

NIAGARA FALLS CITY COUNCIL  
AGENDA FOR APRIL 3, 2017

## COUNCIL CHAMBERS

## COUNCIL CHAMBERS

5:00 P.M.

ROLL CALL - COUNCIL MEMBERS

GRANDINETTI        SCOTT        TOMPKINS        TOUMA        WALKER

Approval of Minutes from the Council Meeting of March 20, 2017

## **VOTE**

## PRESENTATIONS:

## 1. Destination Niagara USA - Details of the New Brand John Percy, President & CEO

#### ADMINISTRATIVE UPDATE:

**NONE**

#### REVIEW OF AGENDA ITEMS

## LEGISLATIVE MEETING

## COUNCIL CHAMBERS

6:00 PM

**BILL CALL - COUNCIL MEMBERS**

ROLL CALL SCOTT TOMPKINS TOUMA WALKER

**PRAYER - GRANDINETTI  
PLEDGE OF ALLEGIANCE**

PUBLIC SPEAKERS (SEE NOTE ON LAST PAGE)

1. AGENDA ITEMS  
2. FOR THE GOOD OF THE COMMUNITY

#### INFORMATIONAL ITEMS

ITEMS FOR COUNCIL ACTION

FROM THE MAYOR

1. Approval of the contract for Fireworks Display to Skylighters Fireworks of New York VOTE
2. Approval of Niagara Frontier Transportation Authority, Trolley Services VOTE
3. Approval of \$92,000.00 award from US Dept. of Homeland Security's State Homeland Security Grant Program VOTE

4. Approval of funding for Youth Football Program VOTE
5. Approval of Change Order #1 in the Contract for 3625 Highland Ave Business Park, additional electrical work to CIR Electrical Construction VOTE

ADDITIONAL ITEMS

FROM THE CORPORATION COUNSEL

6. Approval to Settle and Pay Claim of State Farm Insurance Co. a/s/o Sheila Terrana in the amount of \$1,574.00 VOTE
7. Approval to Settle and Pay Claim of David Eschborn as Parent and Natural Guardian of Kyle A. Eschborn in the amount of \$15,000.00 VOTE

RESOLUTIONS

8. Relative to the appointment to the Senior Citizen Council  
BY: All Council Members VOTE
9. Relative to Home Rule request, reduction of speed limit in Downtown  
Niagara Falls  
BY: All Council Members VOTE
10. Relative to calling a Public Meeting regarding amending Chapter 1328 of  
the Codified Ordinances by adding a new subdivision 1328.13  
"Short-Term Rental Units"  
BY: Council Members Grandinetti, Tompkins, Touma VOTE

ADJOURNMENT OF MEETING

NOTE:

The Chairman will enable members of the public to speak on any topic of concern to the welfare of the City for a time not to exceed five (5) minutes for each person; he may limit the numbers of speakers on a topic or agenda item or the overall public speaking time if the same will unduly delay the commencement of the agenda.

Excerpt from Resolution 1993 - 137, which was adopted by the Niagara Falls City Council on October 18, 1993.

RECEIVED  
CITY OF  
NIAGARA FALLS  
CITY CLERK'S OFFICE

2017 MAR 29 AM 9:27

Monday – April 3, 2017 Council Meeting

**PRESENTATIONS:**

1. Destination Niagara USA – Details of the New Brand  
John Percy, President & CEO

---

**ADMINISTRATIVE UPDATE:**

None



# CITY OF NIAGARA FALLS

## NEW YORK

RECEIVED  
CITY OF  
NIAGARA FALLS  
CITY CLERK'S OFFICE  
2017 MAR 28 AM 10:44

**TO:** The Council  
**FROM:** Mayor Paul A. Dyster  
**DATE:** March 21, 2017  
**SUBJECT:** RFP# 2017-06 Fireworks Display

We respectfully request you award a contract for a fireworks display as follows:

|             |  |
|-------------|--|
| <b>TO:</b>  | Skylighters Fireworks of New York, LLC                       |
|             | P.O. Box 1357  |
|             | <u>Orchard Park, NY 14127</u>                                |
| <b>FOR:</b> | Fireworks displays on July 4, 2017 at Hyde Park: \$25,000.00 |

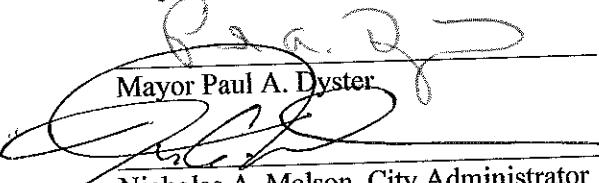
The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that proposals were to be received was advertised in the Niagara Gazette and requests for proposals were sent to five (5) companies. The proposal submitted by Skylighters Fireworks was the only proposal received by the bid opening deadline. After reviewing this proposal, it was determined that Skylighters Fireworks has met all the specifications required in Request for Proposal # 2017-06.

Funds are available in the Tourism Fund account code T.6410.0000.0449.599.

Will the Council so approve?

Respectfully submitted,



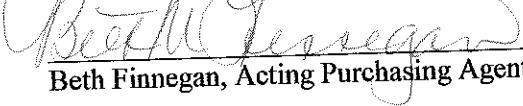
Mayor Paul A. Dyster



Nicholas A. Melson, City Administrator

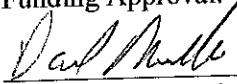


Douglas A. Janese, Jr. Purchasing Agent



Beth Finnegan, Acting Purchasing Agent

Funding Approval:



Daniel Morello

Daniel Morello, City Controller

APR 03 2017

GRANDINETTI \_\_\_\_\_ SCOTT \_\_\_\_\_ TOMPKINS \_\_\_\_\_ TOUMA \_\_\_\_\_ WALKER \_\_\_\_\_



# 2 City of Niagara Falls, New York

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

OFFICE OF THE MAYOR  
Telephone: (716) 286-4310

March 27, 2017

The City Council  
Niagara Falls, New York

*RE: Niagara Frontier Transportation Authority – Trolley Service*

Council Members:

It is desirable to continue again this year Trolley Service in the City in cooperation with the Niagara Frontier Transportation Authority. It is recommended that Trolley Service commence on May 19, 2017 and conclude October 29, 2017. During the month of May, 2017, from May 19, 2017 through May 28, 2017, the Trolley Service will operate on weekends only (Friday, Saturday and Sunday) plus Memorial Day, May 29, 2017. Trolley service from May 29, 2017 through October 5, 2017 will be on a daily basis. From October 6, 2017 through October 29, 2017, trolley service will be on weekends only (Friday, Saturday, Sunday). From November 1, 2017 through December 31, 2017, NFTA validated passes may be utilized for all metro routes. The cost to the City for this service will be \$566,300. This will be subject to the terms and conditions contained in an agreement subject to approval by the Corporation Counsel which will also contain a route for service. Funding is available from the Tourism Fund balance.

Will the Council so approve?

Respectfully submitted,

PAUL A. DYSTER  
Mayor

Funding is in place

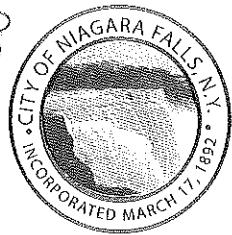
Daniel Morello  
City Controller

APR 03 2017 Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_



Printed on Recycled Paper

RECEIVED  
CITY OF  
NIAGARA FALLS  
CITY CLERK'S OFFICE  
2017 MAR 29 AM 10:20



# 3 City of Niagara Falls, New York

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

OFFICE OF THE MAYOR  
Telephone: (716) 286-4310

March 16, 2017

The City Council  
Niagara Falls, New York

RECEIVED  
CITY OF  
NIAGARA FALLS  
CITY CLERK'S OFFICE  
2017 MAR 29 AM 10: 21

RE: *Acceptance of a \$92,000.00 award from US Department of Homeland Security's ("DHS") State Homeland Security Grant Program*

Council Members:

The City has been notified that it has been selected as the recipient of a \$92,000.00 GRANT award from the DHS State Homeland Security Grant Program which is administered by the New York State Division of Homeland Security and Emergency Services. Attached hereto is a letter detailing the parameters of the Grant. This funding is provided to improve and develop tactical team capabilities through equipment, training, exercise and planning projects that support counter-terrorism missions in our jurisdiction. This is pursuant to a regional partnership with the Niagara County Sheriff's Office, City of North Tonawanda Police Department, City of Buffalo Police Department, New York State Police Bomb Squad, New York State Parks Police and Customs and Border Protection and, Immigration and Customs Enforcement. This will require that the City enter into an Inter-Municipal Agreement.

Will the Council approve the grant award and authorize the Mayor to execute any documents required to accept the grant award, inclusive of an Inter-Municipal Agreement, provided the same are in form and content satisfactory to the Corporation Counsel?

Respectfully submitted,

PAUL A. DYSTER  
Mayor

APR 03 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_



Printed on Recycled Paper



3 on  
Homeland Security  
and Emergency Services

ANDREW M. CUOMO  
Governor

JOHN P. MELVILLE  
Commissioner

February 27, 2017

The Honorable Paul Dyster  
Mayor, City of Niagara Falls  
745 Main Street  
Niagara Falls, NY 14302

Dear Mayor Dyster:

I am pleased to announce that the City of Niagara Falls has been awarded \$92,000 in federal funding under the FY2016 Tactical Team Grant Program. Funding for this initiative is provided by the U.S. Department of Homeland Security's (DHS) State Homeland Security Grant Program (SHSP) and is administered by the New York State Division of Homeland Security and Emergency Services (DHSES). The performance period for this award is April 1, 2017 through August 31, 2019.

As outlined in your application, this funding is provided to improve and develop tactical team capabilities through equipment, training, exercise, and planning projects that support counter terrorism missions in your jurisdiction as well as your team's attainment of the New York State Division of Criminal Justice Services (DCJS) SWAT Team Standards.

Additionally, your application indicated that you were applying as a Regional Partnership with the Niagara County Sheriff's Office, City of North Tonawanda Police Department, City of Buffalo Police Department, New York State Police Bomb Squad, New York State Park Police, Customs and Border Protection, and Immigration and Customs Enforcement. As a condition of that partnership, you must provide an executed Inter-Municipal Agreement to DHSES within six (6) months of this letter (if you have not done so already) or funding through this program may be rescinded. Templates for the Inter-Municipal Agreements can be obtained by contacting Dave Mahany of DCJS at [DaveJ.Mahany@dcjs.ny.gov](mailto:DaveJ.Mahany@dcjs.ny.gov).

As a reminder, all capabilities developed through federal FY2016 SHSP funding are required to be deployable regionally and nationally per the Federal guidelines. In addition, funding through this grant program is subject to both New York State and federal guidelines and regulations. Finally, all training that is funded through this grant program must be submitted to DHSES within six (6) months of the date of this letter for review and approval.

In order to ensure these funds are made available as quickly as possible a representative from DHSES's Grants Program Administration Unit will be reaching out to your grant point of contact. If you have any questions about this program, please contact my Director of Grants Program Administration, Shelley Wahrlich at (518) 402-2123.

Congratulations on your award and I look forward to working with you to administer this program.

Sincerely,

John P. Melville  
Commissioner

Cc: Officer Paul Kudela, City of Niagara Falls Police Department



# 4 City of Niagara Falls, New York

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

OFFICE OF THE MAYOR  
Telephone: (716) 286-4310

March 29, 2017

RECEIVED  
CITY OF  
NIAGARA FALLS  
CITY CLERK'S OFFICE  
2017 MAR 29 AM 10:29

The City Council  
Niagara Falls, New York

*RE: Youth Football Program*

Council Members:

It is requested that the City contribute the sum of \$15,000.00 toward the expenses incurred in operating the Cataract Little Loop Football Association Inc. youth travel football program this year. This is part of the "Pop Warner" travel football program. This team, consisting primarily of City youth, competes in various locations.

Funding is available from tourism fund balance.

Will the Council so approve?

Respectfully submitted,

PAUL A. DYSTER  
Mayor

Funding is in place

Daniel Morello  
City Controller

APR 03 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_



Printed on Recycled Paper

5  
CITY OF NIAGARA FALLS  
NEW YORK

March 27, 2017

TO: City Council  
FROM: Mayor Paul A. Dyster  
SUBJECT: 3625 HIGHLAND AVENUE BUSINESS PARK  
Additional Electrical Work  
CHANGE ORDER #1

RECEIVED  
CITY OF  
NIAGARA FALLS  
CITY CLERK'S OFFICE  
2017 MAR 29 AM 10:49

A contract for the above referenced project was awarded to CIR Electrical Construction Corp. 400 Ingham Avenue, Buffalo, NY, on August 15, 2016 in an amount of \$129,000.00.

The focus of the Base Bid work was to energize the three buildings, test and investigate and repair specific existing electrical components. During the course of the work, the contractor encountered differing site conditions associated with making the buildings code compliant to ensure a Certification of Occupancy (CO) and other repairs or replacements that are based on contractual bid unit pricing.

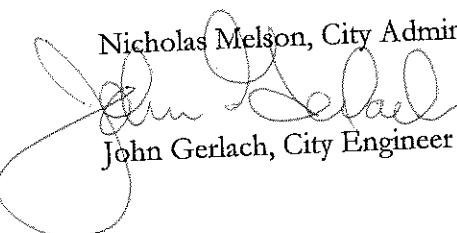
Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of \$37,695.00 be approved, bring the new contract total to \$166,695.00. Sufficient casino funding presently exist in the City's Economic Development Department project fund for 3625 Highland Avenue Business Park, previously approved by City Council.

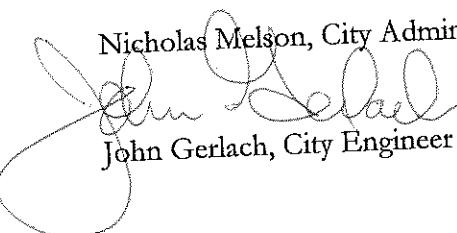
Will the council vote to so approve?

Respectfully submitted,

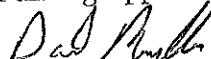


Mayor Paul A Dyster

  
Nicholas Melson, City Administrator

  
John Gerlach, City Engineer

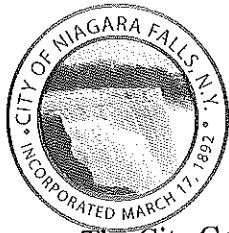
Funding Approval:



Daniel Morello, City Controller  
Council Meeting: April 3, 2017

APR 03 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_



# 6 City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069  
March 27, 2017

The City Council  
Niagara Falls, New York

RE: Request for Approval to Settle and Pay Claim of State Farm Insurance Company  
a/s/o Sheila Terrana doing business at 16 Main Street East, Suite 410, Rochester, NY  
14614

Council Members:

|                        |  |   |
|------------------------|--|---|
| Date Claim Filed:      | March 26, 2014   | 2017 MAR 29 AM 10:21<br>RECEIVED<br>CITY OF<br>NIAGARA FALLS<br>CITY CLERK'S OFFICE |
| Date Action Commenced: | January 27, 2015   |   |
| Date of Occurrence:    | March 16, 2014   |   |
| Location:              | Pine Avenue & 33 <sup>rd</sup> Street  |   |
| Nature of Claim:       | Damages to vehicle when struck by City vehicle   |   |
| City Driver:           | Vincent Jackson  |   |
| Status of Action:      | Post-Liability Trial Stage   |   |
| Recommendation/Reason: | Best interests of City to pay claim.   |   |
| Amount to be Paid:     | \$1,574.00   |   |
| Make Check Payable to: | Handelman, Witkowicz & Levitsky, LLP   |   |
| Conditions:            | Stipulation of Discontinuance and General Release to City approved by Corporation Counsel. |   |

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

Respectfully submitted,

CRAIG H. JOHNSON  
Corporation Counsel

APR 03 2017

TMO

Grandinetti            Scott            Tompkins            Touma            Walker           



Printed on Recycled Paper



# 7 City of Niagara Falls, New York

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

March 27, 2017

The City Council  
Niagara Falls, New York

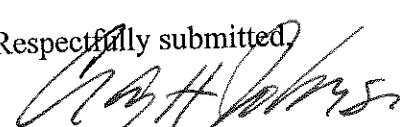
RE: Request for Approval to Settle and Pay Claim of David Eschborn as Parent and Natural Guardian of Kyle A. Eschborn residing at 2151 North Avenue, Niagara Falls, NY 14305

Council Members:

|                        |  |
|------------------------|--|
| Date Claim Filed:      | October 5, 2011  |
| Date Action Commenced: | January 12, 2012   |
| Date of Occurrence:    | July 25, 2011  |
| Location:              | Porter Road near Robbins Road  |
| Nature of Claim:       | Injuries sustained when City vehicle collided with Kyle while he was riding his bicycle    |
| City Driver:           | Robert L. Simpson  |
| Status of Action:      | Post-Liability Trial Stage   |
| Recommendation/Reason: | Best interests of City to pay claim.   |
| Amount to be Paid:     | \$15,000.00  |
| Make Check Payable to: | Ramos & Ramos as attorneys and Kyle A. Eschborn  |
| Conditions:            | Stipulation of Discontinuance and General Release to City approved by Corporation Counsel. |

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

Respectfully submitted,



CRAIG H. JOHNSON  
Corporation Counsel

APR 03 2017

Grandinetti            Scott            Tompkins            Touma            Walker           



Printed on Recycled Paper

RECEIVED  
2017 MAR 29 AM 10:21  
CITY OF NIAGARA FALLS  
CITY CLERK'S OFFICE

8

RESOLUTION No. 2017

**RELATIVE TO THE APPOINTMENT 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 individual is hereby appointed to the City of Niagara Falls Senior Citizen Council, effective immediately, for the term expiring on the date which appears opposite his name:

APPOINTMENT:

Angelo Ciraolo  
8215 Lindbergh Avenue  
Niagara Falls, NY 14304

TERM EXPIRES:

12/31/2019

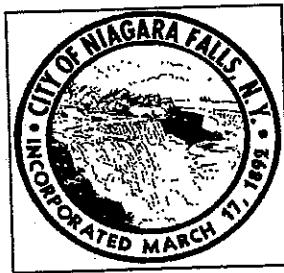
2017 MAR 29 AM 9:28

RECEIVED  
CITY OF  
NIAGARA FALLS  
CITY CLERK'S OFFICE

APR 03 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

8/2017



RECEIVED

MAR 28 2017

CITY COUNCIL

March 24, 2017

To: Niagara Falls City Council  
From: Rebecca Brooks, Senior Services Program Coordinator

Please consider for your next meeting, an appointment to the City of Niagara Falls Senior Citizens Council.

Angelo Ciraolo, residing at 8215 Lindbergh St, Niagara Falls, for over 50 years, has been a member of the John Duke Center for 15+ years. Angelo is a daily visitor at the Duke Center and frequents the LaSalle Facility as well.

By proper vote and abiding to the bylaws of the Niagara Falls Senior Council Angelo was nominated to the seat by unanimous decision.

Please at your earliest convenience have this placed before the Niagara Falls Senior Council.

If you have any questions or concerns about this or any other matter, please do not hesitate to call me.

Thank you,

Rebecca Brooks  
City of Niagara Falls Senior Services Program Coordinator  
716-550-3358  
716-297-9324

8

RECEIVED  
CITY OF  
NIAGARA FALLS  
CITY CLERK'S OFFICE

2017 MAR 29 AM 10:21

RESOLUTION No. 2017-

***RELATIVE TO HOME RULE REQUEST,  
REDUCTION OF SPEED LIMIT IN DOWNTOWN NIAGARA FALLS***

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

WHEREAS, Section 1634 of the New York State Vehicle and Traffic Law, concerning speed limits on highways in cities and villages, provides that no such speed limit applicable throughout such city or village or within designated areas of such city or village shall be established at less than 30 miles per hour; and

WHEREAS, Senator Robert Ortt introduced Senate Bill No. S402, as attached hereto, and Assemblyman Angelo Morinello introduced Assembly Bill A5548, as attached hereto, which would authorize and empower the City of Niagara Falls to lower the speed limit to not less than 25 miles per hour in its downtown area in furtherance of projects to attract new investment in said downtown area as described in both bills; and

WHEREAS, in order for the legislative process to continue, this Council is asked to adopt the annexed Home Rule Request.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby recognize, acknowledge and support the enactment by the New York State Legislature of Senate Bill No. S402 and Assembly Bill A5548, by entitled "An Act Relating to Authorizing the City of Niagara Falls, County of Niagara, to Reduce the Speed Limit in Downtown Niagara Falls", and this City Council declares that a necessity exists for the enactment of such legislation; and

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

APR 03 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

9 cont

# STATE OF NEW YORK

402

2017-2018 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT relating to authorizing the city of Niagara Falls, county of Niagara, to reduce the speed limit in downtown Niagara Falls

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Notwithstanding any general, special or local law or code  
2 to the contrary, the city of Niagara Falls, Niagara county is hereby  
3 authorized and empowered to lower the speed limit to not less than twenty-five miles per hour in downtown Niagara Falls, Niagara county. For  
4 the purposes of this section, the term "downtown Niagara Falls, Niagara  
5 County" shall mean the land area described as follows:

6 COMMENCING in the city of Niagara Falls, Niagara County, New York;

7 THE TRUE POINT OF BEGINNING is the point of intersection of the  
8 Westerly right of way of John B. Daly Boulevard and the Southerly right  
9 of way of Buffalo Avenue;

10 THENCE, leaving westerly along the Southerly right of way of Buffalo  
11 Avenue, proceeding until its intersection with the easterly edge of  
12 Riverside Drive;

13 THENCE, leaving southerly and westerly along the Boundary of Riverside  
14 Drive until its intersection with the Westerly boundary of Holly Place;

15 THENCE, leaving westerly along the line of land appropriated by and  
16 for the People of the State of New York in 1885, now known as Niagara  
17 Falls State Park, then following said property boundary westerly and  
18 northerly, proceeding until its intersection with the Northerly right of  
19 way of Niagara Street;

20 THENCE, leaving easterly along the right of way of Niagara Street,  
21 proceeding until its intersection with the Westerly right of way of  
22 Rainbow Boulevard;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD04333-01-7

*Grant*

S. 402

2

1        THENCE, leaving northerly along the Westerly right of way of Rainbow  
2 Boulevard, proceeding until its intersection with the Northerly right of  
3 way of Main Street;

4        THENCE, leaving northeasterly along the Northerly right of way of Main  
5 Street, proceeding until its intersection with the Westerly right of way  
6 of Whirlpool Street;

7        THENCE, leaving northerly along the Westerly right of way of Whirlpool  
8 Street, also abutting along the line of land appropriated by and for the  
9 People of the State of New York, proceeding until its intersection with  
10 the Easterly right of way of Third Street;

11       THENCE, leaving southerly along the Easterly right of way of Third  
12 Street, proceeding until its intersection with the Northerly right of  
13 way of Pine Avenue;

14       THENCE, leaving easterly along the Northerly right of way of Pine  
15 Avenue, proceeding until its intersection with the Easterly right of way  
16 of Main Street;

17       THENCE, leaving southwesterly along the Easterly right of way of Main  
18 Street, proceeding until its intersection with the Easterly right of way  
19 of Fourth Street;

20       THENCE, leaving southerly along the Easterly right of way of Fourth  
21 Street, proceeding until its intersection with the Northerly right of  
22 way of Niagara Street;

23       THENCE, leaving easterly along the Northerly right of way of Niagara  
24 Street, proceeding until its intersection with the Westerly right of way  
25 of John B. Daly Boulevard;

26       THENCE, leaving southerly along the Westerly right of way of John B.  
27 Daly Boulevard, proceeding until its intersection with the Southerly  
28 right of way of Buffalo Avenue, being also the POINT OF BEGINNING.

29       § 2. This act shall take effect immediately.

## STATE OF NEW YORK

5548

2017-2018 Regular Sessions

## IN ASSEMBLY

February 10, 2017

Introduced by M. of A. MORINELLO -- read once and referred to the Committee on Transportation

AN ACT relating to authorizing the city of Niagara Falls, county of Niagara, to reduce the speed limit in downtown Niagara Falls

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1     Section 1. Notwithstanding any general, special or local law or code  
2     to the contrary, the city of Niagara Falls, Niagara county is hereby  
3     authorized and empowered to lower the speed limit to not less than twenty-five miles per hour in downtown Niagara Falls, Niagara county. For  
4     the purposes of this section, the term "downtown Niagara Falls, Niagara  
5     County" shall mean the land area described as follows:  
6         COMMENCING in the city of Niagara Falls, Niagara County, New York;  
7         The TRUE POINT OF BEGINNING is the point of intersection of the  
8         Westerly right of way of John B. Daly Boulevard and the Southerly right  
9         of way of Buffalo Avenue;  
10        THENCE, leaving westerly along the Southerly right of way of Buffalo  
11        Avenue, proceeding until its intersection with the easterly edge of  
12        Riverside Drive;  
13        THENCE, leaving southerly and westerly along the Boundary of Riverside  
14        Drive until its intersection with the Westerly boundary of Holly Place;  
15        THENCE, leaving westerly along the line of land appropriated by and  
16        for the People of the State of New York in 1885, now known as Niagara  
17        Falls State Park, then following said property boundary westerly and  
18        northerly, proceeding until its intersection with the Northerly right of  
19        way of Niagara Street;  
20        THENCE, leaving easterly along the right of way of Niagara Street,  
21        proceeding until its intersection with the Westerly right of way of  
22        Rainbow Boulevard;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD04333-01-7

A. 5548

2

1        THENCE, leaving northerly along the Westerly right of way of Rainbow  
2 Boulevard, proceeding until its intersection with the Northerly right of  
3 way of Main Street;  
4        THENCE, leaving northeasterly along the Northerly right of way of Main  
5 Street, proceeding until its intersection with the Westerly right of way  
6 of Whirlpool Street;  
7        THENCE, leaving northerly along the Westerly right of way of Whirlpool  
8 Street, also abutting along the line of land appropriated by and for the  
9 People of the State of New York, proceeding until its intersection with  
10 the Easterly right of way of Third Street;  
11      THENCE, leaving southerly along the Easterly right of way of Third  
12 Street, proceeding until its intersection with the Northerly right of  
13 way of Pine Avenue;  
14      THENCE, leaving easterly along the Northerly right of way of Pine  
15 Avenue, proceeding until its intersection with the Easterly right of way  
16 of Main Street;  
17      THENCE, leaving southwesterly along the Easterly right of way of Main  
18 Street, proceeding until its intersection with the Easterly right of way  
19 of Fourth Street;  
20      THENCE, leaving southerly along the Easterly right of way of Fourth  
21 Street, proceeding until its intersection with the Northerly right of  
22 way of Niagara Street;  
23      THENCE, leaving easterly along the Northerly right of way of Niagara  
24 Street, proceeding until its intersection with the Westerly right of way  
25 of John B. Daly Boulevard;  
26      THENCE, leaving southerly along the Westerly right of way of John B.  
27 Daly Boulevard, proceeding until its intersection with the Southerly  
28 right of way of Buffalo Avenue, being also the POINT OF BEGINNING.  
29      S 2. This act shall take effect immediately.

*Grant*

**NEW YORK STATE ASSEMBLY  
MEMORANDUM IN SUPPORT OF LEGISLATION  
submitted in accordance with Assembly Rule III, Sec 1(f)**

**BILL NUMBER:** A5548

**SPONSOR:** Morinello

**TITLE OF BILL:** An act relating to authorizing the city of Niagara Falls, county of Niagara, to reduce the speed limit in downtown Niagara Falls

**PURPOSE OR GENERAL IDEA OF BILL:**

To authorize the city of Niagara Falls to lower the speed limit in downtown Niagara Falls by five miles per hour.

**SUMMARY OF SPECIFIC PROVISIONS:**

Section one empowers the city of Niagara Falls to lower the speed limit to not less than twenty-five miles per hour in downtown Niagara Falls.

**EXISTING LAW:**

Section 1643 of the New York State Vehicle and Traffic Law concerning speed limits on highways in cities and villages provides that no such speed limit applicable throughout such city or village or within designated areas of such city or village shall be established at less than thirty miles per hour.

**JUSTIFICATION:**

The USA Niagara Development Corporation and the City of Niagara Falls have collaborated on a number of projects to attract new investment in downtown Niagara Falls and make the area more pedestrian- and bicycle friendly. One such project is to create a "wayfinding" system involving a number of new vehicular directional signs to help "trailblaze" visitors to various points of interest and services downtown.

This legislation would help make a "wayfinding" system possible for downtown Niagara Falls because it would allow new roadway signs to comply with federal regulations. The Federal Highway Administrations (FHWA) Manual on Uniform Traffic control Devices (MTCD) permits "urban wayfinding systems" with a flinch cap height for letters on signs located on "urban streets where the speed limit is no more than 25 MPH". This size of lettering would be ideal for the new "wayfinding" system in downtown Niagara Falls.

The reduced speed limit would have additional benefits. Within the proposed area speed limit zone, the slower speed limit is anticipated to better correspond to existing operating speeds there as well as to

*Q* *cont*

facilitate greater pedestrian and bicycle safety.

PRIOR LEGISLATIVE HISTORY:

None.

FISCAL IMPLICATIONS:

None to New York State.

EFFECTIVE DATE:

This act shall take effect immediately.

10  
RESOLUTION No. 2017-

RESOLUTION RELATIVE TO CALLING A PUBLIC MEETING REGARDING  
AMENDING CHAPTER 1328 OF THE CODIFIED ORDINANCES BY ADDING A  
NEW SUBDIVISION 1328.13“SHORT-TERM RENTAL UNITS”

BY:

Council Member Kristen Grandinetti  
Council Member Kenny Tompkins  
Council Member Andrew Touma

RECEIVED  
CITY OF  
NIAGARA FALLS  
CITY CLERK'S OFFICE  
2017 MAR 29 AM 10:21

**WHEREAS**, the Planning Board has recommended that Chapter 1328 of the Codified Zoning Ordinances be amended by adding a new subdivision 13; and

**WHEREAS**, a copy of the Planning Board's recommendation is attached hereto.

**NOW, THEREFORE** be it resolved by the City Council of the City of Niagara Falls, New York that a public hearing be held relative to the adoption of an amendment to Chapter 1328 of the Codified Zoning Ordinance relative to Short-Term Rental Units, said public hearing to be held at a meeting of the Council to be held in the Council Chambers in City Hall on April 17, 2017 at 6:00 p.m. Eastern Daylight Time, and the City Clerk is hereby directed to publish notice of said public hearing in the official newspaper prior to April 17, 2017.

APR 03 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_



# 10 cont

# City of Niagara Falls, New York

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

March 22nd, 2017

## NIAGARA FALLS PLANNING BOARD

APPROVAL OF RECOMMENDATION TO CITY COUNCIL  
RECOMMENDATION TO CITY COUNCIL- ZONING AMENDMENT

Pursuant to action taken by the Niagara Falls Planning Board on the 22nd day of March 2017 your request is hereby granted.

**NAME OF OWNER:** City of Niagara Falls

**PURPOSE:** Zoning Ammendment : Short Term Rental Special Use Permit

Recommendation to Council for Zoning Amendment is approved.

DATE: March 22nd, 2017

  
Tony M. Palmer, Chairman  
Niagara Falls Planning Board

2017 MAR 24 AM 10:19

RECEIVED  
CITY OF NIAGARA FALLS  
CITY CLERK'S OFFICE



Printed on Recycled Paper

**1328.13 Short-Term Rental Units [reformatted (March. 2017\_v.5)]**

**Short-Term Rental Units**, also referred to as short-term rentals, and/or vacation rentals shall only be allowable on properties that comply with all of the requirements of this Chapter, and shall only be permitted to operate legally provided the owner obtains a short-term rental special permit as set forth in herein below.

**A. Short-term rentals shall be defined as follows:**

1. A dwelling unit consisting of a detached single-family residential structure or a dwelling unit in a two-family (duplex) residential structure that is rented as a whole unit and under a single booking for a period of less than 30 days.
2. Short-term rentals are not allowed in a multi-unit (three or more) residential structure.
3. The dwelling unit is rented in its entirety and not as rooms.
4. Only the owner of record (not renters or lessees) is eligible to apply for a short-term rental special permit. The short-term rental must be owner managed and operated. The special permit for a short-term rental is nontransferable.
5. No alteration to either the exterior or the interior of any principal or accessory structure shall be made that changes the character and appearance of the residential premises without prior approval of the Planning Office.
6. The rental unit is exclusively for lodging purposes and does not allow the dwelling unit to be used for special event gatherings or parties. Gatherings, special events, or parties include but are not limited to gatherings such as weddings, funerals, fundraisers or similar group gatherings.
7. Short-term rentals are not permitted in dwelling units that are subject to affordable housing covenants or are income-restricted under city, state or federal law.
8. Only structures approved for residential use, under the Building Code, are to be covered by a special use permit. A yard, storage shed, trailer, garage or temporary structure, such as a tent, is examples structures prohibited from use as a short-term rental.
9. No cooking facilities are permitted in the individual bedrooms or any other rooms where guests can sleep.

**B. Short-Term Rental Unit Special Permit Requirements.** As part of the application process under this Chapter, the applicant shall provide the following documents to the Planning Office:

1. Completed Applications, together with the applicable fee(s), payable to "City Controller" and;
2. A site plan as per Chapter 1324 of the entire property, and;
3. An interior floor plan of the residential unit to be permitted under this Chapter.
4. An owner shall establish that the proposed short-term rental unit will not contribute to the loss of neighborhood character or otherwise create a threat to public health, safety or welfare by providing the following:
  - a. Letter or written statement from the Department of Code Enforcement stating that all of the owner's properties in Niagara Falls are in good standing with no pending

housing court or other code violations, and a Certificate of (Code) Compliance for the subject dwelling unit.

- b. Letter or written statement from the Niagara Falls Police Department indicating the number of 911 calls and arrests attributed to the owner's properties in Niagara Falls.
- c. Letter or written statement from Department of Public Works indicating that there are no outstanding complaints or concerns for any of the owner's properties in Niagara Falls.
- d. Letter or written statement from the City Comptroller – Billing and Collection Division indicating that the owner is not delinquent on any payment to the city of any fees, penalties, taxes or any other monies related to the property.
- e. Letter or written statement from the Niagara County Department of Health indicating that there are no active complaints or pending investigations for any of the owner's properties in Niagara Falls.
- f. Records demonstrating that the owner has successfully passed the tourism guide examination given by the Niagara Tourism & Convention Corporation.

5. Health and Safety.

- a. All Short Term dwelling units shall provide working fire extinguishers, interconnected and hardwired smoke and carbon monoxide detector/alarms, located as required for new dwellings.
- b. No sleeping rooms shall be located above the second story.
- c. A fire safety notice shall be affixed to the occupied side of the entrance door of each bedroom indicating:
  - i. A Means of Egress, which shall include at least one of the following alternatives:
    1. A limited area sprinkler system installed in conformance with NFPA 13D protecting all interior stairs serving as a means of egress;
    2. An exterior stair, in conformance with the Codes of NYS relative to one- and two-family dwellings, providing a second means of egress from all above grade stories or levels; or
    3. An opening within each bedroom for emergency use, in conformance with the Codes of NYS relative to one- and two-family dwellings. Such opening having a sill not more than 14 feet above level grade directly below and, as permanent equipment, a portable escape ladder that attaches securely to such sill. Such ladder shall be constructed with rigid rungs designed to stand off from the building wall, shall be capable of sustaining a minimum load of 1,000 pounds, and shall extend to and provide unobstructed egress to an open space at grade.
  - ii. Location of means for transmitting fire alarms, if any; and
  - iii. Evacuation procedures to be followed in the event of a fire or smoke condition or upon activation of a fire or smoke-detecting or other alarm device.

6. Compliance.

- a. The owner of a short-term rental shall be responsible for any nuisance violations arising at a property during short-term rental activities.
- b. The owner of a short-term rental shall fully comply with all applicable State and Local fire, building, health and safety laws, and all relevant local ordinances, including

parking standards. In any event, no overnight occupancy should be permitted which violates the International Fire Code (IFC).

- c. It shall be the responsibility of owners to have and maintain a valid sales tax certificate as required by New York State Law and to collect and remit the applicable occupancy and sales taxes as required by law, ordinance or regulation.

7. Occupancy.

- a. The owner shall limit overnight occupancy of the short-term rental (dwelling unit) to not exceed two persons per room, which are designated as bedrooms.
- b. The owner shall maintain a guest registry identifying the name and address of principle guest(s) in addition to arrival and departure dates of guests.
- c. The guest registry shall be made available to the various departments of the City of Niagara Falls, New York, including but not limited to the Police Department, Fire Department and Code Enforcement Department upon request.

C. Duration. A short-term rental unit special permit shall be valid for a period of four (4) years from the date of issuance, unless suspended or revoked. Each special permit shall be renewable for additional four (4) year periods upon completion of the application process set forth herein.

D. Permit Renewal. The applicant shall renew the permit for additional four-year periods. Such renewals are subject to site plan review and approval by the Planning Board, any fees applicable to the review of the special use permit application, and approval by the Zoning Board of Appeals. No less than 15 days prior to the meeting at which the renewal is being considered, the Planning Office shall notify the Code Enforcement Office and request that a building inspector provide a description, in writing, of any changes that have occurred since the time the special use permit was approved or last renewal and a list of violations or complaints, if applicable. The Zoning Board of Appeals shall consider all Planning and Building Inspector's reports and recommendations, along with the application materials, in making their respective determinations.

E. Penalties and Enforcement.

- 1. Any permit issued pursuant to this chapter is subject to continuing compliance with the conditions set forth herein, as well as, any applicable laws or ordinances.
- 2. The Building Inspector shall be given access to the premises for the purpose of making inspection as deemed necessary from time to time to ensure compliance with these regulations and with applicable New York State Code.
- 3. In the event that the Department of Code Enforcement determines that a violation exists, the Department of Code Enforcement shall inform the owner by written correspondence, hand delivered or sent via first class mail to the address provided on the application, and provide a fixed period of time not to exceed thirty (30) days to remedy all existing violations or show cause for delay, which may only be granted once, by the Director of Code Enforcement, for a time period not to exceed ninety (90) days.
- 4. Failure to remedy violations.

1000ft

- a. Following the expiration of the time period set forth in Section 1328.13(E)(3) above, the short-term rental unit special permit shall be guilty of a violation and such permit shall be immediately suspended for a period of sixty (60) days. Continued failure to remedy an initial violation following the sixty-day suspension, the short-term rental unit special permit shall be considered guilty of a second violation.
- b. The short-term rental unit special permit guilty of a second violation shall be further suspended for a period of one hundred twenty (120) days. Continued failure to remedy a second violation following the one hundred twenty-day suspension, shall be considered a third violation.
- c. The short-term rental unit special permit guilty of a third violation shall be immediately revoked for that owner and location.
5. An owner that has a permit revoked may not apply or be granted another permit for a period of two (2) years from the date of revocation, and no such permit shall be reinstated unless the owner has demonstrated that all violations have been corrected and that he/she/it is in full compliance with all applicable provisions of this chapter. Revocation and/or multiple violations may be grounds for the denial of subsequent application under this Section.
6. In addition to the penalties set forth in Section 1328.13(E)(4) above, any person who violates any provision of this chapter shall be guilty of a violation. Each violation shall be punishable by a fine not to exceed \$250 or by imprisonment for a period not to exceed fifteen (15) days, or both for each violation.