposes. Such service charges, special ad valorem levies and special assessments shall be imposed to defray the cost, including operation and maintenance, of special district improvements or services for the following purposes: police protection, fire protection, street and highway construction, maintenance and lighting, sanitation and water supply.**

**B. Service charges imposed by the City Council shall be determined by the formula provided for in Section 498 of the Real Property Tax Law of the State of New York.]**