

DONNA L. BRAUN  
City Clerk-Treasurer  
dbraun@northtonawanda.org

Lori Swartz  
Assistant City Clerk

Denise Proefrock  
Assistant City Treasurer

# City of North Tonawanda

OFFICE OF THE CITY CLERK - TREASURER  
VITAL STATISTICS  
CITY HALL  
216 PAYNE AVENUE  
NORTH TONAWANDA, N.Y. 14120

Treasurer's Office: (716) 695-8575  
Clerk's Office: (716) 695-8555  
Fax: (716) 695-8557

## **COMMON COUNCIL WORKSHOP AGENDA**

**January 8, 2026**

**The following meeting has been scheduled for TUESDAY, JANUARY 13, 2026:**

**6:30 PM – Pete Chenier**

**Re: Canal Fest**

- **Fire Chief Orlowski**

**Re: Re-Org Test Plan for the Fire Department**

- **Supt. Water Jason Koepsell**

**Re: City Water Ordinance Codes**

- **City Assessor Barb Klenke**

**Re: New Law for Veteran Tax Exemptions**

- **Mayor Tylec**

**Re: City Code Noise Ordinance**

- **Alderman Richards**

**Re: Two Suggestions for Council Meetings**

- **Common Council**

**Re: General Discussion**

- **Executive Session**

**Re: City Litigations**

**Respectfully submitted,**



**Donna L. Braun  
City Clerk-Treasurer**



## **NORTH TONAWANDA FIRE DEPARTMENT**

### **OFFICE OF THE FIRE CHIEF**

495 Zimmerman St., North Tonawanda, NY 14120

Tel. (716)693-2201 Fax. (716)693-2216

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Honorable Mayor and Common Council  
North Tonawanda City Hall  
216 Payne Ave  
North Tonawanda, NY 14120

**January 8, 2026**

### **RE: Fire Department Organization/Operational Changes**

Dear Honorable Body,

I would like to request to be put on the workshop agenda for the discussion of Fire Department Organization/Operational Changes. If you have any questions, please feel free to contact me.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "D. Orlowski".

Douglas D. Orlowski  
Fire Chief

DDO/klm

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CITY CLERK'S OFFICE

2026 JAN 8 AM 10:19  
NORTH TONAWANDA NY

# City of North Tonawanda

TABLED

II.2

EDWARD A. ZEBULSKE, III  
CITY ATTORNEY

NICHOLAS B. ROBINSON  
ASSISTANT CITY ATTORNEY

MATTHEW T. MOSHER  
ASSISTANT CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY  
CITY HALL  
216 PAYNE AVENUE  
NORTH TONAWANDA, N.Y. 14120-5489

TELEPHONE  
(716) 695-8590  
FAX (716) 695-8592

DEC 16 2025

Honorable Mayor and Common Council  
North Tonawanda City Hall  
216 Payne Avenue  
North Tonawanda, NY 14120

December 11<sup>th</sup>, 2025

**RE: Ordinance Revisions**

- (1) § 98-2(S) – Conditions of Service
- (2) § 98-2(T) – Conditions of Service
- (3) § 98-2(J) – Conditions of Service
- (4) § 98-14 Penalties for Offenses:

Dear Honorable Body,

Below for your consideration, are four (4) proposed ordinance revisions (**in bold print**) under North Tonawanda City Code Chapter 98 – Water.

**§ 98-2(J) Conditions of Service:**

- J. The Water Department Inspector, meter reader or other properly authorized representative shall have access, at all reasonable hours, to the premises supplied for the setting, reading, repairing or removing meters or for making necessary repairs. Replacement of meters shall be at the discretion of the Water Department. If access to the premises is not made available, a nonrefundable fee of \$50 per month will be charged until access is granted. **When such access is refused for six (6) months, water may be turned off with no further notice to the property owner. The Water Department reserves the right to shut off water at their curb box with no liability assigned to the department.** Option 1: Homeowners will be required to allow access, obtain a plumbing permit, hire a licensed plumber to resume service, and comply with all other regulations in § 98 of the North Tonawanda City Code before water may be turned on. This provision is retroactive to the date of first notice sent to the homeowner.

Or

Option 2: Water may be turned on after access to the premises is acquired by the North Tonawanda Water Department, and after it is established that turning the water on does not further damage property. This provision is retroactive to the date of first notice sent to the homeowner.

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2025 DEC 11 PM 4:08  
NORTH TONAWANDA

NEW:

§ 98-2(S) Conditions of Service:

- S. After a homeowner or resident's non-compliance with any provision of Section 98 of the North Tonawanda water code, and after reasonable notice and inquiry, any water department employee who may be designated, upon exhibition of proper credentials or badges of the department, at reasonable hours, shall have access to such premises. When such access is refused, the water may be turned off at the option of the Superintendent and not turned on again until after access is allowed, and the current fee, as set by the Water Department Fee schedule, has been paid to the Water business office. This procedure shall not be considered exclusive, but is in addition to any other remedy available by law.

NEW:

§ 98-2(T) Conditions of Service:

- T. All pipes, curb stops and curb stop boxes are considered the property of the property owner, who shall be responsible for any leakage which may occur between the water main in the street and the building supplied. It shall be the responsibility of the property owner to maintain the curb box in a manner that is easily accessible and in good working order. The North Tonawanda Water Department reserves the right to shutoff or turn on the water at their curb box with, and will be held harmless of liability in regards to same.

§ 98-14 Penalties for Offenses:

- A. Any person, firm or corporation violating any provisions of this chapter, to include tampering with the meter, shall be fined not less than \$250 nor more than \$1,000 for each offense. Further, if any monetary credit exists at the time a meter is found to have been tampered with, that existing credit shall be null and void. **If it is found that a meter has been bypassed, or the meter does not exist, the Water Department reserves the right to shut off water at the curb box with no liability assigned to the department.** The building inspector and Code Enforcement Officer shall be responsible for enforcing compliance with this chapter.

If your Honorable body concurs, please pass the appropriate resolutions for the City of North Tonawanda to allow these additions to our North Tonawanda City Code, subject to further review by the City Attorney.

Very truly yours, etc.,

Mario J. Gregori, Esq.  
Assistant City Attorney

MJG/lk  
Att.



# *City of North Tonawanda*

## *Department of Assessment*

*City Hall, 216 Payne Avenue*

*North Tonawanda, NY 14120*

*(716) 695-8597*

*FAX (716) 505-2132*

[bklenke@northtonawanda.org](mailto:bklenke@northtonawanda.org)

[fpainter@northtonawanda.org](mailto:fpainter@northtonawanda.org)

[hfischer@northtonawanda.org](mailto:hfischer@northtonawanda.org)



Barbara W. Klenke  
City Assessor

Hayden Fischer  
Real Prop. Info. Clerk

Frances F. Painter  
Real Property Apprs'l  
Technician

1/7/2026

Common Council  
Mayor Tylec  
Edward Zebulske & Mario Gregori

RE: bill S.01183/A.00074

Governor Hochel has signed a new law regarding 100% Disabled Veterans. This new law would exempt the Veteran & Spouse of County tax, City tax and School tax if passed by each jurisdiction. Niagara County said they will be passing the 100% exempt of County taxes. There are quite a few requirements. I will check through my Veteran's Exemptions to see how many of our Veterans would qualify.

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CITY CLERK'S OFFICE

2026 JAN 7 3:10 PM  
NORTH TONAWANDA NY

Barbara W. Klenke  
City Assessor  
716-695-8597



Outlook

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## Legislative Update from NYSAA: Veterans 100 Percent Disability Law Clarified

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From New York State Assessors Association <admin@nyassessor.org>

Date Mon 1/5/2026 11:49 AM

To Barbara Klenke <BKlenke@northtonawanda.gov>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[View this email in your browser](#)



# Legislative Updates: Governor signs bill to allow for a disability exemption for veterans with a 100 percent disability rating

Governor Hochul has signed a bill to allow for a disability exemption for veterans with a 100 percent disability rating – **please read carefully!**

The Governor has signed bill **S.01183 / A.00074**, which establishes a new real property tax exemption related to veterans with service-connected disabilities. **Please read the following carefully**, as the scope of this legislation is very specific and subject to local adoption.

The exemption is **not automatic**. Each taxing jurisdiction must adopt a local law or equivalent measure to offer this exemption. If a taxing jurisdiction does not adopt it, the exemption does not apply within that jurisdiction.

**This is NOT a blanket exemption for all veterans with a 100% disability rating.** Despite public perception, the law does **not** provide a total exemption for all veterans receiving a 100% disability compensation rating from the VA.

To qualify, a veteran must meet **all** the following criteria:

- Have a qualifying condition under NYS Veterans' Services Law, defined as:
  - Post-Traumatic Stress Disorder (PTSD), **or**
  - Traumatic Brain Injury (TBI), **or**
  - Military Sexual Trauma (MST), **or**
  - Be a discharged LGBT Veteran with an other-than-dishonorable or bad conduct discharge; **and**
- Have a **100% disability rating** with a **Permanent and Total** designation from the VA; **and**
- Have a **Total Disability based on Individual Unemployability (TDIU)** designation from the VA; **and**
- Qualify for the VA's **specialty adapted housing grant**.

Unless **all** these statutory requirements are met, the veteran is **not eligible** for the total exemption even if the taxing jurisdiction has adopted the local option.


Given the likelihood of questions from taxpayers and local officials, members are encouraged to review the statute carefully and coordinate with their municipal attorneys before any local action is taken.

The Association expects that the bill sponsors may request a chapter amendment to address concerns or clarify intent, however, there is no indication if, when, or how long that process may take. The Association will continue to monitor the legislation and provide updates as information becomes available.

Click here to review the legislation – [https://nyassembly.gov/leg/?default\\_fld=%0D%0A&leg\\_video=&bn=A074&term=2025&Summary=Y&Text=Y](https://nyassembly.gov/leg/?default_fld=%0D%0A&leg_video=&bn=A074&term=2025&Summary=Y&Text=Y)

Sincerely,  
Maggie Alix  
Scott J. Schedler, IAO  
NYSAA Legislative Committee

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CITY OF NORTH TONAWANDA



AUSTIN J. TYLEC

December 29, 2025

North Tonawanda Common Council  
216 Payne Ave, City Hall  
North Tonawanda, NY 14120

**Re:** Updated Noise Control Ordinance – Submission for Council Review and Adoption

Dear Honorable Body,

Enclosed is the updated *Noise Control Ordinance of the City of North Tonawanda*, prepared through several months of work by our multi-member Steering Committee with support from the Noise Pollution Clearinghouse, Council Members and input from residents, businesses, and city departments.

This revised ordinance represents a significant step forward in modernizing our community's approach to sound management. It incorporates measurable sound limits using both *dBA* and *dB*C standards, updates enforcement and penalty provisions, clarifies definitions, and establishes clear operating hours for residential and commercial properties. Importantly, it balances quality of life for residents with the practical needs of businesses and public events.

I want to extend my sincere thanks to the committee members, department staff, council members, and community participants whose input shaped this final draft. Their dedication and professionalism have resulted in a comprehensive, enforceable, and modern ordinance that reflects both technical best practices and local realities.

I respectfully submit this updated ordinance to the Common Council for formal review and adoption consideration. Its passage will mark a meaningful milestone in our ongoing efforts to address noise-related concerns responsibly and proactively.

Thank you for your attention and partnership as we continue improving the standards and livability of North Tonawanda for all.

Respectfully,

A handwritten signature in black ink that reads "Austin Tylec". The signature is fluid and cursive, with the first name "Austin" and last name "Tylec" clearly distinguishable.

Austin Tylec  
Mayor



### **§ 61A-1. Title.**

This ordinance shall be known and shall be cited as the "Noise Control Ordinance of the City of North Tonawanda."

### **§ 61A-2. Policy.**

It is hereby declared to be the policy of the City of North Tonawanda to prevent excessive, unreasonable loud noise. It is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of preserving, protecting and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the City of North Tonawanda and its inhabitants.

### **§ 61A-3. Definitions.**

Unless otherwise indicated by context, the following terms and phrases shall mean:

**AUTHORIZED EMERGENCY VEHICLE** - Every ambulance, police vehicle, fire vehicle and civil defense emergency vehicle.

**A-WEIGHTED SOUND LEVEL** - The sound pressure level measured by the use of an instrument with the metering characteristics and the A-weighting frequency response prescribed for sound level meters by ANSI S1.4-1983 or its successors. The level so read is designated "dBA."

**C-WEIGHTED SOUND LEVEL** - The sound pressure level measured by the use of an instrument with the metering characteristics and the C-weighting frequency response prescribed for sound level meters by ANSI S1.4-1983 or its successors. The level so read is designated "dBC."

**CONSTRUCTION** - Any activity necessary or incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, public or private highways, roads, premises, parks, utility lines or other property, including but not limited to the related activity such as line clearing, grading, earth moving, excavating, blasting, filling and landscaping, but not including agriculture.

**DAYTIME** - The time from 7:00 a.m. to 10:00 p.m.

**DECIBEL (dB)** - The practical unit of measurement for sound pressure level; the number of "decibels" of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a reference sound of [20 micropascals]; abbreviated "dB."

**DWELLING UNIT** – Any structure or part of a structure used for human habitation, including but not limited to single family homes or units within a multi-dwelling unit building, such as apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

**EMERGENCY** - A public calamity, utility services failure or an exposure of any person or property to actual or imminent danger.

**IMPULSIVE SOUND** - A sound of short duration, usually less than one second and of high intensity, with an abrupt onset and rapid decay.

**MOTOR VEHICLE** - Every vehicle operated or driven upon the public highway, which is propelled by any power other than muscular power, except electrically driven invalid chairs being operated or driven by an invalid, vehicles which run only upon rails or tracks and snowmobiles.

**MUFFLER** - A device consisting of a series of chambers or baffle plates or other mechanical design for the purpose of receiving exhaust gas from a sound source and effective in reducing noise.

**NIGHTTIME** - That part of a twenty-four-hour time interval which is not otherwise defined as daytime.

**NOISE DISTURBANCE** - Any sound which endangers or injures the safety or health of humans or animals or annoys or disturbs a reasonable person of normal sensitivities or endangers or injures personal or real property.

**PERSON** - Includes the singular and plural and shall also mean and include an individual, association, partnership, business, corporation, club, society, union, lessor, lessee, landlord, tenant or any other form of association or organization.

**PLAINLY AUDIBLE** – Any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound.

**PUBLIC HIGHWAY** - Any highway, road, street, avenue, alley, public place, public driveway or any other public way.

**PUBLIC SPACE** – Any real property or structures thereon which are owned or controlled by a government entity.

**PURE TONE** – Any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of this ordinance, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies of 500 Hz and above and by 8 dB for center frequencies between 160 and 400 Hz and by 15 dB for center frequencies less than or equal to 125 Hz.

**QUIET ZONE** – An area within 300 feet of any church, court, hospital, nursing home, school, or library.

**REAL PROPERTY BOUNDARY** – Either (a) the vertical boundary that separates one parcel of property from another property; or (b) the vertical and horizontal boundaries of a dwelling unit that separates it from other dwelling units in a multi-dwelling unit building, or other units within a building.

**SOUND LEVEL** - The quantity in decibels measured by a sound-level meter satisfying the requirements of American National Standards specification for sound-level meters. "Sound level" is the frequency-weighted sound pressure level obtained with the standardized dynamic characteristic "fast" and weighting (A) or (C).

**SOUND LEVEL METER** - An instrument, including a microphone, an amplifier, an output meter and frequency weighting networks, for the measurement of sound levels.

**ZONING DISTRICT** - The same meaning as provided by the Zoning Ordinance of the City of North Tonawanda (Chapter 103, Zoning, of the Code of the City of North Tonawanda).

#### **§ 61A-4. Prohibitions.**

**A.** No person shall unreasonably make, continue, or cause to be made, or continued, any sound which: (a) endangers or injures the safety or health of humans or animals; or (b) annoys or disturbs a reasonable person of normal sensitivities; or (c) endangers or injures personal or real property.

**B.** No person shall allow on any property or premises owned, leased, or managed by him the creation, continuance or maintenance of any noise disturbance, or allow the installation, use or operation of any noise source that violates or fails to comply with any section of 61A.

**C. Animals.** No person shall own, possess or harbor any animal or bird which frequently or for continued duration, makes sounds which create a noise disturbance across a residential real property boundary. For the purpose of this ordinance, the barking of a dog or other animal sounds shall be defined as a noise disturbance if it is plainly audible more than 20 times in 5 minutes or 40 times in 20 minutes.

**D. Burglar alarms.** No owner of a building shall have in operation an audible burglar alarm thereon unless such burglar alarm shall be capable of and shall automatically terminate its operation within 15 minutes of its being activated.

**E. Motor vehicle burglar alarms.** No owner of a motor vehicle shall have in operation an audible burglar alarm thereon unless such burglar alarm shall be capable of and shall automatically terminate its operation within 1 minute of it being activated.

**F. Sound production or reproduction.** No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound:

1. Between the hours of 7:00 a.m. and 10:00 p.m. Sunday through Thursday in such a manner as to be plainly audible at 100 feet.
2. Between the hours of 10:00 p.m. and 7:00 a.m. of the following day, Sunday through Thursday, in such a manner as to be plainly audible across a real property boundary.
3. Between the hours of 7:00 a.m. and 11:00 p.m. Friday, Saturday, and holidays in such a manner as to be plainly audible at 100 feet.
4. Between the hours of 11:00 p.m. and 7:00 a.m. of the following day, Sunday through Thursday, in such a manner as to be plainly audible across a real property boundary.
5. In such a manner as to be plainly audible at 50 feet from such a device, when operated in or on a motor vehicle on a public highway or in a boat in public waters.

6. In such a manner as to be plainly audible to any person other than the operator of the device, when operated by any passenger on a common carrier.

**G. Emergency warning devices.** No person shall operate or cause to be operated by emergency warning device, except:

1. To give notice of a warning of an emergency.
2. On an authorized emergency vehicle when such vehicle is engaged in emergency operation, provided that such device shall not be operated so as to create a noise disturbance or for a period of time longer than is necessary to respond to such emergency.
3. When such device is under test.

**H. Loading and unloading.** No person shall load, unload, open, close or handle boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 10:00 p.m. and 7:00 a.m. of the following day within 300 feet of a residential zone.

**I. Modification of noise control devices.** No person shall operate or permit to be operated any device that has been modified so as to cause the sound emitted from such device to be greater than that emitted by such device as originally manufactured.

**J. Squealing tires.** No person shall operate a vehicle in such a manner as to cause a noise disturbance by spinning or squealing the tires of such vehicle.

**K. Sound signal devices.** No person shall operate or cause to be operated any sound signal device so as to create a noise disturbance, except:

1. As required by the Vehicle and Traffic Law of the State of New York.
2. To give notice of the time to start and stop work.
3. As attendant to religious activities

**L. Construction.** No person shall conduct or permit to be conducted construction, alone or in combination with other construction conducted or permitted by such person during nighttime or anytime on Sundays or holidays. The provisions of this section shall not apply to the following:

1. Emergency work and safety and protective devices.

**M. Places of public entertainment.** No person shall operate or permit to be operated a place of public entertainment, including but not limited to a restaurant, bar, cafe, discotheque or dance hall, in which the sound level is equal to or exceeds 95 dBA for more than 30 seconds at the location of the spectators.

**N. Quiet zones around churches, courts, hospitals, nursing homes, libraries, and schools.** No person shall create or permit the creation of any noise that is plainly audible at 300 feet through the use of any device on any street, sidewalk or public space within 300 feet of any church, court or school while such church, court or school is in use, or within 300 feet of any hospital at any time.

**O. Heating, ventilating, air conditioning equipment.** Heating, ventilating, air conditioning equipment, including but not limited to fans, compressors, air conditioners, heat pumps, and chillers shall not exceed 45 dBA at or beyond any real property line within a residential area or quiet zone.

**P. Wind turbines.** Wind turbines shall not exceed 40 dBA at or beyond any real property line within a residential area or quiet zone.

## **§ 61A-5. Maximum sound levels by receiving land use categories.**

### **A. Noise Disturbances Prohibited.**

1. No person shall unreasonably make, continue, or cause to be made, or continued, any sound which (a) endangers or injures the safety or health of humans or animals; or (b) annoys or disturbs a reasonable person of normal sensitivities; or (c) endangers or injures personal or real property.

### **B. Maximum Permissible Sound Pressure Levels.**

1. No person shall operate or cause to be operated on private property any source of sound in such a manner as to create a sound level which exceeds the limits set forth in Table 1 for any receiving property within the land use district when measured at or within the property boundary of the receiving property.

Table 1: SOUND LEVELS BY RECEIVING LAND USE

		Sound Level Limits	
Receiving Land Use Category	Time	dBA Fast Lmax	dB C Fast Lmax
Residential or Public Space	7 a.m. to 10 p.m.	55	65
	10 p.m. to 7 a.m.	50	55
Commercial	7 a.m. to 10 p.m.	60	65
	10 p.m. to 7 a.m.	55	60
Industrial	7 a.m. to 10 p.m.	65	70
	10 p.m. to 7 a.m.	65	70

### **2. Correction for Character of Sound.**

a. For any source of sound which emits a pure tone or impulsive sound, the maximum level limits set forth in Table 1 shall be reduced by 5 dBA and 5 dB C respectively.

### **C. Maximum Increase in Interior Sound Pressure Levels.**

1. No person shall operate or cause to be operated on private property any source of sound in such a manner as to create a sound level which intrudes upon the interior of a residence or dwelling unit such that it raises the background sound level by more than 3 dB C when measured within the residential property.

### **D. The restrictions set forth in Section 61A4-5 B and C shall not apply to:**

1. Alarms and emergency warning devices meeting the criteria in Section 61A, E or G.
2. Domestic power tools when used between 7:00 a.m. and 10:00 p.m.
3. Construction meeting the criteria in Section 61A.
4. Motor vehicles meeting the criteria in Section 61A-6 when entering or exiting a property.

## **§ 61A-6. Motor vehicles on public rights-of-way.**

No person shall operate a motor vehicle or combination of vehicles on a public right-of-way at any time in such a manner that the sound pressure level emitted by said vehicle exceeds the levels set forth in the New York State Vehicle and Traffic Law.

## **§ 61A-7. Exceptions.**

The requirements, prohibitions and terms of this ordinance shall not apply to:

- A.** Any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
- B.** The operation of any vehicles or equipment when responding to an emergency or a declared state of emergency (i.e., civil defense, storm).
- C.** Those activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the city, including but not limited to parades, fireworks displays and public cosponsored boat races and events.
- D.** The production of music in connection with a military or civic parade, funeral procession or religious ceremony; any musical performance conducted under consent of municipal authority.
- E.** Sounds emanating from any publicly sponsored and/or authorized sporting, entertainment or other public event.
- F.** Snow removal equipment.

## **§ 61A-8. Authority to grant exceptions and variances.**

The Common Council or its duly authorized representative shall have the authority to grant special variances, issue temporary permits and suspend any of the provisions of this ordinance upon such conditions and for such time as it shall deem fit to best serve the public health and welfare and the quality of life in the City of North Tonawanda.

## **§ 61A-9. Enforcement; standards.**

- A.** The provisions of this ordinance shall be enforced by the Police Department of the City of North Tonawanda, and it shall have the power to:
  - 1. Order any person or premises to cease and desist from any activity which causes or is conducted so as to cause a violation of any provision of this ordinance.
  - 2. Seal any device, after obtaining the proper judicial order, which causes or is maintained or operated so as to cause a violation of any provision of this ordinance.
  - 3. Issue appearance tickets for violation of any provision of this ordinance.
  - 4. A North Tonawanda police officer who, in the course of his/her duties and with firsthand knowledge, observes a person or business in violation of the City's noise ordinance may take enforcement action against said person or business.
- B.** A sound-level meter conforming to the American National Standards Institute (ANSI) Type II standards shall be used and shall be calibrated prior to use. The calibrator shall be calibrated at least annually.
- C.** The City of North Tonawanda may for just cause seek equitable relief to abate, control, prevent, and otherwise enjoin any person from acting in violation of this Ordinance in a court of appropriate jurisdiction and in addition to injunctive relief recover the costs of the court proceedings, disbursements, and reasonable attorney's fees incurred by the municipality as may be expended in enforcing this Ordinance.

## **§ 61A-10. Penalties for offenses.**

- A. Any person or premises violating any of the provisions of this ordinance shall be deemed guilty of a violation and subject to the following:
1. **First offense:** Upon a first conviction, a monetary penalty not to exceed \$250.00 for motor vehicles and residential area, and \$500.00 for commercial properties.
  2. **Second offense:** Upon a second conviction, for an offense committed within a period of one year from the first such conviction, a monetary penalty not to exceed \$500.00 for motor vehicles and residential area, and \$1000.00 for commercial properties.
  3. **Third offense:** For a third and any subsequent conviction for an offense committed within a period of one year from the second such conviction, a monetary penalty not to exceed \$1,000.00 for motor vehicles and residential area, and \$3000.00 for commercial properties.
  4. **Continuing Violation:** If any violation is of a continuing nature, each day during which such violation occurs shall constitute an additional, separate and distinct violation for which a separate monetary penalty shall apply.
  5. **Persistent Noise Offender:** Any person who, upon more than three convictions of this Ordinance within one year, may be subject to imprisonment for a period not to exceed 15 days.
  6. **Public Nuisance:** Any person or premises who, upon twelve or more convictions of this Ordinance within one year, shall constitute a public nuisance subject to Chapter 62 of this Code and the abatement procedures therein.

## **§ 61A-11. Inspections.**

- A. For the purposes of determining compliance with the provisions of this Ordinance, the Police Department of the City of North Tonawanda, any other law enforcement agency including, but not limited to, the New York State Police, The Niagara County Sheriff's Department, as well as the Code Enforcement Officer or any other officials designated by the Mayor are hereby authorized to make inspections of all noise sources and to take measurements and make tests whenever necessary. If any Person refuses or restricts entry and free access to any of the premises or refuses inspection, testing or noise measurement of any activity, device, facility, or process where inspection is sought, the Police Department of the City of North Tonawanda may seek from the appropriate court a warrant to inspect the premises without interference, restriction, or obstruction.

## **§ 61A-12. Severability.**

If any provision of this ordinance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

## **§ 61A-13. Repealer.**

This ordinance shall repeal former Chapter 61A, adopted August 17, 1976, and any amendments thereto, of the Code of the City of North Tonawanda.

This repeal shall not affect or impair any act done or offense committed, or liability, penalty, forfeiture, or punishment incurred prior to the time such repeal takes effect, but the same may be enforced or

prosecuted as fully and to the same extent as if such repeal had not been effected. All actions and proceedings commenced under or by virtue of the ordinance, chapter, repealed hereby and pending immediately prior to the date on which such repeal takes place may be prosecuted and defended to final effect in the same manner as they might if such provisions were not so repealed.

**§ 61A-14. When effective.**

This ordinance shall become effective immediately upon passage thereof.





CITY OF North Tonawanda

## Agenda Item Submission Cover Letter

Agenda Item Title: Concept of Standing Agenda Items

Submitted by: Gabbie Richards

Submitter's Title and Organization: 1<sup>st</sup> Ward Alderman

Anticipated Meeting Date: January 13<sup>th</sup> 2026

### Item Type:

- ☒ Discussion
- ☐ Vote
- ☐ Receive & File

### Description of Subject:

Creating a flexible set of rotating standing agenda items for regular council review, to support consistent progress tracking and accountability. The list would evolve over time to reflect changing priorities.

### Explanation of Attachments:

n/a

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CITY OF **North Tonawanda**

## Agenda Item Submission Cover Letter

Agenda Item Title: Regular Code and Charter Review

Submitted by: Gabbie Richards

Submitter's Title and Organization: 1<sup>st</sup> Ward Alderman

Anticipated Meeting Date: January 13<sup>th</sup>, 2026

### Item Type:

- ☒ Discussion
- ☐ Vote
- ☐ Receive & File

### Description of Subject:

Incorporating a routine practice of reviewing small sections of the city code and charter on a rotating basis to identify anything outdated or inaccurate. Regular review supports long-term modernization.

### Explanation of Attachments:

n/a