

9/4/24

RESOLUTION No. 2024-

***RELATIVE TO AMENDING CHAPTER 738 OF THE CODIFIED
ORDINANCES OF THE CITY OF NIAGARA FALLS, NEW YORK,
ENTITLED "CLEAN NEIGHBORHOOD ORDINANCES"***

BY:

Council Chairperson James Perry
Council Member Brian Archie

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York, that Section 738.06 of Chapter 738 of the Codified Ordinances is hereby amended to incorporate penalties for excessive property inspections required due to the failure of an owner and/or occupant of real property within the City limits to timely comply with their duties under this Chapter, as follows:

738.06 CORRECTIVE ACTION BY CITY, ASSESSMENT OF COSTS AND ADMINISTRATIVE PENALTIES

(a) In addition to the provisions of Section 738.05 of this Chapter, any condition causing a violation of this Chapter either shall be ordered to be removed by the party in violation, or shall be removed by the City, in accordance with the provisions of this Section.

(b) The Director of Inspections, the Director of Public Works, or either of their designees, may issue an Order of Cleanup to any person violating the provisions of Section 738.03 of this Chapter.

(c) The Order of Cleanup shall be addressed to the owner and occupant of the property on which the violating condition exists. The Order of Cleanup shall be served by posting the Order at the property, mailing by regular mail a copy of the Order to the occupant and owner at the property, mailing a copy of the Order by regular mail to the address of the owner as shown on the records of the City Assessor. If the property is unimproved, the Owner shall be served only by mailing the Order by regular mail to the owner at the address as shown on the records of the City Assessor.

(d) The Order of Cleanup shall specify the violating condition and shall order correction of the condition within a reasonable time specified in the Order, not to exceed 10 days from the date of the Order.

(e) The Order of Cleanup shall also state that, should the violating condition not be corrected within the time specified, the City shall remove the offending condition on or after a date and time specified in the Order.

(f) The Order of Cleanup shall also state that, should the City remove the violating condition, the cleanup costs, disbursement, and handling fee and administrative penalty will be

Archie Y Bax Y Myles Y Zajac Absent Perry Y

payable by the owner or occupant and, if unpaid, shall be assessed against the real property as provided in this {s}Section.

(g) The Director of Inspections and the Director of Public Works shall keep an accurate account of the expenses incurred by the City for removal of any violating condition. Such account shall itemize the cost incurred for labor, materials, equipment, and any other cost. The total costs incurred shall be billed to the owner or occupant of the real property from which the violating condition is removed. The bill for cleanup services shall be paid within 30 days of the date of the bill. The bill shall be served upon the owner and occupant in the same manner in which the Order of Cleanup was served.

(h) All bills for cleanup services shall reflect a minimum charge of one-half (1/2) hour labor per worker and one-half (1/2) hour per piece of motorized equipment. Labor charges shall be at the rate of pay of the worker performing the work, including fringe benefits, and equipment charge shall be at the rate established by the City for the equipment used. All bills for cleanup services shall also contain a charge of 20% to cover the costs of disbursements and handling. All bills for cleanup services shall also contain an administrative penalty of 100% of the total cleanup costs, including the 20% disbursement and handling fee. (Amended 06/06/89.)

(i) Notwithstanding Section 738.06(h), bills for cleanup services for real property owned by a Federal, State or Local government, governmental subdivision or governmental agency, or real property owned by an interstate or intrastate railroad company and exempt from taxation pursuant to the New York State Real Property Tax Law shall not be subject to the 100% administrative penalty if the bill for cleanup services is paid within ninety (90) days of the date of the bill. This Section 738.06({I} i) shall not apply to real property of a Federal, State or Local governmental subdivision or governmental agency or interstate or intrastate railroad company which is leased for economic or industrial development purposes. (C. 11/30/87); amended 09/09/93.)

(j) For each property inspection performed by the Code Enforcement Department for the purpose of enforcing the Clean Neighborhood Ordinances, the property owner shall be charged for the cost of necessary inspections performed by the City as follows:

- (1) **First Inspection — no fee**
- (2) **Second Inspection — \$50**
- (3) **Third Inspection, if required — \$150**
- (4) **Fourth Inspection, if required — \$250**
- (5) **Fifth Inspection, and all further inspections, if required — \$500 per inspection**

The inspection fees shall be billed to the property owner in the same manner as cleanup costs. If unpaid within thirty (30) days of the billing date, the unpaid charges shall be assessed against the real property in the same manner as the unpaid clean-up service bills.

(~~{j}~~ k) On or after October 15 of each year, the Director of Inspections and the Director of Public Works shall report all unpaid bills for cleanup services ~~{bills}~~ and inspection fees to the City Council whereupon the City Council shall order each bill, including the 20% handling fee and 100% administrative penalty applicable to clean up services, to be assessed against the real property ~~{upon}~~ relative to which the work and/or inspection was performed, and such bills shall be added as an assessment to the tax bills for each property for the following year. (Renumbered from (I) 11/30/87; amended 09/09/93.)

(~~{k}~~ l) Notwithstanding the foregoing provisions of this Section, no Order of Cleanup or other notice prior to removal shall be required to be given where the Department of Police or Fire, or the County Health Department, declare in writing that an emergency relating to health or public safety exists requiring the immediate removal of the violating condition. (C. 04/03/90.)

Bold and Underline Indicate Additions
Bold and Brackets Indicate {Deletions}

Archie _____ Bax _____ Myles _____ Zajac _____ Perry _____