

January 23, 2017

PRESENTATIONS:

1. Niagara Falls City Market - Proposed ideas
Patricia Wrobel, Niagara University, Assistant Dean of External Affairs

 2. Update – Highland Avenue Fire Hall
Seth Piccirillo, Director of Community Development
-

ADMINISTRATIVE UPDATE:

None

Agenda Item #1

RE:	Informational Item: City Clerk's Report					
DATE:	January 3, 2017					
Council Members:						
The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of December 2016.						
		CONTROLLER	TOTAL			
A1255-001 A012	Vital Statistics	\$ 3,340.00	\$ 3,340.00			
A1255-004 A013	Copies of Records	\$ 302.75	\$ 302.75			
A1255-004 A013	Certificates of Marriage	\$ 480.00	\$ 480.00			
A2501-007 A043	Auction	\$ 150.00	\$ 150.00			
A2501-014 A046	Electrician - Active	\$ 4,350.00	\$ 4,350.00			
A2501-014 A046	Electrician - Inactive	\$ 360.00	\$ 360.00			
A2501-014 A046	Electrician - Exam Fee	\$ 40.00	\$ 40.00			
A2501-016 A047	Stationary Engineers	\$ 2,380.00	\$ 2,380.00			
A2542-000 A053	Dogs/NYS Agr.& Mkts	\$ 242.00	\$ 242.00			
A2542-000 A053	Additional Dogs	\$ 2,584.00	\$ 2,584.00			
A2545-001 A054	Marriage License/NYSHD	\$ 1,080.00	\$ 360.00			
A2501-009 A127	Helicopter	\$ 750.00	\$ 750.00			
A2545-010 A128	Petroleum - Retail	\$ 490.00	\$ 490.00			
A2545-010 A128	Petroleum - Storage	\$ 540.00	\$ 540.00			
A2545-010 A128	Petroleum - Wholesale	\$ 700.00	\$ 700.00			
A2545-023 A318	Hunters/NYS DEC RAU	\$ -	\$ -			
A2545-023 A318	Hunters Fees	\$ -	\$ -			
A1255-003 A499	Notary Fee	\$ 4.00	\$ 4.00			
A1255-005 A528	Dog Release	\$ 250.00	\$ 250.00			
TA63008 A597	Marriage Performance	\$ 750.00	\$ 750.00			
TOTAL:		\$ 1,322.00	\$ 17,830.75			
			\$ 19,152.75			
Check #	22592	NYS Dept.of Arg. & Mkts	\$ 242.00			
Check #	22565	NYS Health Department	\$ 1,080.00			
Check #	ET	NYS DEC RAU	\$ -			

Agenda Item #2

SUBJECT: Letter of Award for Consultant Services Agreement for NYSDOT Local Maintenance Bridge Program

Buffalo Avenue, Route 384 over Cayuga Creek

Based upon the New York State Department of Transportation standard merit selection procedures, C & S Companies has been selected as the City's consultant for the above referenced program.

Funding for the Design portion of this project is the responsibility of the City at 100%. Construction Inspection and Construction Administration components will be federally eligible at the standard 80% Federal and 20% local reimbursement procedure.

It is the recommendation of the undersigned that the Project Proposal, Design report, Final Plans & Specifications be awarded to C & S Companies at the proposed price of \$37,577.00.

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

RE: Funding to pay for City's E911 Services

Council Members:

In order to continue uninterrupted service of the City's E911 system, it is requested that the sum of \$50,276.76 be made available from casino revenues for this purpose. These dollars will be transferred to police capital code H0818. A final quote is attached and the amount is \$50,276.76. The money requested will pay for the annual maintenance of the system.

Will the Council so approve?

Carousel Industries of North America, Inc.

P.O. Box 842084
 Boston, MA 02284-2084
 Phone: (800) 401-0760

**Invoice**

Number: **01171716253P**
 Date: January 17, 2017

Bill To:
 City of Niagara Falls
 Attn: Accounts Payable
 745 Main St PO Box 69
 Niagara Falls, NY 14302

Covered Locations:
 See Below

Rep:	Terms						Customer PO		
Contract	Ctr#	Contract Description	Address	Subtotal	Sales Tax	Total	Reference	Billed From	Billed Thru
97910	1963758	AIRBUS: VALUE CARE-CO DELIVERY: 24X7 (MONTHLY CASSIDIAN)	1925 Main St Niagara Falls, NY	\$30,586.57	\$0.00	\$30,586.57		2/1/17	1/31/18
90157	1963760	FORTINET: VALUE CARE- CO-DELIVERY: 24X7	1925 Main St Niagara Falls, NY	\$90.19	\$0.00	\$90.19		8/3/16	1/31/18
81913	1963902	E911 SYSTEM (SLA: STANDARD) (RMT: 24X7) - (ONSITE: 24X7) - (PARTS: Y)	1925 Main St Niagara Falls, NY	\$19,600.00	\$0.00	\$19,600.00	E911 SYSTEM	2/1/17	1/31/18

Maintenance Contract Charges:	\$50,276.76
Subtotal:	\$50,276.76
Sales Tax:	\$0.00

Please remit payment by the effective period start date to ensure coverage.

Total Amount Due: **\$50,276.76**

** If you have any questions regarding this invoice, please e-mail customerinvoices@carouselindustries.com or call 866-495-9390. **
 Canadian Business # 821538014, GST # 821538014RT0001, QST # 1215963035, TIN 061502254
 EQUAL OPPORTUNITY EMPLOYER

Agenda Item #4

RE: Niagara Falls Beautification Commission (“NBC”)

Council Members:

The 2017 Budget contains an appropriation in the amount of \$10,000.00 for the NBC. In order to effectuate this, an appropriation agreement with NBC is required. Funding is available from Tourism budget.

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

Agenda Item #5

RE: Niagara Arts & Cultural Center (“NACC”)

Council Members:

The 2017 Budget contains an appropriation in the amount of \$30,000.00 for the NACC. In order to effectuate this, an appropriation agreement with the NACC is required. Attached hereto is a letter from Kathie Kudela, the Executive Director of NACC outlining many of the events and programs scheduled for 2017. Funding is available from Tourism budget.

Will the Council so approve and authorize the Mayor to execute an agreement in form acceptable to the Corporation Counsel for the NACC?



Niagara Arts and Cultural Center
1201 Pine Avenue
Niagara Falls, NY 14301
P: 716-282-7530 F: 716-282-7533
Email: info@thenacc.org
Website: www.thenacc.org

Mr. Craig Johnson
Law Department
City of Niagara Falls
PO Box 69
Niagara Falls, NY 14302

January 12, 2017

Dear Mr. Johnson:

The following is a list of some of the more important services the Niagara Arts and Cultural Center (NACC) will provide for the City of Niagara Falls for coming year 2017. The NACC has built comprehensive year round events and programs for all ages that add to the quality of life of residents and continues to foster citizen pride in the city.

Events and Programs:

Many of our events are held annually and are looked forward to by city residents. These include: March 3-Art of Beer, March Along the Portage Workshops showcasing the history of the Niagara Frontier, July-Garden Walk of Niagara (partnering with NFMCC, the Library and Oakwood Cemetery). During July and August, the NACC also serves as a venue for Summer Concerts. This year the Annual Gospel Fest sponsored by Councilman Charles Walker is scheduled for July 15. The NACC provides groomed green space and band set up area, electricity, an attendant and bathrooms for all concerts.

Galleries, Open Studios and Open Houses:

The Main Art Gallery is open year round, is approximately 5000 square feet, handicapped accessible and is free and open to the public. The Garden Gallery has regular displays of local artists, art groups and children's work and is open to the public year round and is also free of charge. Gallery exhibits this year include the Artists of Color, the annual Lew-Port Students Show, "Faces of WNY" the Gerald Mead Collection, Beyond the Barrel Show and the NACC Artists and Friends.

Theaters:

Our two theaters provide on-going talent shows, musicals, and theater and dance performances. Shows in the Woodbox Theater for the 2015 season include *Danse Macabre* and *Serenata in Italy*. This 72-seat theatre draws audience and actors together to create an intimate theatrical experience. The former library at the old Niagara Falls High School, the Woodbox boasts a warm and inviting wood interior and comfortable seating. Niagara Falls now has a theater where residents can perform, work behind the scenes and enjoy as audience members. The larger 1000 seat Grand Theater holds Opera Performances during Opera Week. Board member Shana DiCamillo and her husband Michael are opera singers who perform and bring other talent to the NACC. The summer camp final performance is held here for the community. This larger theater is often used by city residents for performances, workshops and is a venue for business related seminars.

Children and Adult Activities:

Classes are held every summer at the NACC during 6 week Summer Camp for ages 7-18. The classes offered include classes, in dance, art, theater, gardening, screen play writing and multimedia. There are weekly field trips to historic sites and regional assets. There will be a final performance showcasing all that the students learned that is open and free to the public. Additionally, classes are held within the NACC by individual teachers in voice, piano, guitar, painting and theater. A NACC sponsored Literary Art Center is being developed. Educational workshops and classes for adults continue to be held throughout the year and include: genealogy, music, painting and history. Classes through Rivershore Inc. are held for adults with disabilities daily. The NACC has developed a NFHS Alumni Center and hosts alumni reunions during the summer months. The Development Committee conducts tours of the building year round to all residents who are interested in learning more about the NACC. Monday Mixers on the 2nd Monday of every month bring in local writers, artists, businesses and workshops to familiarize the community with all the area has to offer. These are free and open to the public.

Tourism:

In 2017 the NACC continues to build tourist destination products. A major stop on the Discovery Shuttle, the NACC is creating exhibits to encourage people to learn more and stay longer. Board member Tony Poletti of Marketside restaurant will work with the NACC to create stay/play/eat products along with Pine Avenue Businesses. The Underground Railroad exhibit was gifted from the Castellan Art Museum and has been reinstalled here at the NACC. Many tourists and residents have toured the exhibit. Bus Tours are developed for the coming tourist season. The story of the UGR in WNY is being told here for the community and visitors alike. The history of Portage Road—one of the oldest highways in this country will be told by way of another large exhibit gifted to us by the Ontario County Museum in Canandaigua, NY. We will receive this in March of this year. The large terrain map of Niagara Falls formerly in the NYPA visitor center will also be gifted to the NACC and be reinstalled here. It will be the beginning of a Power and Industry Exhibit to inform audiences of this very important part of Niagara Falls history. By focusing on the little known history of Niagara Falls, the NACC will not only educate tourists but also the community and region as a whole and bring pride to the area. This will also add economic benefits by bringing people into the city core.

Community Benefit:

WJL Radio Station has a studio at the NACC where local programming and call in from residents is featured. The importance of a local radio station cannot be overstated in bringing about understanding of the political, economic and quality of life issues in the community and regionally. The addition of the Honorary Vice Consulate of Italy this year added new services in the Buffalo/Niagara region and classes in the Italian language at the NACC.

Historic Building Restoration and Maintenance:

Additionally, we maintain the grounds and clean the sidewalks for an entire city block. The grounds are on a very prominent corner in the city and if they were not kept up it would be a major eyesore for residents and visitors. In the summer the grass is cut, hedges trimmed and paper and debris cleaned up. Flowers and shrubs are planted and maintained to beautify the area. In the winter sidewalks are shoveled and snow is removed from the parking lot. People do not have to walk in the streets on Portage or Pine because we keep the sidewalks shoveled.

The 2017 season will be NACC's sixteenth year in operation. It is our intention to continue to provide the city of Niagara Falls residents with quality programs and events for years to come in an adaptively reused landmark and historic building. We will begin a Capital Campaign this year to restore the 1000 seat Grand Theater. STAY TUNED!

Submitted on behalf of the Board of Directors and Staff of the NACC,



Kathie Kudela
Executive Director

Agenda Item #6

RE: Replacement of Apparatus Furnace at Firehouse on 72nd Street

Council Members:

The Fire Chief advises that the apparatus furnace at the firehouse on 72nd Street is broken and is not able to be repaired. Therefore, it needs to be replaced. A quote was obtained for this purpose from Schaefer Supply in the amount of \$1,098.72 which is attached hereto.

Funding is available from casino revenues earmarked for capital improvements for the Fire Department.

Will the Council so approve?



QUOTE TO:

CITY OF NIAGARA FALLS
P.O. BOX 69
ROUTE 228
CITY HALL
NIAGARA FALLS, NY 14302

SHIP TO:

CITY OF NIAGARA FALLS
P.O. BOX 69
ROUTE 228
CITY HALL
NIAGARA FALLS, NY 14302

Quotation

EXPIRATION DATE	QUOTE NUMBER
02/09/2017	S1442568
	PAGE NO: 1 of 1

CUSTOMER NUMBER	CUSTOMER PO NUMBER	JOB NAME/RELEASE NUMBER	SALESPERSON
3798	72ND ST FIRE HALL		NIAGARA FALLS HOUSE
WRITER	SHIP VIA	TERMS	SHIP DATE
JONATHAN CURRY	OT OUR TRUCK	NET 30 DAYS	01/10/2017
ORDER QTY	DESCRIPTION	UNIT PRICE	EXT. PRICE
1ea	<p>SHIPPING INSTRUCTIONS</p> <p>VINCE 609-0036</p> <p>BEACON MORRIS BTU-200 NAT GAS FIRED UNIT HEATER **** >PRICE VALID FOR 30 DAYS >PLUS FRT >NOO-STOCK PRODUCTS MAY BE SUBJECT TO FACTORY LEAD TIMES ****</p>	1098.720/ea	1098.72
PLUS APPLICABLE SALES TAX ALL RETURNS ARE SUBJECT TO A RESTOCKING CHARGE NO RETURNS ON ELECTRONIC OR SANITARY PRODUCTS NON STOCK ITEM RETURNS REQUIRE RGA NUMBER		Subtotal S&H Charges	1098.72 0.00
		Amount Due	1098.72

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Agenda Item #7

RE: Change order to bid awarded for cleanup of street sweeper waste

Council Members:

During the City Council meeting on November 28, 2016, the City Council approved the award of a bid to Buffalo Fuel Corporation in the amount of \$35,580.00 to screen street sweeper debris and load the cleaned product into a truck for transport.

The Director of the Department of Public Works recommends that a change order amounting to \$12,473.00 be processed and awarded in order to do a second screening of debris. This is recommended because it will save money in additional landfill disposal costs as a result of additional screening to remove material that does not need to be transported to the landfill. Attached hereto are communications from Buffalo Fuel Corp which contains its analysis of this situation.

Funding for this Change Order is available from casino revenues and will be transferred to DPW code H0912.

Will the Council so approve?

Buffalo Fuel Corp.
4870 Packard Rd.
Niagara Falls, NY 14304

Dear Mr. Caso,

As per your request we would like to the following quote to extend the scope of work for the screening of street sweepings:

1. Loader and Operator (all costs included) to maintain golf course property and located material to appropriate fill area: \$85 per hour – 10 hours per day
 - a. Not responsible for condition of lawn that is utilized by loaders
2. Additional transportation from New Road site to Modern Landfill: \$250 per walking floor (100 yard minimum capacity/30 ton short ton capacity)
3. Rescreen overs for one additional pass to minimize landfill cost: \$12,473

As our equipment is scheduled on additional jobs a prompt response would be greatly appreciated.

Thank you for the opportunity to work with the city.

Regards,

Glen Altman
Glen@buffalofuel.com
716-583-2704

Cost Analysis for 2nd Screening of Existing Sweeper Dirt

1/13/17

Approximately 4950 tons of existing sweeper dirt has been screened through a $\frac{1}{2}$ inch screen. Trucks have brought 3465 tons of clean material to the golf course. With a 70% recovery rate, 1485 tons of mixed debris and dirt currently remain. At a rate of nearly \$37 per ton, it would cost \$54,945 to send it to the landfill.

At the cost of \$12,473, a second screening could be pursued. A second screening of the remaining 1485 tons would have an estimated 55% recovery rate, and would save \$30,192 in landfill rates.

If you expand that savings to the remaining 7000 tons to be screened, it would result in another \$42,735 in of diversion savings.

4950 tons of sweeper dirt screened so far

3465 tons of clean fill at golf course

1485 tons ready for 2nd screening

\$12,473 to screen second time

\$37 per ton to dispose of debris at landfill

7000 tons remaining to screen on site

\$132,645 estimated disposal fee without 2nd screening

\$59,718 estimated disposal fee with 2nd screening

\$72,927 estimated savings, \$60,454 minus cost to screen for 2nd time

Agenda Item #8

RE: Niagara Community Action Program Inc.

Council Members:

The 2017 Budget contains an appropriation in the amount of \$27,500.00 for the Niagara Community Action Program Inc. so that it may continue to provide assistance to qualified City residents during fiscal year 2017. This will require that the City enter into a Funding Agreement with this entity.

Will the Council so approve and authorize the Mayor to execute a Funding Agreement in form satisfactory to the Corporation Counsel?

Agenda Item #9

RE: Niagara Falls Block Club Council (“COUNCIL”)

Council Members:

The 2017 Budget contains an appropriation in the amount of \$10,000.00 for the Council. In order to effectuate this, an appropriation agreement with the Council is required.

Will the Council so approve and authorize the Mayor to execute an agreement in form acceptable to the Corporation Counsel for the Council?

Agenda Item #10

RE: *School District of the City of Niagara Falls, OSC – 21 (“OSC”)*

Council Members:

The 2017 Budget contains an appropriation in the amount of \$10,000.00 to the School District to assist in funding the operation of the OSC-21, public access channel (“OSC”). In order to effectuate this, an appropriation agreement with the School District is required.

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

Agenda Item #11

RE: Niagara Military Affairs Council (“NIMAC”)

Council Members:

The 2017 Budget contains an appropriation in the amount of \$2,500.00 for the NIMAC. In order to effectuate this, a funding agreement with NIMAC is required.

Will the Council so approve and authorize the Mayor to execute an agreement in form acceptable to the Corporation Counsel for NIMAC?

Agenda Item #12

RE: Funding for Demolitions-Department of Code Enforcement

Council Members:

The Acting Director of Code Enforcement is requesting that the sum of \$500,000 be made available to his department to perform additional demolitions and emergency board ups during the balance of this year. Funding is available from Casino revenues and will be transferred to Demolitions account code H0910.

Will the Council so approve?

Agenda Item #13

*RE: New agreement with the Niagara County Society for the Prevention of
Cruelty to Animals (“SPCA”) for sheltering services*

Council Members:

The City’s agreement with the SPCA has expired. It is now time for the City to enter into a new agreement with the SPCA in order for it to continue to provide sheltering services for calendar year 2017. The expired agreement called for the City to pay to the SPCA the sum of \$223,127.00 billed on a monthly basis. The agreement the SPCA now proposes for 2017 will require the City to pay to the SPCA the sum of \$311,269.77 annually to be billed at a monthly rate of \$25,939.15. This would allow the City to be allocated 1,292 kennel days per month; any kennel days in excess of this amount will be billed at the rate of \$23.00 per kennel day per dog over the 1292 allocation.

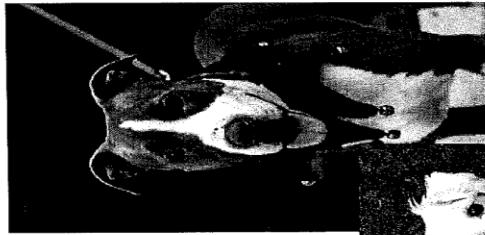
Attached hereto is a summary provided by the SPCA which focuses on the detail arriving at this requested contract price. The City presently has budgeted for this service the sum of \$223,127.00 leaving a shortfall of \$88,142.77. This additional dollar amount shortfall is available from casino revenues.

Will the Council so approve and authorize the Mayor to enter into a new agreement with the SPCA for 2017 provided the same is in form and content satisfactory to the Corporation Counsel? Attached hereto is a copy of a proposed agreement for 2017.

o

o Since becoming a "No Kill" shelter

- Number of adoptions per year have doubled
- Cost of care per animal has increased from \$204 to \$440



o Increased costs attributed to

- Veterinary care services for more adoptable and injured animals
 - Sterilization surgeries
 - Vaccinations
 - Other medical procedures
- Food, litter, cleaning products, etc, needed to care for the additional animals



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	Total Intake	Adoptions/Return to Owners	Euthanasia Died in Shelter	Asilomar Save Rate
2011	3804 animals	1026 animals	1701 animals	41.79%
2012	2339 animals	1921 animals	537 animals	90.19%
2013	2238 animals	1957 animals	258 animals	95.09%
2014	2574 animals	2142 animals	343 animals	92.85%
2015	2385 animals	2125 animals	301 animals	93.86%

- o National SPCA Average Save Rate: 59% (www.aspca.org)
- o Erie County SPCA Save Rate: 85%

- o Amy Lewis Executive Director since February 2012
- o 25 Niagara County SPCA Employees 2016
- o 200 Niagara County SPCA Volunteers 2016



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Yearly Intake	Total Income	Total Cost	Cost/Animal	Save Rate
2011 3804 animals	\$777,288	\$739,201	\$204.33	41.79%
2012 2339 animals	\$731,873	\$902,364	\$312.90	90.19%
2013 2238 animals	\$1,029,189	\$926,322	\$413.91	95.09%
2014 2574 animals	\$919,644	\$882,889	\$343.00	92.85%
2015 2385 animals	\$884,194	\$1,050,192	\$440.33	93.86%

Since becoming a "No Kill Shelter", Cost/Animal has more than doubled from \$204.33 to \$440.33 *[biggest]*

o Increase cost from 2011 to 2015 attributed to:

- o Doubling adoption rates means doubling Sterilizations
- o Veterinary care
- o Food
- o Vaccinations



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Yearly Intake	Total Income	Total Cost	Cost/Animal	Save Rate
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Niagara County SPCA	2238 animals	\$1,029,189	\$926,322	\$413.91	95.09%
Tompkins County SPCA	1760 Animals	\$1,565,955	\$1,572,379	\$893.40	91.88%

- Tompkins County is located in Ithaca, NY and has similar services as Niagara County SPCA.
- Tompkins and Niagara County SPCA have similar Per Capita Income
- Significant income differential between Tompkins and Niagara County SPCA
- The main cost differential is related to NCSPCA understaffing
 - Niagara County SPCA had 19 staff and 88 volunteers 2013
 - Tompkins County SPCA had 47 staff and 160 volunteers 2013



Dogs Average Length of Stay	2013 Annual NF Dog Intake	% of Total Animals	Total Kennel Days	% of Kennel Days
Niagara Falls	43.68 Days	356 Dogs (2385 total) Intake for 2015)	15550.1 (34,686 total Kennel days)	44.8%

Stray Calls	% of Stray Calls	Portion of Dog Control Costs	Total NF Cost (Total Kennel Days + Stay Calls Costs)	NCSPCA Loss
Niagara Falls	11 animals	6.1%	\$3354.45	\$248,844.04

- Current Niagara Falls Contract is \$223,127.00 causing a deficit of -\$25,717.04 in 2015

- The NCSPCA is currently understaffed and on an austerity budget because of the NCSPCA 2015 \$165,998 deficit (which was minimized because of austerity budget)

- 2016 Budget must increase in order to allow the NCSPCA to function adequately and fulfill No-Kill Mission



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- 2016 Niagara Falls Contract: \$311,269.77
- Based upon 2016 budget (minus fundraising expenses, dog control officers salaries and vehicle costs), which includes additional staffing to allow the NCSPCA to adequately run operations at the Shelter and fulfill our No-Kill Mission

Mission

- Based upon 2015 Kennel Days of 15,550
- 1292 Kennel Days are allotted monthly
- If Kennel Days exceed 1292 monthly, then Niagara Falls will be billed at \$23.00/Day
- Dog Boarding (at a Boarding Facility) is approximately \$40.00/Day which only includes boarding and food while the NCSPCA also includes vaccinations, Spay/Neuter, De-Flea medication and Vet Care

- This contract pricing is consistent with what Tompkins County SPCA would contract services for based upon their cost/animal (\$320,730.00)

- This contract pricing is consistent with what Tompkins County SPCA would contract services for based upon their cost/animal (\$320,730.00)
- If the City of Niagara Falls attempted to duplicate the same services, it would cost a minimum of \$600,000 but more likely closer to \$1 Million Dollars with Union Contracts factored in



AGREEMENT

This Agreement made this ____ of January 2017 and effective the 1st day of January, 2017, by and between the CITY OF NIAGARA FALLS, NEW YORK, a Municipal Corporation, having offices at 745 Main Street, Niagara Falls, New York 14302 ("CITY") and the NIAGARA COUNTY SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS located at 2100 Lockport Road in the Town of Wheatfield, County of Niagara and State of New York ("SPCA").

WHEREAS the SPCA owns and operates at its offices at 2100 Lockport Road, Wheatfield, NY a facility for sheltering animals of various types and dogs, in particular; and

WHEREAS the SPCA has staff to carry out the duties of Animal Control Officer (ACO) on an as-needed basis; and

WHEREAS the City is in need of a facility to shelter animals of various types and dogs, in particular, after they have been picked up by an ACO; and

WHEREAS the City and the SPCA have had a long history of working together; and

WHEREAS the Board of Directors of the SPCA has agreed to provide various services to the City for a twelve (12) month period of time on various terms and conditions; and

WHEREAS the City Council of the City of Niagara Falls has agreed to contract with the SPCA to perform various services for a one year period of time

NOW, THEREFORE, in consideration of the mutual promises herein contained and for other good and valuable consideration, the parties hereto agree as follows:

1. The City will be primarily responsible for carrying out the duties and responsibilities of ACO in the City of Niagara Falls, NY. The duties, responsibilities and enforcement shall be pursuant to Article 7 of the Agriculture and Markets Law and shall include the responsibility for the issuance and service of summons for delinquencies in dog licensing. The SPCA will act as ACO at times when specifically requested to do so by the City.
2. The SPCA agrees that upon the adoption of a dog by a resident of the City at the SPCA facility or at any other SPCA temporary location, the SPCA will collect the required licensing fee and submit to the Niagara Falls City Clerk (the "City Clerk") a copy of the license application as well as the corresponding fee. Such submissions will be done on a monthly basis. The City agrees to provide all required applications.
3. The SPCA shall have available an employee or agent to serve as ACO within the corporate limits of the City when required by the City fully equipped, including a suitable motor vehicle to perform the duties and obligations of ACO when called upon to do so by the City.
4. The SPCA shall provide, maintain and operate a shelter for all seized dogs. In connection herewith, the SPCA agrees that it will operate its shelter as a "No Kill" shelter and will abide by recognized principles in operating a "No Kill" shelter with the understanding that these dogs will be made available for adoption in compliance with Article 7 of the Agriculture and Markets Law. It is further understood that it may be necessary to euthanize some animals and this will be accomplished by the SPCA in a humane manner as provided for in Article 7 of the Agriculture and Markets Law. Each month the SPCA agrees to provide the City Clerk with monthly reports detailing these sheltering activities, including the number of dogs delivered for sheltering each month by the City ACO, the number of stray dogs picked up each month by the SPCA serving as ACO, and the collective length of stay for all

dogs for that month (kennel days) as determined by the shelter's animal management program Petpoint. The City Clerk and the SPCA will work cooperatively regarding the information and statistics to be provided to the City Clerk by the SPCA, the detail to be included and the date each month when reports are due.

5. The SPCA will hold seized dogs for the legal period specified in the New York State Agriculture and Markets Law. If during this period the owners wish to redeem their dog(s), they must obtain a New York State DL-18 dog release form from the City Clerk's Office and pay the required fees. The SPCA will release the dog immediately upon their receipt of said release.
6. The SPCA shall be open to the public from 12:00 p.m. to 8:00 p.m. Monday, Wednesday and Thursday, Friday from 10:30 a.m. to 5:00 p.m. and Saturday 11:00 a.m. to 5:00 p.m. with the exception of holidays or closure due to inclement weather.
7. The SPCA shall answer all emergency calls pertaining to injured stray domestic animals or stray domestic animals in distress in the event the City designated ACO I not available and upon the City's request.
8. The SPCA will file and maintain all records necessary for the seizure and disposition of any dog, as required by Article 7 of the Agriculture and Markets Law.
9. This contract shall be for a term of twelve (12) months, commencing on the 1st day of January, 2017 and expiring on the 31st day of December, 2017. The annual contract price is \$311,269.77 payable in equal monthly installments of \$25,939.15. Payments are due on the 1st of each month commencing January 1, 2017.

In addition to the annual contract price described above, The City of Niagara Falls is allotted 1,292 kennel days per month as determined by animal length of stay reports provided to the City on a monthly basis and in the event the allotted kennel days are exceeded, the City is to be billed at a

rate of \$23 per dog per kennel day.

10. The SPCA shall provide all services heretofore agreed with reasonable care and diligence.
11. Any modification, addition or addendum to this agreement shall be in writing and executed by both the City and SPCA in order to be enforceable.
12. In the event that either the City or the SPCA is in default in any material term, covenant or condition contained in this Agreement, the non-defaulting party agrees to give the defaulting party written notice to cure the default within ten (10) days of having been given such notice. In the event that the defaulting party fails to cure said default within the said ten (10) day period of time, the non-defaulting party may declare this Agreement terminated by giving written notice to the defaulting party at which point this Agreement will be of no further force and effect.
13. Any notice required to be given pursuant to the terms of this Agreement shall be considered sufficient if such notice is transmitted in writing by hand delivery or certified mail, return receipt requested or overnight delivery to the parties at the addresses set forth above, or such other address that either party may notify the other by notice delivered pursuant to this paragraph.

IN WITNESS WHEREOF, the parties hereto have caused their corporate seals to be hereunto affixed
and this agreement to be signed by their duly authorized officers, the day and year first written.

CITY OF NIAGARA FALLS, NEW YORK

ATTEST:

By: _____
Paul A. Dyster, Mayor

NIAGARA COUNTY SOCIETY FOR THE
PREVENTION OF CRUELTY TO ANIMALS

By: _____

Agenda Item #14

RE: Amendment to Sheraton Hotel Parking Agreement

During the City Council meeting held on Tuesday, December 27, 2016 the City Council voted to approve an amendment to the parking agreement with the Sheraton Hotel. Attached hereto is a copy of the Council Item presented to you. The Mayor's communication to you explained that the amendment will allow up to eighteen (18) members of the hotel's management staff to utilize allocated parking spaces, as well as allow customers of the businesses located in the hotel to avail themselves of parking validation privileges. It has come to my attention that the attachment to the Mayor's communication was not the correct amendment; the item attached to the Council Item did not include the ability of customers of the businesses to avail themselves of validation privileges when in fact, it should have. I am enclosing herewith a copy of the correct amendment for your information. This enclosure is consistent with what the City Council voted on.

My apologies for any confusion.

AMENDMENT TO PARKING AGREEMENT

This Amendment to Parking Agreement (the "Amendment") made this _____ day of April, 2016 by and between the City of Niagara Falls, New York, a municipal corporation organized and existing pursuant to the laws of the state of New York with offices at 745 Main Street, Niagara Falls, New York 14302 (hereinafter referred to as the "City") and NFNY Hotel Management, LLC, a limited liability company organized and existing pursuant to the laws of the state of New York doing business as Sheraton at the Falls ("Sheraton") with offices at 300 Third Street, Niagara Falls, New York 14303 ("NFNY").

WHEREAS, on or about the 27th day of July, 1997, the City entered into a Parking Agreement (the "Parking Agreement") with 300 Third Street Inc. which, among other things, allowed 300 Third Street Inc. the non-exclusive use of 400 parking spaces per day in Parking Ramp 1 each year from April 1 through October 31 and 200 parking spaces per day each year from November 1 through March 31; and

WHEREAS, a copy of the Parking Agreement is attached hereto; and

WHEREAS, Parking Ramp 1 was demolished which resulted in the City owned Parking Lot at the corner of Third Street and Niagara Street being substituted for Parking Ramp 1; and

WHEREAS, over the years, the hotel located at 300 Third Street, which benefits from the Parking Agreement, was acquired by new owners on several occasions with the Parking Agreement being assigned to each new owner in each acquisition, and

WHEREAS, the current owner of the hotel located at 300 Third Street which is the assignee of the Parking Agreement is NFNY which operates a Sheraton hotel and is the entity entitled to the benefits and burdens of the Parking Agreement; and

WHEREAS, in consideration for the use of said parking spaces as described in the Parking Agreement, NFNY pays to the City in excess of \$50,000.00 per year; and

WHEREAS, the Parking Agreement provides that "said parking spaces shall be restricted solely to guests of the Radisson Hotel Niagara Falls" and "said spaces shall not be used in any manner whatsoever by any other persons, including but not limited to employees of the Radisson Hotel Niagara Falls"; and

WHEREAS, issues have arisen over the years with respect to improper validation of parking tickets; and

WHEREAS, NFNY's management in place at the Sheraton have assisted greatly in the administration and enforcement of this Parking Agreement so as to significantly curtail abuses in the validation system; and

WHEREAS, NFNY has requested that the Parking Agreement be amended to allow up to eighteen (18) parking spaces utilized by NFNY pursuant to the Parking Agreement to be utilized by up to eighteen (18) members of NFNY's management staff at the Sheraton.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and for such good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. Paragraph #3 in the Parking Agreement is amended to include the following terms and conditions:

“3(a) Notwithstanding the foregoing, NFNY may have access to up to eighteen (18) parking spaces for members of the NFNY management staff. NFNY agrees to keep the City informed on an ongoing basis of the identity of the users of the parking spaces so as to be certain that no more than eighteen (18) NFNY management staff at the Sheraton Hotel are using the parking spaces.”

“3(b) The parking spaces will not be reserved, segregated spaces. NFNY may validate parking passes for up to eighteen (18) management employees or request parking passes at no charge (like those issued to monthly parking patrons) from City for up to eighteen (18) management staff. It is further understood that customers of the retail businesses operated on the Sheraton Hotel premises, such as Starbucks, TGI Friday's or Rainforest Café, who may not be guests at the Sheraton Hotel, may have their parking tickets validated.

“3(c) Any violation of this provision by NFNY or its staff will result in the immediate cancellation of this Amendment by the City.”

2. The remaining terms and conditions of the Parking Agreement shall remain in full force and effect for the remainder of its term and any renewals thereof.

THE CITY OF NIAGARA FALLS, NEW YORK

By: _____

Paul A. Dyster, Mayor

Date

NFNY HOTEL MANAGEMENT LLC

By: _____

Name:

Date

Agenda Item #15

RE: Approval of the sale of 2718 Orleans Avenue to Habitat for Humanity

Council Members:

The City has received a request from Habitat for Humanity to purchase the above referenced City-owned property for the sum of \$500.00. This property was approved for sale by the Planning Board. Attached hereto is a copy the Planning Board's approval.

Will the Council approve the sale of this premises and further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?



City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

January 11th, 2017

NIAGARA FALLS PLANNING BOARD

APPROVAL OF DISPOSITION OF REAL PROPERTY

Pursuant to action taken by the Niagara Falls Planning Office on the 11th day of January 2017 your request is hereby granted.

NAME OF OWNER: City of Niagara Falls

ADDRESS OF ACTION: 2718 Orleans Avenue

PURPOSE: Sell Property to Habitat for Humanity for the purpose of renovating property

This application is hereby granted.

DATE: January 11th, 2017


Tony M. Palmer, Chairman
Niagara Falls Planning Board

2017 JAN 17 AM 11:52

CITY CLERK'S OFFICE
NIAGARA FALLS
CITY OF FALLS
RECEIVED




Agenda Item #16

RE: Request for Approval to Settle and Pay Claim of Jennifer LaMarca
122 Third Street, North Tonawanda, New York 14120

Council Members:

Date Claim Filed:	N/A
Date Action Commenced:	August 18, 2010
Date(s) of Occurrence:	July 2009 through November 2009
Location:	N/A
Nature of Claim:	Damages suffered during hiring process
City Driver:	N/A
Status of Action:	Pre-trial Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$36,000.00
Make Check Payable to:	Pursuant to the Settlement Agreement
Conditions:	Settlement Agreement, General Release and Stipulation of Discontinuance 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, and authorize the Corporation Counsel to execute any and all documents necessary to effectuate the settlement?

Agenda Item #17

RELATIVE TO THE REAPPOINTMENTS TO THE PLANNING BOARD

BY:

Council Chairman Charles Walker

Council Member Kristen Grandinetti

Council Member Ezra Scott, Jr.

Council Member Kenny Tompkins

Council Member Andrew Touma

BE IT RESOLVED, that the following individuals are hereby reappointed to the City of Niagara Falls Planning Board, effective immediately, for the term expiring on the date which appears opposite their name:

REAPPOINTMENTS:

TERM EXPIRES:

Willie Dunn 12/31/2019
3075 Macklem Avenue
Niagara Falls, NY 14305

Charles MacDougall 12/31/2019
8227 Bollier Avenue
Niagara Falls, NY 14304

Michael Murphy 12/31/2019
642 4th Street
Niagara Falls, NY 14301

Agenda Item #18

RELATIVE TO THE REAPPOINTMENT TO THE YOUTH BOARD

BY:

Council Chairman Charles Walker

Council Member Kristen Grandinetti

Council Member Ezra Scott, Jr.

Council Member Kenny Tompkins

Council Member Andrew Touma

BE IT RESOLVED, that the following individual is hereby reappointed to the City of Niagara Falls Youth Board, effective immediately, for the term expiring on the date which appears opposite his name:

REAPPOINTMENT:

Rick Williams

2761 Falls Street

Niagara Falls, NY 14303

TERM EXPIRES:

12/31/2019

Agenda Item #19

**RELATIVE TO THE REAPPOINTMENT TO THE HISTORIC PRESERVATION
COMMISSION**

BY:

Council Chairman Charles Walker

Council Member Kristen Grandinetti

Council Member Ezra Scott, Jr.

Council Member Kenny Tompkins

Council Member Andrew Touma

BE IT RESOLVED, that the following individual is hereby reappointed to the City of Niagara Falls Historic Preservation Commission, effective immediately, for the term expiring on the date which appears opposite his name:

REAPPOINTMENT:

TERM EXPIRES:

Alan Nusbaum

12/31/2020

149 62nd Street

Niagara Falls, NY 14304

Agenda Item #20

**RELATIVE TO THE APPOINTMENT AND REAPPOINTMENTS TO THE ZONING BOARD
OF APPEALS**

BY:

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

BE IT RESOLVED, that the following individuals are hereby appointed/reappointed to the City of Niagara Falls Zoning Board of Appeals, effective immediately, for the term expiring on the date which appears opposite their name:

APPOINTMENT: _____ TERM EXPIRES: _____

Christopher Kulbago, Sr. 12/31/2019
7820 Lindbergh Avenue
Niagara Falls, NY 14304

REAPPOINTMENT: _____ TERM EXPIRES: _____

James Spanbauer 12/31/2019
528 College Avenue
Niagara Falls, NY 14305

Chris Ciccone 12/31/2019
1220 Brandi Drive
Niagara Falls, NY 14304

RELATIVE TO THE REAPPOINTMENTS TO THE TRAFFIC ADVISORY COMMISSION

BY:

Council Chairman Charles Walker

Council Member Kristen Grandinetti

Council Member Ezra Scott, Jr.

Council Member Kenny Tompkins

Council Member Andrew Touma

BE IT RESOLVED, that the following individuals are hereby reappointed to the City of Niagara Falls Traffic Advisory Commission, effective immediately, for the term expiring on the date which appears opposite their name:

REAPPOINTMENTS:

TERM EXPIRES:

Robert Ventry 12/31/2019
1884 Niagara Avenue
Niagara Falls, NY 14305

Alysia Welch – Chester 12/31/2019
PO Box 1004
Niagara Falls, NY 14302

Agenda Item #22

**RELATIVE TO THE CONTINUATION OF THE NIAGARA FALLS
TOURISM ADVISORY BOARD**

BY:

Council Chairman Charles Walker

Council Member Kristen Grandinetti

Council Member Ezra Scott, Jr.

Council Member Kenny Tompkins

Council Member Andrew Touma

WHEREAS, the Niagara Falls City Council by Resolution 2006-7 re-established the Tourism Advisory Board and by Resolution 2006-11 set its membership at sixteen (16); and

WHEREAS, the Council deems it desirable to continue the Tourism Advisory Board during 2017.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York continues the Tourism Advisory Board consisting of sixteen (16) members appointed by the City Council; and

BE IT FURTHER RESOLVED, that the board and its function shall cease one (1) year from the date of the adoption of this Resolution; and

BE IT FURTHER RESOLVED, that the following individuals are hereby appointed/reappointed to the City of Niagara Falls Tourism Advisory Board for the term expiring on the date which appears opposite their names:

APPOINTMENTS:

Dominick Colucci, III

2220 Pine Avenue

Niagara Falls, NY 14301

TERM EXPIRES:

12/31/2017

Gaelan Baillie 12/31/2017
5906 Garlow Road
Niagara Falls, NY 14301

Howie E. Ewing, Jr. 12/31/2017
304 – 78th Street
Niagara Falls, NY 14304

Lisa Routhier 12/31/2017
8649 Buffalo Avenue
Niagara Falls, NY 14304

REAPPOINTMENTS: TERM EXPIRES:
Traci L. Bax 12/31/2017
8654 Hennepin Avenue
Niagara Falls, NY 14304

Adrienne Bedgood 12/31/2017
2256 South Avenue
Niagara Falls, NY 14305

Angela Berti 12/31/2017
Prospect Street & Old Falls St.
Niagara Falls, NY 14303

Richard A. Crogan 12/31/2017
646 4th Street
Niagara Falls, NY 14301

Ron Droegmyer 12/31/2017
300 3rd Street
Niagara Falls, NY 14303

Jeffery Flach 12/31/2017
723 3rd Street
Niagara Falls, NY 14301

Ernest Lucantonio 12/31/2017
2450 Forest Avenue
Niagara Falls, NY 14301

Gay Molnar 12/31/2017
2114 River Road
Niagara Falls, NY 14304

Pat Proctor 12/31/2017
454 Main Street
Niagara Falls, NY 14301

Lisa Vitello 12/31/2017
4859 Terrace Drive
Niagara Falls, NY 14305

RELATIVE TO APPOINTMENT TO THE WATER BOARD

BY:

Council Chairman Charles Walker

Council Member Kristen Grandinetti

Council Member Ezra Scott, Jr.

Council Member Kenny Tompkins

Council Member Andrew Touma

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Water Board, effective immediately, for the term expiring on the date which appears opposite his name:

APPOINTMENT: TERM EXPIRES:

Nicholas Forester 12/31/2019

3206 Michigan Avenue

Niagara Falls, NY 14305

Agenda Item #24

RELATIVE TO THE REAPPOINTMENTS TO THE SENIOR CITIZEN COUNCIL

BY:

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

BE IT RESOLVED, that the following individuals are hereby reappointed to the City of Niagara Falls Senior Citizen Council, effective immediately, for the term expiring on the date which appears opposite their names:

REAPPOINTMENT: TERM EXPIRES:

Marie DeFelice 12/31/2019
2540 Jerauld Avenue
Niagara Falls, NY 14305

Caroline Fera 12/31/2019
611 33rd Street
Niagara Falls, NY 14301

Louise Morreale 12/31/2019
3239 North Avenue
Niagara Falls, NY 14305

Jean Stewart 12/31/2019
3022 Orleans Avenue
Niagara Falls, NY 14303

Agenda Item #25

RESOLUTION RELATIVE TO AMENDING CHAPTER 365
OF THE CODIFIED ORDINANCES ENTITLED
“TAXICABS AND TAXICAB DRIVERS”

Council Member Kristen Grandinetti

Council Member Ezra Scott

Council Member Kenny Tompkins

Council Member Andrew Touma

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 365 of the Codified Ordinances entitled Taxicabs and Taxicab Drivers is hereby amended to read as follows on the next page:

CHAPTER 365

Taxicabs, [and] Taxicab Drivers, Liveries and Livery Drivers

365.00 Legislative Findings and Declarations.	365.23 Consideration of Application.
365.01 Definitions.	365.24 Issuance of License; Duration and Annual Fee.
365.02 Taxicab Medallion and Registration Permit Required; <u>Livery Registration and Permit Required</u>	365.25 License Period.
365.03 Applicability of Chapter.	365.26 Display of License.
365.04 Number of Taxicab Medallions Limited.	365.27 Dress, Behavior and Grooming of Taxicab Drivers <u>and Livery Drivers</u> and Use of Radio.
365.05 Public Hearing.	365.28 Suspension and Revocation of Driver's License.
365.06 Application for <u>Taxicab</u> Medallions and Driver's Licenses <u>for Taxicab and Livery.</u>	365.29 Notice to Driver.
365.07 Taxicab Medallion.	365.30 Failure to Comply with City, State and Federal Laws.
365.08 Transferability of Taxicab Medallions.	365.31 Designation of Taxicabs.
365.09 Medallion Fees.	365.32 Taximeter Required.
365.10 Taxicab <u>and Livery</u> Registration Permit.	365.33 Periodic Inspections of Taximeter Required.
365.11 Taxicab <u>and Livery</u> Registration Permit Fees.	365.34 Rates of Fare; Rate Card Required.
365.12 Application for Taxicab <u>and Livery</u> Registration Permit.	365.35 Open Stands Established; Use and Parking.
365.13 Liability and Worker's Compensation Ins. Required.	365.36 Solicitation, Acceptance and Discharge of Passengers.
365.14 Inspection of Vehicles.	365.37 Receipts.
	365.38 Refusal of Passenger to Pay Legal Fare.

365.15 Emergency Taxicab <u>and Livery</u>	365.39 Direct Routes.
Registration Permits.	365.40 Taxicab Service.
365.16 Schedule of Rates; Display.	365.41 Manifests.
365.17 Suspension and Revocation of Medallion and Taxicab Registration Permit <u>or Livery Registration Permit</u> .	365.42 Service Contract Reports. 365.43 Transferring the Taxicab Vehicle.
365.18 Taxicab Driver's License <u>and Livery</u> <u>Driver's License</u> .	365.44 Appeal. 365.45 Police Department; Duty to Enforce Chapter.
365.20 Application for Driver's License <u>and Livery Driver's License</u> .	365.46 Penalty.
365.21 Examination of Applicant.	365.99 Separability.
365.22 Police Investigation of Applicant.	

365.00 LEGISLATIVE FINDINGS AND DECLARATION.

(a) It is hereby determined by the City Council and the City Officials that the taxicab and livery industry is an integral and vital element which is necessary to assure adequate and safe public transportation for our residents and visitors.

(b) It is also determined that the taxicab and livery industry is especially suited for inclusion in the Convention and Visitors Bureau, the Chamber of Commerce and all City meetings and functions related to public transportation and tourism issues.

(c) It is found that a spirit of mutual cooperation and public pride exists between the taxicab and livery industry and other governmental and civic organizations and that it is essential that goodwill be maintained amongst all.

(d) It is also found that reasonable standards and regulations relating to the number of taxicabs and livery vehicles, the number and location of taxicab stands and the condition and appearance of the taxicab and livery vehicles and drivers are needed to assure fairness and to promote the public health, safety and welfare.

365.01 DEFINITIONS.

The following words and phrases, when used in this chapter, have the meanings as set out herein:

(a) "Person" means and includes an individual, a corporation or other legal entity, a partnership and any incorporated association.

(b) "Street" means and includes any street, avenue, alley, court, bridge or public thoroughfare within the City.

(c) "City" means the City of Niagara Falls, New York.

(d) "Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than seven persons and not operated on a fixed route.

(e) **"Livery" means every motor vehicle, other than a taxicab or a bus, used in the business of transporting passengers for compensation. However, it shall not include vehicles which are rented or leased without a driver.**

[(e)][f] "Cruising" means the driving of a taxicab on the streets of the City in search of or soliciting prospective passengers for hire.

[(f)][g] "Taxicab and livery registration permit" means the permit issued by the Superintendent of Police to a taxicab medallion owner and livery owner which evinces that the operating taxicab or livery has fulfilled the annual inspection and registration requirements as mandated by this Ordinance.

[(g)][h] "Driver's license" means the permission granted by the City to a person to drive a taxicab or livery upon the streets of the City.

[(h)][i] "Taximeter" means a meter instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.

[(i)][j] "Waiting time" means the time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act or fault of the passenger or passengers.

[(j)][k] "Open stand" means a public place alongside the curb of a street in the City which has been designated by the City as reserved exclusively for the use of taxicabs.

[(k)][l] "Owner" means any person owning or having control of the use of a taxicab or livery or both upon the streets of the City.

[(l)][m] "Manifest" means a daily record prepared by a taxicab or livery driver of all trips made by such driver showing time and place of origin, destination, number of passengers and the amount of fare of each trip.

[(m)][n] "Rate card" means a card issued by the Superintendent of Police for display in each taxicab which contains the rates of fare then in force.

[(n)][o] "Medallion" means the plate issued by the City of Niagara Falls which represents the privilege given to the possessor to operate a taxicab in the City of Niagara Falls.

365.02 TAXICAB MEDALLION AND REGISTRATION PERMIT REQUIRED; LIVERY REGISTRATION AND PERMIT REQUIRED.

No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the City without having first obtained a taxicab medallion for each vehicle desired to be operated and a taxicab registration permit affixed to each such vehicle. No person shall operate or permit a livery owned or controlled by him to be operated as a vehicle for hire within the City without having first obtained a livery registration permit affixed to each such vehicle.

365.03 APPLICABILITY OF CHAPTER.

The provisions of this Chapter shall apply to the operation of a taxicab or a livery upon the streets of the City where the point of origin of the fare, or place where the passenger is picked up, begins within the corporate limits of the City, regardless whether the point of destination is within or without the City.

The provisions of this Chapter shall not apply to the operation of a taxicab or a livery upon the streets of the City where the point of origin of the fare begins outside the corporate limits of the City regardless of whether the point of destination is within the City. The provisions of this Chapter shall also not apply to a taxicab or livery that is returning a fare to a destination outside the corporate limits of the City which fare originated outside the corporate limits of the City, provided the return fare is made within 24 hours of the drop off of the originating fare.

• • •

365.06 APPLICATION FOR TAXICAB MEDALLIONS AND DRIVER'S LICENSE FOR TAXICAB AND LIVERY

(a) An application for any available taxicab medallion shall be filed with the Superintendent of Police upon forms provided by the City, and shall be verified under oath and shall furnish the following information:

(1) Name, address, age and whether applicant is a citizen of the United States, a noncitizen national of the United States, a lawful permanent resident (Alien#) or an alien authorized to work (Alien# or Admission#) and provide expiration date and if a corporation the name, address, age and whether each officer, director and shareholder is a citizen of the United States, a noncitizen national of the United States, a lawful permanent resident (Alien#) or an alien authorized to work (Alien# or Admission#) and provide expiration date.

(2) Experience of applicant in the transportation of passengers.

(3) Number of taxicab medallions desired by the applicant.

(4) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant arising out of the use of a motor vehicle.

(5) The name or names of persons not an applicant, or, if a corporate applicant not an officer, director or stockholder of such corporation having an interest, financial, proprietary or other, direct or indirect, in the taxicab or the business to be licensed, or having made any loan to an applicant for such taxicab or having any lien or mortgage on such taxicab, setting forth the names and addresses of such person or persons, the nature of the interest and the date acquired.

(6) The name of any person not an applicant herein, or, if a corporate applicant, any person not an officer, director or stockholder of such corporation who shares or will share on a percentage basis, or in any way in the receipts, losses or deficiencies of the operation of the taxicab, to any extent whatsoever other than by fixed salary, setting forth the names and addresses of such persons, the nature and percentage of the share and the date acquired.

(7) Whether the applicant has previously held a taxicab medallion from any locality or a former "taxicab permit" from the City of Niagara Falls and if such medallion or permit has ever been suspended or revoked, and if so, for what cause.

(8) Such further information as the Superintendent of Police of the City of Niagara Falls may require.
(Adopted 7/13/88.)

(b) No person shall be issued a taxicab and/or livery driver's license unless such person meets the following qualifications:

• • •

365.10 TAXICAB AND LIVERY REGISTRATION PERMIT.

Except as provided in Section 365.03 herein, no taxicab or livery shall be operated on the streets of Niagara Falls unless it has been issued a taxicab or livery registration permit. Each vehicle issued a permit under this Chapter shall affix a decal, supplied by the City of Niagara Falls, to the lower right hand corner of the rear window. The permit decal must be visible at all times and not placed on tinted windows/glass. Said decals shall be issued in a distinctively different color each year as proscribed by the Superintendent of Police. Taxicab and livery registration permits shall be non-transferable and must be renewed annually.

365.11 TAXICAB AND LIVERY REGISTRATION PERMIT FEES.

The annual cost of a taxicab or livery registration permit shall be Seventy Dollars (\$70.00). No taxicab or livery registration permit decal shall be issued until such fee is paid. The taxicab or livery registration permit shall be issued between and including the dates of June 1 and June 15 of each year and all of such permits shall expire on the anniversary date in the next calendar year, unless sooner suspended or revoked. Any owner to whom a permit is issued during the permit year shall pay the full amount of the annual permit fee. All revenues generated by the collection of taxicab or livery permit fees shall be budgeted for the administration and enforcement of the taxicab and livery ordinance. [Permits expiring between April 1 and April 15, 1998 are hereby extended for sixty (60) days and will expire between June 1 and June 15, 1998].

365.12 APPLICATION FOR TAXICAB AND LIVERY REGISTRATION PERMIT.

An application for a taxicab or livery registration permit shall be filed with the Superintendent of Police upon forms provided by the City, and such application shall contain the following information:

- (a) Make, model type and vehicle identification number of the vehicle to be registered.
- (b) Year of manufacture and seating capacity of each vehicle.
- (c) New York State license number of each vehicle to be registered.
- (d) The color scheme and insignia to be used to designate each vehicle.

In addition to the application and filing fee, [a taximeter certification issued within the last twelve (12) months and] proof of liability insurance and worker's compensation insurance, if required in accordance with Section 365.13, must be submitted at the time of application; and in the case of a taxicab, a taximeter certification issued within the last twelve (12) months.

The Superintendent of Police shall keep records of all vehicles registered pursuant to this chapter. Said records shall include the date of original vehicle inspection and shall record any subsequent inspections of the vehicle as well as any vehicle equipment and vehicle condition violations.

365.13 LIABILITY AND WORKER'S COMPENSATION INSURANCE REQUIRED.

(a) No taxicab or livery permit shall be issued or continued in operation unless there is in full force and effect a liability insurance policy issued by an insurance company authorized to do business in the State of New York, and approved by the City for each vehicle authorized in the minimum amount of Twenty-five Thousand Dollars (\$25,000) for bodily injury to any one person; in the minimum amount of Fifty Thousand Dollars (\$50,000) for injuries to more than one person which are

sustained in the same accident, and ten thousand dollars (\$10,000) for property damage resulting from any one accident. Such policy or policies shall insure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his servants or agents. Such policy or policies shall be filed with the Superintendent of Police shall have at least fifteen days' written notice of such cancellation, which requirement shall be conspicuously placed on said policy or policies and any Certificate evidencing such insurance.

(b) No taxicab or livery permit shall be issued or continued in operation unless there is in full force and effect a worker's compensation insurance policy issued by an insurance company authorized to do business in the State of New York, and approved by the City for each vehicle authorized in the statutory minimum amount. This provision may be waived if the taxicab or livery owner can produce a letter from the State of New York within the last twelve (12) months confirming that the taxicab or livery owner does not need worker's compensation insurance.

365.14 INSPECTION OF VEHICLES.

Prior to the use and operation of any vehicle and the issuance of a taxicab or livery registration permit under the provisions of this chapter, such vehicle shall be thoroughly and carefully examined and inspected by the Police Department and must be found to comply with such reasonable rules and regulations as may be prescribed by the Superintendent of Police. These rules and regulations shall be promulgated to provide safe and comfortable transportation and shall specify such safety equipment and regulatory devices as the Superintendent of Police shall deem necessary therefor.

In addition to periodic inspections by the Police Department, at such intervals as shall be established by the Superintendent of Police, taxicab and livery vehicles are subject to on-the-spot "no notice" inspections by police officers. Inspections shall not be instigated nor take place while a fare is present. Such inspections shall require, but are not limited to, the following vehicular standards:

- (a) All vehicles shall have current New York State Inspection Certificates.
- (b) The exterior of the vehicles shall be generally clean and free from rust and damage.
- (c) The vehicle paint must be applied in a professional manner. Automobile make insignias and vehicle chrome shall not be painted over.
- (d) Vehicles must be completely assembled and shall not be structurally altered from the manufacturer's design including, but not limited to, having the lights, exhaust system, fenders and bumpers properly attached.

(e) Any lettering or company logo applied to the exterior of the vehicle must be professionally air-brushed or neatly stenciled upon the vehicle. A decal insignia shall be considered an acceptable substitute for the above requirement.

(f) The interior of the vehicle must be kept clean and sanitary, and shall be free of all litter and debris.

If a vehicle has been involved in an accident causing physical damage so as to violate the above vehicle standards, it shall not be automatically excluded from service, if the vehicle can still be operated safely. The taxicab or livery owner shall have 24 hours to have the vehicle evaluated by the Police Department, in order to determine if the vehicle should be taken out of service or to determine the exact date repairs will be made. If a vehicle is taken out of service on account of the police inspection of damage, the taxicab or livery owner shall be notified in writing.

(g) A violation of any of the above vehicle standard requirements will be punishable by a fine of not more than Two Hundred Fifty Dollars (\$250.00) for each offense. Each day a violation continues shall constitute a separate offense.

365.15 EMERGENCY TAXICAB AND LIVERY REGISTRATION PERMITS.

The Mayor may, in case of a declared public emergency or necessity, waive or modify any or all of the requirements of this chapter and may issue a temporary permit for the operation of any vehicle defined in this chapter upon the streets of the City without a public hearing, such permit to be revocable at any time with by the Mayor or his designee.

365.16 SCHEDULE OF RATES FOR TAXICABS; DISPLAY.

There shall be displayed in the passenger's compartment of each taxicab in full view of the passengers, a card not less than four inches by six inches in size, which shall have plainly printed thereon the name of the owner or the [fictitious] name under which such owner operates the business, the address and telephone number of such owner and a correct schedule of the rates to be charged for conveyance in such vehicle. Such card shall be approved as to form by the Superintendent of Police before being so displayed. A true and correct copy of the card, as approved, shall be filed with the Superintendent of Police.

365.17 SUSPENSION AND REVOCATION OF MEDALLION AND TAXICAB REGISTRATION PERMIT OR LIVERY REGISTRATION PERMIT.

A taxicab medallion or taxicab registration permit or livery registration permit issued under the provisions of this chapter, may be revoked or suspended by the City Administrator, if the owner thereof has:

(a) Violated any material provisions of this chapter.

(b) Falsified any information on the application or failed to notify the Superintendent of Police of any material change of status from that indicated in the application.

(c) Abandoned the taxicab medallion or taxicab registration permit or livery registration permit. The medallion or permit shall be deemed abandoned when a taxicab assigned a medallion or taxicab registration permit or livery issued a livery registration permit has not been regularly operated as a taxicab or livery for a period of six (6) months, or

(d) Conducted himself in a manner indicating he is not a fit and proper person to hold such an owner's medallion or taxicab registration permit or livery registration permit.

In the event any person to whom an owner's medallion or taxicab registration permit or livery registration permit is issued has such medallion or permit suspended on three separate occasions, such medallion or permit shall be revoked. Whenever any medallion shall be revoked, the same shall be surrendered to the Superintendent of Police. If the medallion is suspended, the same shall be surrendered to the Superintendent of Police and retained by him until the suspension period expires. In the case of suspension or revocation of the taxicab registration permit or livery registration permit, the identifying decal shall be immediately removed.

Prior to suspension or revocation, the owner shall be given written notice of the proposed action to be taken together with a statement of the basis therefor and shall have an opportunity to be heard by the City Administrator within two weeks of receiving said written notice. No suspension or revocation shall be effective until a written decision of the Administrator is filed in the Office of the City Clerk.

365.18 TAXICAB DRIVER'S LICENSE AND LIVERY DRIVER'S LICENSE.

Except as provided in Section 365.03 of this Chapter, no person shall operate a taxicab for hire or livery upon the streets of the City and no person who owns or controls a taxicab or livery shall permit it to be so driven, and no taxicab or livery licensed by the City shall be driven at any time for hire unless the driver of such taxicab or livery shall have first obtained and shall have then in force a taxicab driver's license or livery driver's license issued under the provisions of this chapter. This prohibition shall not apply to a taxicab or livery driver who is returning a fare to a destination outside the corporate limits of the City which fare originated outside the corporate limits of the City, provided the return fare is made within 24 hours of the drop off of the originating fare.

365.20 APPLICATION FOR TAXICAB DRIVER'S LICENSE AND LIVERY DRIVER'S LICENSE.

An application for a taxicab driver's license or livery driver's license shall be filed with the Superintendent of Police on forms provided by the City, and such application shall be verified under oath and shall contain the following information:

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Any false statements made by the applicant on the application for a taxicab driver's license or livery driver's license shall be sufficient cause for the refusal of the issuance of a taxicab driver's license or livery driver's license to such applicant, or shall be sufficient cause for the revocation or suspension of a taxicab driver's license or livery driver's license after the issuance of same.

Upon request, a person who has been issued a taxicab driver's license by the City may request from the Superintendent of Police, on forms provided by the City, a livery driver's license. Provided the taxicab driver's license is valid and has not been revoked or suspended, a livery driver's license shall be issued for no additional fee.

Upon request, a person who has been issued a livery driver's license by the City may request from the Superintendent of Police, on forms provided by the City, a taxicab driver's license. Provided the livery driver's license is valid and has not been revoked or suspended, a taxicab driver's license shall be issued for no additional fee.

365.21 EXAMINATION OF APPLICANT.

Before licensing, all taxicab drivers and livery drivers must undergo a local orientation program of up to two hours coordinated by the Niagara Tourism & Convention Corporation (NTCC). Prior to the issuance or renewal of a license, each driver must successfully complete a test of the information covered during the program. The applicant is responsible to pay any fee incurred by the NTCC for administering the test. Such program shall include, but is not limited to, the geography of the City, traffic laws and regulations and public relations and appearance.

365.22 POLICE INVESTIGATION OF APPLICANT.

The Police Department of the City shall conduct an investigation of each applicant for a taxicab driver's license and livery driver's license, and a report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the Superintendent of Police.

365.23 CONSIDERATION OF APPLICATION.

The Superintendent of Police shall, upon consideration of the application and the reports and certificate required to be attached thereto, in his discretion, approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the Superintendent of Police to offer evidence why his application should be reconsidered.

365.24 ISSUANCE OF LICENSE; DURATION AND ANNUAL FEE.

Upon approval of an application for a taxicab driver's license or livery driver's license, the Superintendent of Police shall issue a license to the applicant which shall bear the name, address, age, signature and photograph of the applicant, issuance number, date of expiration and the name of the owner for which such driver is authorized to operate a vehicle. Such license shall be valid only so long as the driver continues in the employ of such owner. Upon the termination of any driver's employment, the owner by whom such driver has been employed shall immediately give the Superintendent of Police written notice of such termination, the reasons therefor, and shall forthwith surrender the driver's license to the Superintendent of Police for cancellation.

Such license shall be in effect for the remainder of the calendar year. A license for every calendar year thereafter shall be issued upon the payment of Fifty Dollars (\$50.00), unless the license for the preceding year has been revoked.

365.25 LICENSE PERIOD.

A taxicab driver's license or livery driver's license shall be issued as of January 1st in each year and shall be valid to and including December 31st of that same year unless sooner suspended or revoked. Any driver to whom a license is issued during the license year shall pay the full amount of the annual license fee.

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365.27 DRESS, BEHAVIOR AND GROOMING OF TAXICAB DRIVERS AND LIVERY DRIVERS AND USE OF RADIO FREQUENCY.

(a) Each driver shall make a presentable appearance while operating taxicabs and liveries in the City of Niagara Falls, and shall be clean, well-groomed, neatly dressed, and conduct himself or herself in a professional, courteous manner. Every driver shall be required to wear a shirt with a collar.

(b) Each driver shall be permitted to use only the radio frequency that is used by the company the driver is affiliated with. The monitoring of another cab or livery company's frequency is strictly prohibited and will lead to sanctions against the driver and/or company the driver is affiliated with.

365.28 SUSPENSION AND REVOCATION OF DRIVER'S LICENSE.

A taxicab driver's license or livery driver's license may be suspended for the following reasons:

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No driver or operator whose license has been revoked shall be eligible to be licensed as a taxicab driver or livery driver in the City for a period of three (3) years, unless otherwise prohibited by Section 365.19 of this Chapter.

365.29 NOTICE TO DRIVER.

A taxicab driver's license or livery driver's license shall be deemed to be suspended or revoked as of the third day after the Superintendent of Police shall cause to be deposited in the United States Post Office within the City, a registered letter giving notice of such revocation or suspension, and directed to the person named and to the address given on the application pursuant to which such license was issued. In the event a person has both a taxicab driver's license and a livery driver's license, a suspension or revocation of one license has the effect of suspending or revoking the other license.

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

Every 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.

365.31 DESIGNATION OF TAXICAB.

The taxicabs of every owner operating a taxicab within a City shall be of a color scheme and bear the owner's trade name, monogram or insignia which are clearly and easily distinguishable from the color scheme, owner's trade name, monogram or insignia used on the taxicabs of any other owner's already operating under this chapter. No change whatever in the color scheme or distinguishing characteristics of any taxicab shall be made without written permission from the Superintendent of Police, and it shall be unlawful for any person soliciting patronage from any vehicle described in this chapter to represent by word, sign or insignia that the vehicle for which he is soliciting such patronage is a vehicle owned or operated by other than the actual owners.

Every taxicab operated within the City shall bear the following identification: the owner's trade name, monogram or insignia, together with a cab number and the owner's telephone number or numbers painted upon the metal portion

of the outside of each side of the taxicab and the cab number and owner's telephone number or numbers painted upon the outside rear panel of the taxicab. All lettering mentioned in this paragraph shall be not less than two and one-quarter inches in height and not less than five-sixteenths inch stroke. In addition to the identification hereby required, taxicabs may bear the following signs or advertisements:

- (a) A metal sign bearing the words "For Hire", and being no larger than six inches by nine inches;
- (b) A sign attached to the top of the cab bearing the word "Vacant" and being no larger than two and one-half inches by nine inches, and
- (c) Advertisements not exceeding twelve square feet in total area, subject to the rules and regulations of the Superintendent of Police.

If, after a permit has been issued for a taxicab hereunder, any portion of this section is violated in such a manner as to be misleading or deceiving to the public, the Superintendent of Police in his discretion, may suspend or revoke the permit of the owner covering such taxicab or taxicabs.

(d) This section shall not apply to liveries operating in the City.

365.32 TAXIMETER REQUIRED.

All taxicabs operated under the authority of this chapter shall be equipped with taximeters fastened in front of the passengers, visible to them at all times day and night; and, after sundown, the face of the taximeter shall be illuminated. Such taximeter shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism. No taximeter shall be operated from any wheel to which power is applied. They shall be sealed at all points and connections which, if manipulated, would affect their correct reading and recording. Each taximeter shall have thereon a flag to denote when the vehicle is employed and when it is not employed, and it shall be the duty of the driver to throw the flag of such taximeter into a non-recording position at the termination of each trip. The taximeters shall be subject to inspection from time to time by the Police Department. Any inspector or other officer of the Police Department is hereby authorized either on complaint of any person or without such complaint, to inspect any meter and, upon discovery of any inaccuracy therein, to notify the person operating such taxicab to cease operation. Thereupon, such taxicab shall be kept off the streets, until the taximeter is repaired and in the required working condition.

This section shall not apply to liveries operating in the City. Notwithstanding the foregoing, the owner of a livery operating under the authority of this chapter may, at the option of the owner, equip the livery so owned with a taximeter. In the event the owner equips the said livery with a taximeter, all applicable provisions of this chapter pertaining to taximeters shall apply. In addition, the owner, prior to installation of the taximeter in the livery vehicle, agrees to immediately give written notice to the Superintendent of Police of the installation of the taximeter.

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365.35 OPEN STANDS ESTABLISHED; USE AND PARKING.

The Traffic Engineer is hereby authorized and empowered to establish open taxi stands for the exclusive use of taxicabs in such places upon the streets of the City as he deems necessary. In creating an open stand, the Traffic Engineer shall take into consideration the need for such stands by the taxicab owners and the convenience to the general public. He shall prescribe the number of taxicabs that shall occupy such open stands. The Traffic Engineer shall not create an open stand in front of any place of business where the abutting property owners object to the same or where such open stand would tend to create a traffic hazard. Such open stands shall be designated by appropriate signs or curb markings as the Traffic Engineer shall determine.

Open stands shall be used by the different drivers on a first come, first serve basis. The driver shall pull into the open stand from the rear and shall advance forward as the vehicles ahead pull off. A driver shall be in attendance at every taxicab parked in an open taxi stand. Nothing in this chapter shall be construed as preventing a passenger from boarding the vehicle of his choice that is parked at an open stand.

No owner or driver of a taxicab shall stand or park such vehicle at any place on a public street other than an open stand, except for the purpose of discharging or receiving passengers.

No person shall park or stand any vehicle other than a taxicab in an open taxi stand.

Liveries may not utilize open taxi stands for parking or for any other purpose.

365.36 SOLICITATION, ACCEPTANCE AND DISCHARGE OF PASSENGERS.

No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curb side thereof. **No driver of a livery may solicit passengers for a livery.** The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is upon the public street, except that, when necessary, a driver may be absent from his taxicab for not more than ten consecutive minutes, and provided further that nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle.

No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

Drivers of taxicabs **and liveries** shall not receive or discharge passengers in the roadway but shall pull up to the right hand sidewalk as nearly as possible, or in the absence of a sidewalk, to the extreme right hand side of the road, and there receive or discharge passengers, except upon one-way streets where passengers may be discharged at either the right or left hand sidewalk or side of the roadway, in the absence of a sidewalk.

No driver shall cruise in search of passengers, except in such areas and at such time as shall be designated by the Traffic Engineer. Such areas and times shall only be designated when the Traffic Engineer finds that taxicab cruising would not congest traffic or be dangerous to pedestrians and other vehicles.

No driver, owner or operator shall solicit passengers at the terminal of any other common carrier, not at any intermediate points along any established route of any other common carrier.

No driver shall permit any other person to occupy or ride in such taxicab unless the person or persons first employing the taxicab shall consent to the acceptance of an additional passenger or passengers. No charge shall be made for an additional passenger except when the additional passenger rides beyond the previous passenger's destination, and then only for the additional distance so traveled.

No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of his taxicab, as stated in the permit for such vehicle. A child in arms shall not be counted as a passenger.

No driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this chapter to do so.

It shall be a violation of this chapter for any driver of a taxicab to solicit business for any hotel, or to attempt to divert patronage from one hotel to another. Neither shall such driver engage in selling intoxicating liquors or soliciting business for any immoral purpose, or use his vehicle for any purpose other than the transporting of passengers.

365.37 RECEIPTS.

The driver of any taxicab or livery shall, upon demand by the passenger, render to such passenger a receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt on which shall be the name of the owner, license number or motor number, amount of meter reading or charges, and date of transaction.

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365.41 MANIFESTS.

Every driver of a taxicab and livery shall maintain a daily manifest upon which are recorded all trips made each day, showing the time and place of origin, the destination of each trip and amount of fare, and all such completed manifests shall be returned to the owner by the driver at the conclusion of his tour of duty. The forms for each manifest shall be furnished to the driver by the owner, and shall be of a character approved by the Superintendent of Police.

Every owner of a permit shall retain and preserve all drivers' manifests in a safe place for at least the calendar year next preceding the current calendar year, and such manifests shall be available to the Superintendent of Police.

365.42 SERVICE CONTRACT REPORTS.

It shall be mandatory for all owners to file with the Superintendent of Police, copies of all contracts, agreements, arrangements, memoranda or other writings relating to the furnishing of taxicab or livery service to any hotel, theater, hall, public resort, terminal or other place of public gathering, whether such arrangement is made with the owner or any corporation, firm or association with which the owner may be interested or connected. Failure to file such copies within seven days shall be sufficient cause for the revocation of a permit of any offending owner or the cancellation of any cab stand privileges.

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365.44 APPEAL.

If any person is aggrieved by any act or failure to act on the part of the Superintendent of Police either in issuing, failure to issue, suspending or revoking any owner's permit or driver's license, such aggrieved party may file with the City Clerk a statement addressed to the [City Administrator] Niagara Falls City Council, setting forth the full facts and

circumstances in connection with the action or failure of action on the part of the Superintendent of Police. Such appeal must be filed within ten days after commission or omission of the act by which the appellant claims to have been aggrieved.

The **[City Administrator]** **Niagara Falls City Council** shall call **[a meeting]** **for a public hearing** not less than **[ten]** **thirty** days from the date on which such appeal shall have been filed with the City Clerk, shall hear the appellant and his witnesses and determine the merits of the appeal, and the **[ruling of the City Administrator]** **decision by a majority vote of the Niagara Falls City Council** thereon shall be final. (C66 S39, adopted 1-13-69; amended 12/29/11.)

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Bold and Underlining indicate **Additions**.

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