

Chapter 201: SOLID WASTE

[HISTORY: Adopted by the Common Council of the City of Amsterdam 8-19-2003 by L.L. No. 4-2003. This local law also repealed former Ch. 201, Solid Waste, adopted 6-20-2000 by L.L. No. 5-2000. Amendments noted where applicable.]

GENERAL REFERENCES

Littering — See Ch. 150.

Cutting and removal of trees — See Ch. 221, Art. II.

Junked and abandoned vehicles — See Ch. 232.

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Article I: User Charges

§ 201-1_Legislative findings; intent.

In order to protect the health, safety and welfare of the people of the City of Amsterdam, provide for the collection and disposal of solid waste and provide for the mandatory removal and source separation of recyclables generated by residential and small commercial properties and to provide public refuse collection and removal of recyclables defined and limited by this article and within the appropriations made by the Common Council, to encourage recycling consistent with the Solid Waste Management Act of 1988, and effectively manage the waste stream generated by such users, the Common Council finds that the most equitable method of providing the funds for such services is through the solid waste user fee provided for in this article.

§ 201-2_Definitions.

As used in this article, the following words shall have the following meanings:

AGENT

Any independent contractor, vendor or processor or processing facility hired by the City of Amsterdam to handle and dispose of recyclable material collected in the City of Amsterdam.

BULK

Large household furniture and appliances, such as mattresses, chairs, refrigerators, stoves weighing more than 30 pounds, motor vehicle tires and large tree trimmings, properly bundled and reasonably capable of being lifted by two people, except recyclables.

COMMERCIAL

Any building or structure used to manage, conduct or carry on any business for profit or not-for-profit and is intended to include buildings or structures used for commercial, retail, industrial or professional (including doctors, lawyers, accountants, dentists, insurance, realtors, etc.) purposes and shall include warehousing facilities. (Any commercial building as defined herein with multiple leases will be charged a minimum of one service charge per leasehold.)

EMPLOYEE

The total number of hours worked (full-time plus part-time) divided by 40 hours shall represent the number of employees.

ENFORCEMENT OFFICIAL

For the purpose of enforcement of Ch. 201 of the Code of the City of Amsterdam, any employee of the City authorized to enforce this chapter.

ENGINEER

The professional engineer retained as City Engineer for the City or his authorized deputy, agent or representative.

GARBAGE

Animal or vegetable leavings or similar food or food refuse, together with paper products, cardboard or wood or metal containers, paper refuse or other household refuse which shall be inflammable or capable of fermentation or decay, except recyclables.

GRIEVANCE COMMITTEE

The committee of persons meeting for the purpose of hearing and determining appeals from determinations made or established under this solid waste user fee. The Grievance Committee shall consist of the Housing Inspector, the City Engineer and the City Code Enforcement Official.

HAZARDOUS REFUSE

Any refuse, the handling or disposal of which, in the opinion of the City Engineer, would constitute a hazard to the persons collecting or disposing of the same or which may not be placed in the disposal site.

PERSON IN CHARGE

A natural person, association, partnership, firm or corporation that occupies, manages, uses or controls the premises.

PUBLIC AGENCIES

Any nonprofit agency, foundation or department of the City, county, state or federal government or creation thereof.

PUBLIC COLLECTION

The collection of solid waste by the City of Amsterdam, its agents, employees or persons with whom the City of Amsterdam has entered into a contract for the collection of solid waste or recyclables.

RECYCLABLES

Any material designated from time to time by the City Engineer, and which, under any applicable law or regulation, is not hazardous and which is separated from the waste stream and held for its material recycling or reuse value in accordance with the Solid Waste Management Act of 1988.

RUBBISH

Dry inflammable or nonflammable household junk or refuse, including ashes and magazines, lawn and small tree trimmings and leaves, except recyclables.

SOLID WASTE

Refers generally to garbage, rubbish and bulk.

§ 201-3_Collection of solid waste.

Except as otherwise specifically provided herein, the collection and disposal of solid waste shall be in accordance with the provisions of Article II of this chapter.

§ 201-4_Use of refuse bags or containers required.

All garbage and rubbish set out for public collection shall be placed and sealed in a container or transparent refuse bag, which can be reasonably lifted by two people, except as may otherwise be provided in specifications adopted by the Common Council or the City Engineer. All owners and occupants of residential and commercial structures and any other person who places or deposits garbage or refuse for curbside collection in a container, above described, must use the public collection system. However, public agencies within the City may use larger containers pursuant to § 201-5C, below.

§ 201-5_Solid waste user fee established.

The City of Amsterdam hereby establishes a solid waste user fee for the public collection and disposal of solid waste from properties located within the City of Amsterdam.

A.

The solid waste user fee shall be charged and collected by the imposition of a solid waste user fee at a price to be determined by resolution of the Common Council.

B.

For bulk and other items not reasonably capable of being placed within a refuse bag or container, reasonably manageable by two people, the rates for collection and disposal of such items shall be as determined by resolution of the Common Council.

C.

The Common Council may negotiate a rate for large container services with public agencies within the City, provided that such rates shall in all instances cover, at a minimum, the full cost of providing such services. Such rates shall be subject to approval of the Common Council.

§ 201-6_Solid waste service charge established.

There shall be a solid waste service charge to be paid on an annual basis by the owners of all properties using the public collection service during the year.

A.
For purposes of determining the amount of the solid waste service charge, properties located within the City of Amsterdam shall be classified as follows:

Classification	Number of Service Charges
Single-family house	1 per house
Two-family house	1 per living unit
Three-family house	1 per living unit
Apartments (defined as being a premises with four or more rental units)	1 per apartment/living unit
Boardinghouses	1 per living unit
Commercial	1 per every 5 persons employed, not to exceed 2 service charges (except in the case of multiple leaseholds, owner will be charged a minimum of 1 service charge per leasehold)

B.
The amount of the solid waste service charge applicable to each class of property shall be determined by resolution of the Common Council.

§ 201-7_Collection of service charge; penalties and interest.

The City Controller shall send out bills and shall collect the service charge from the persons responsible for payment thereof. The service charge shall be due in accordance with the same schedule of payments set forth for City taxes. The City Controller is the official designated to collect the user fee, and he or she shall charge, for the benefit of the City, interest and penalties for late payment of the solid waste service charge calculated on the same basis as interest and penalties for late payment of City taxes. The solid waste service charge shall be included as a separate item on the City of Amsterdam tax bill to the extent practicable.

§ 201-8_Unpaid service charges.

Unpaid service charges shall be the personal responsibility of the owner and shall be a lien upon the real property in connection with which solid waste and collection was offered. Where the solid waste service charge has been placed as an item on the City of Amsterdam tax bill, it shall be collected and enforced in the same manner and at the same time as may be provided by law for the collection and enforcement of City taxes. Where the solid waste service charge has been billed in a manner other than as an item on the City tax bill, those charges remaining unpaid as of June 30 of each year shall be added to the following year's City tax bill and collected and enforced in the same manner and at the same time as may be provided by law for the collection and enforcement of City taxes.

§ 201-9_Status date.

The status of property for purposes of imposing the solid waste service charge (See § 201-6A.) shall be determined annually as of December 1. The solid waste service charge for the following fiscal year shall be imposed in accordance with its use and condition as of December 1; provided, however, that whenever a parcel which was not using the public collection service on that date thereafter begins using the public collection service, it shall immediately become subject to the solid waste service charge pro rata for the unexpired portion of the fiscal year, except that, for newly developed

parcels, the applicable date for imposition of the solid waste service charge shall be the date of issuance of the certificate of occupancy for the subject parcel.

§ 201-10 Exemptions from fee; inspections.

A.
Parcels of land which are not improved by a structure or which, due to disconnection of City water service, are not habitable and which have been inspected by the Code Enforcement Official and found to be properly secured shall not be charged the solid waste service charge, subject to Subsection B hereof, until the City water service is reconnected.

B.
In accordance with Subsection A above, any owner that can demonstrate that he or she does not use the solid waste system in the City of Amsterdam shall not be charged the solid waste user charge. Proof of such nonuse shall include, but not be limited to, the following:

1. Copy of landfill or transfer station permit with load slips and receipts for at least three months; or
2. Valid and binding contract with a private garbage hauler.

C.
Owners of parcels which have had the solid waste user charge waived are required to refile for a waiver annually on forms supplied by the City of Amsterdam on or before the third Tuesday of January. In the event that an owner fails to refile for a waiver of the solid waste user charge on or before said date, said owner will be deemed to have waived his right to seek a waiver of the solid waste user charge and be charged accordingly.

D.
The Common Council, by resolution, may establish an inspection fee to be charged by the Code Enforcement Official for inspections referred to in Subsection A above.

E.
The City Engineer shall have the authority to make physical inspections of property upon reasonable notice to the owner or occupier of said property for purposes of enforcing the provisions of this article.

§ 201-11 Grievance and appeal procedure.

A.
Grievance procedure.

1. Any person disputing the solid waste user fee as applied to him or her may file a grievance, in writing, on forms supplied by the City of Amsterdam, with the City Clerk on or before the third Tuesday of January. Such grievance shall contain a statement of the specific nature of the dispute and any and all grounds supporting the requested change to the solid waste user fee. The City Clerk shall promptly notify the Code Enforcement Official of the receipt of the grievance and forward to the Code Enforcement Official any documentation in support of the grievance as supplied by the applicant.
2. The Code Enforcement Official may, on his or her own request or at the request of the applicant, schedule a hearing within five days after receiving the grievance. The applicant shall have the right to have a representative appear on his or her behalf at the hearing and to make oral arguments and/or present additional evidence.
3. Within five days after the close of the hearing, or within eight days after the grievance has been filed with the City Clerk, if there be no hearing, the Code Enforcement Official shall make his or her written decision, file a copy with the City Clerk and forward a copy to the applicant by first class mail.

B.
Appeal procedure.

1. Any person aggrieved by a decision of the Code Enforcement Official as aforesaid shall have the right to appeal his or her decision to the Grievance Committee within 30 days from the filing of the Code Enforcement Official's decision with the City Clerk, but in any event, not later than March 1. An application for appeal shall be typed, on eight-and-one-half-inch by eleven-inch paper, verified by the applicant and shall set forth the grounds therefor,

the alleged errors in the decision of the Code Enforcement Official and the amounts sought for any adjustment to the service charge. Such appeal shall be filed with the City Clerk, who shall, within five business days, inform each member of the Grievance Committee of the appeal.

2. The Grievance Committee shall set a date for a hearing within 15 days of receiving the written request for appeal, notify the applicant of the hearing on at least three days' notice of the time and place of such hearing and allow the applicant to make oral arguments and/or present additional material relevant to the application at the hearing.
3. A hearing before the Grievance Committee may be conducted by any one or more members of the Grievance Committee, designated by the Grievance Committee to act on its behalf; provided, however, that if less than the full Grievance Committee presides at such a hearing, the member or members of the Grievance Committee conducting the hearing shall render a written report of the hearing to the full Grievance Committee and the full Grievance Committee shall thereupon make its findings. A majority vote of the full Grievance Committee shall be necessary to issue a binding decision by the Grievance Committee.
4. The Grievance Committee may request that the Code Enforcement Official submit a written statement of facts, including a summary of the records of the hearing, if there was a hearing, and the original or a true copy of any other record of documents used by the Code Enforcement Official in making his decision. Such written statement shall be submitted to the Grievance Committee by the Code Enforcement Official within three days after request by the Grievance Committee.
5. New evidence, testimony or argument, as well as any documents, exhibits or other information submitted to the Code Enforcement Official at the hearing held by him or her may be introduced at the appeal hearing by the applicant.
6. The hearing before the Grievance Committee may be adjourned from time to time by the Grievance Committee if, in its judgment, such adjournment is necessary in order to obtain material evidence.
7. The Grievance Committee shall not be bound by formal rules of evidence.
8. The Grievance Committee shall issue its decision, in writing, within 20 days after the close of the hearing. The Grievance Committee shall file its decision with the City Clerk and notify in writing the appropriate City officials and applicant of its decision.
9. The decision of the Grievance Committee shall be considered a final decision of the City of Amsterdam.

C.

Applicability of determinations. Any determinations made pursuant to this section will not take effect until the following fiscal year.

§ 201-12 Administration.

The implementation, administration and enforcement of this article shall be the responsibility of the City Engineer. The City Engineer shall have the full cooperation of all other City departments in performing his or her duties. The City Engineer may adopt, as deemed necessary, rules and regulations providing further for the implementation, administration and enforcement of the solid waste user fee.

§ 201-13 Alternate method of refuse collection enforcement.

As an alternative to, or in addition to any other remedy provided by law, the City Engineer may, at his or her discretion, direct the City's employees or the City's contractors to collect and dispose of garbage, refuse or bulk which has been improperly prepared, stored or disposed of as required by the provisions of law. The City Engineer shall then have the right to establish, by regulation, appropriate charges for such services. The City Engineer will promptly bill the person in charge of the property for such services. Such bills shall be due and payable within 30 days from the date thereof. If not paid with such time, the City Engineer shall have the power to add the unpaid bill to the City tax, and the same shall be a lien and shall be collected in the same manner as regular City taxes.

§ 201-14 Penalties for offenses.

In addition to any other charge or penalty provided by law, any person who shall violate any provision of this article shall be punished by fine or term of imprisonment to be set by ordinance adopted by the Common Council. In any case, the court may order community service as an alternative or in addition to fine or imprisonment.

§ 201-15 User fee not a tax.

The user fee provided for above shall not be deemed a tax against any real property within the City.

Article II: Collection and Disposal

§ 201-16 Purpose.

The purpose of this article is to establish rules and regulations governing the collection and disposal of garbage and other waste in the City of Amsterdam.

§ 201-17 Title.

The provisions of this article shall be known as the "Garbage and Waste Ordinance."

§ 201-18 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ALUMINUM CANS

Containers fabricated of aluminum and commonly used for soda, beer or other beverages.

APPEARANCE TICKET

As defined in § 150.10 of the Criminal Procedure Law of the State of New York.

BULKY METALS

Stoves, refrigerators, dishwashers, dryers, washing machines, air-conditioning units, boilers, freezers, water tanks, lawn mowers, metal duct work, aluminum siding, metal window and door frames and other large metal appliances.

BULKY WASTE

Beds, mattresses, chairs, tables, wood, windows, linoleum, magazines, books, colored or corrugated paper products, piping, rubber tires and other large items not otherwise defined.

DEMOLITION DEBRIS

Concrete, masonry, wood, plaster, aluminum or other siding material, wire, asphalt, ceramics, tiles, sheetrock, stones, bricks, clay pipe, concrete pipe and any other by-product of a new construction activity, renovation or rebuilding or other modification to a house, appurtenances and grounds.

GLASS BOTTLES

Transparent or translucent jars, bottles and containers which are primarily used for packaging and bottling of various products, but only those glass bottles that are green, amber or clear in color.

MUNICIPALLY COLLECTED SOLID WASTE

Household waste and other waste materials routinely produced in a household and used household items. This material shall not include other materials defined as bulky metals, bulky wastes, demolition debris, glass bottles, newsprint and yard organics and recyclables.

NEWSPRINT

The common, inexpensive machine-finished paper made chiefly from wood pulp used for newspapers. This term excludes glossy newspaper inserts, books and magazines as well as other paper products.

OWNER OR PERSON

Includes the following:

A.

One or more persons of either sex, natural persons or individual or corporation or partnership or agency or joint venture or titled owner of the subject real property, associations, joint-stock companies, societies and all other entities of any kind capable of being sued, who either is or claims to be the owner of such lot or land of any occupied or unoccupied lot or land or any part thereof in the City of Amsterdam; or

B.

Any lessee, tenant or occupant of the lot or land or any part thereof located in the City of Amsterdam; or

C.

Any agent, servant, representative or employee of any such persons or individual or corporation or partnership or agency or joint venture or titled owner of the subject real property, associations, joint-stock companies, societies and all other entities of any kind capable of being sued, who either is or claims to be the owner of such lot or land of any occupied or unoccupied lot or land or any part thereof in the City of Amsterdam.

D.

Any individual or individuals, partnership or corporation, whether for profit or otherwise, in whose name title to a building exists.

E.

Either an individual, individuals or any legal entity duly authorized to do business in the State of New York.

RECYCLABLES

Glass bottles, aluminum and metal cans, newsprint, magazines, junk mail, phone books, catalogues, cardboard, plastic, yard organics and bulky metals as defined in this section and any other material designated, from time to time, by the City Engineer.

YARD ORGANICS

Grass clippings, leaves, branches and other like organic garden materials. Excluded are tree trunks, root systems, tree stumps, logs, main branches and other large growing vegetation.

§ 201-19 Preparation of wastes for collection.

Every person in possession of or responsible for premises used for residential and business purposes shall prepare and segregate all material intended for collection by the Sanitation Division of the Department of Public Works as follows:

A.
Municipally collected solid waste shall be placed in transparent bags having a capacity not to exceed 30 pounds. The weight of any one such transparent bag and its contents shall not exceed 30 pounds. When municipally collected solid waste is placed in bags, those bags must be made of a transparent material.

B.
Each such container shall be placed at the curb in front of all residences, apartment houses and businesses on the scheduled day for collection or not earlier than 3:00 p.m. on the day before the day scheduled for collection. Municipally collected solid waste shall be collected by the Sanitation Division of the Department of Public Works.

C.
All containers judged by the City Engineer or his or her agents to be unsuitable for the storage of collectible waste shall be declared trash and picked up by the City. Replacement of these containers shall be the responsibility of the owner.

D.
Material which is not self-contained shall be placed in suitable containers so as to prevent scattering or, if too large to be placed in containers, shall be bundled and securely tied. The bundles shall not exceed four feet in length, and neither a container and its contents nor a bundle shall weigh in excess of 30 pounds.

E.
Newsprint, magazines, junk mail, phone books, catalogues and cardboard, intended for separate collection, shall be separated from other municipally collected solid waste and shall be compactly and securely placed in transparent bags.

Collection shall be made in accordance with rules promulgated by the City Engineer. Newsprint used to wrap solid waste and contaminated newsprint shall not be included in such bundles and shall be disposed of with household waste.

F.
Glass bottles shall be separated from other municipally collected solid waste and placed curbside in accordance with regulations promulgated by the City Engineer.

G.
Aluminum and metal cans shall be separated from other municipally collected solid waste and placed curbside in accordance with regulations promulgated by the City Engineer.

H.
All plastics shall be separated from other municipally collected solid waste and placed curbside in accordance with regulations promulgated by the City Engineer.

I.
Yard organics shall be separated from other municipally collected solid waste. Leaves, grass clippings and other mulch-like organic materials shall be placed in transparent bags for collection in accordance with rules promulgated by the City Engineer. Yard organics shall be placed at the curb readily accessible to a City refuse collection truck.

1. Fall leaves for the City's leaf collection program must be bagged and placed curbside. The City Engineer shall outline a leaf collection program and notify the public of the dates of collection by publication in the local official newspaper.
2. Christmas trees for the City's Christmas tree collection program must be placed curbside. The City Engineer shall outline a Christmas tree collection program and notify the public of the dates of collection by publication in the local official newspaper.
3. Branches not exceeding three inches in diameter shall be securely tied in bundles no longer than four feet in length, 18 inches in diameter and not exceeding 30 pounds in weight for collection with yard organics.

J.
Placement of bulky metal and bulky waste for collection shall be at the curb readily accessible to a City refuse collection truck. The Common Council shall, by resolution, establish and revise a system for the collection of bulky metals and bulky wastes and shall, by resolution, establish and revise the rates to be charged for the removal of such items.

K.
Garbage, as defined in this article, shall be kept in containers suitable to prevent access by vermin, insects, rodents, dog, cats, birds, etc.

§ 201-20 Placement and collection procedures.

All material intended for collection by the Sanitation Division of the Department of Public Works shall be placed where it will be readily accessible for collection as follows:

A.
Municipally collected solid waste garbage shall be kept in a single location at the residence and shall be placed at the curb or as close to the curb as possible in front of the residence where such collection is to take place.

B.
When municipally collected solid waste is placed in bags, those bags must be made of a transparent material. Municipally collected solid waste may not be placed in any other type of bag other than transparent bags.

C.
Other material shall be placed at the curb or as close to the curb as possible so as to be accessible to a City refuse collection vehicle. If City vehicles are required to enter private property for the collection of material, such entry will be at the sole risk of the property owner.

D.

Recyclables shall be placed at curbside or at a central location as determined by the City Engineer. Notice of curbside collection or drop off at a central location shall be published in the City's official newspaper for at least two consecutive weeks before the curbside or central location drop off becomes effective.

E.

There will be no collection from residences where snow and ice have not been cleared from access pathways or driveways.

F.

No material shall be placed curbside for collection earlier than 3:00 p.m. on the day before the day scheduled for collection.

G.

Normal collection procedures may be changed if they conflict with scheduled holidays. Such changes shall be published in the local official newspaper.

H.

No garbage or waste as defined in this article shall be dumped, thrown, placed or emptied into or on a public or private property in the City of Amsterdam except in accordance with the provisions of this article.

§ 201-21 Authorization required to collect.

A.

From the time of placement of garbage and other waste for collection, such material shall be municipal property. It shall be unlawful for any person, firm or corporation to collect, pick up or cause to be collected or picked up any such material without the express written authorization of the City of Amsterdam. Each such collection shall constitute a separate violation.

B.

Nothing in this article shall prevent any person, business or corporation from making arrangements for the private collection of materials, provided that such materials to be collected privately shall not be placed at the curb immediately preceding the day for municipal collection of such materials.

§ 201-22 Limitations on collections and acceptable wastes.

A.

The Sanitation Division of the Department of Public Works shall not accept or pick up wood over three inches in diameter or over four feet long; tree stumps; tree trunks; firewood; railroad ties; telephone poles; discarded debris, such as lumber, concrete, plaster, dirt, rock, brick, asphalt or large wooden crates or boxes; stones or quantities of sod; flammable or highly combustible matter, such as cleaning establishment wastes or other industrial wastes found to contain varnish, paint, thinners or other dangerous materials; sawdust; explosives; ammunition; oil drums, either full or empty; cans or barrels containing combustible liquids; battery cases; tar paper roofing; tar cans; any large metal products or abandoned machinery; dead animals; or any hazardous waste as defined by Article 27 of the Environmental Conservation Law and the regulations promulgated thereunder.

B.

The Sanitation Division of the Department of Public Works shall not pick up from any business establishment during any collection more than a total of:

1. Six thirty-gallon containers, as defined in § 201-19A of this article;
2. Six bundles of branches, as defined in § 201-19D of this article;
3. Any combination of bags and bundles not to exceed six in number;
4. Unlimited number of thirty-gallon-size bag of leaves, during the time set aside by the City Engineer for the leaf collection program; or

5. Two Christmas trees, during the time set aside by the City Engineer for the Christmas tree collection program.

C.

The Sanitation Division of the Department of Public Works shall not pick up any material classified as toxic waste by 6 NYCRR 366, the identification and listing of hazardous wastes pursuant to Article 27, Title 9, of the Environmental Conservation Law or any ensuing legislation more restrictive than currently in force.

§ 201-23_Fees.

The solid waste user fee and the fees charged in connection with the system for the disposal of bulky metals and bulky wastes shall be established and may be revised from time to time by resolution of the Common Council. A schedule of fees shall be posted at City Hall and at the Sanitation Division of the Department of Public Works office and shall be published in the local official newspaper of the City.

§ 201-24_Wastes originating outside City.

No person shall transport and attempt to dump curbside any waste material originating outside the City.

§ 201-25_Use of public waste receptacles.

No business owner, operator or employee shall place in a public waste receptacle maintained by the City any waste material that originates from a residence or from the operation of a place of business.

§ 201-26_Authority of the City Engineer.

The City Engineer shall have the authority, subject to the approval of the Common Council, to further limit or waive the above restrictions on the quantities and types of wastes collected and to adopt regulations relating to garbage and bulky waste which, when adopted and approved, shall have the same status as the provisions of this article.

§ 201-27_Failure to comply.

A.

A violation of this article shall be deemed a violation, as defined by the Penal Law of the State of New York punishable by a fine not to exceed \$250 or imprisonment of not more than 15 days, or both such fine and imprisonment. Pursuant to violation of this article, an appearance ticket shall be issued as herein provided upon a finding by an Enforcement Official or any other City employee authorized to issue appearance tickets hereunder that there exists reasonable evidence that a violation of this article exists.

B.

An appearance ticket issued pursuant to this article shall require the owner cited to appear in person before the City Court of the City of Amsterdam. Appearance tickets must be personally served pursuant to Criminal Procedure Law, § 150.40, and upon failure of a person to appear as directed by an appearance ticket issued pursuant to this article, the Court shall issue a warrant for the arrest of the person failing to appear.

C.

The appearance ticket must substantially conform to the following format:

1. It must be in writing and subscribed by the Enforcement Official;
2. It must be addressed to the defendant by name, or such part of his name as is known, and if his name or any part thereof be unknown, by a fictitious designation of such name or part thereof as is unknown, adding a description identifying the person intended;
3. It must summon him or her to appear before the Court, at the courtroom thereof, and at the date and time specified therein;
4. It must state that the defendant is alleged to have violated this article and that the City of Amsterdam will take judgment by default for the relief demanded in the appearance ticket, together with the costs of the action, if the defendant fails to appear and answer. It shall also state that the defendant's failure to appear may also result in a warrant being issued for his or her arrest.

D.

Upon the appearance of a person directed to appear by an appearance ticket issued pursuant to this article, the Court shall schedule a hearing on the alleged violation at the Court's earliest convenience. Hearings so scheduled shall be adjourned only by order of the City Court upon good cause shown.

§ 201-28_Penalties for offenses.

A.

Any person who is found in violation of this article, or who has who has failed to appear pursuant to an appearance ticket, shall, upon conviction thereof, be subject to a fine of not less than \$100, nor more than \$500, or imprisonment of not more than 15 days or both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

B.

Removal by City. In the event that the violation is not abated within the prescribed time or, in the opinion of the City, the violation is of such condition that immediate action must be taken to protect the health and safety of the population of the City, the City, its agents or employees shall be empowered to enter upon the subject premises or any exterior portion thereof and to remove the items that constitute such violation using the most practicable method available.

C.

Calculation of removal costs. Upon completion of the removal by the City, the supervisor of the work crew shall prepare and submit a report to the City Controller for reimbursement for the removal as follows: Property owners shall be billed for services rendered so as to recover the cost of labor and equipment and tipping fees, if applicable. A mobilization charge of \$100 shall be added to each bill for removal.

D.

Billing for removal costs and additions to tax levy. Any unpaid bills for removal by the City as authorized above remaining unpaid after 30 days shall be added to the next City tax bill of the property owner of record.

E.

The record owner(s) and all of the occupant(s) of the property shall be deemed jointly and severally responsible for each and every violation of any of the provisions of this article or of any of the rules promulgated by the City Engineer.

F.

The failure of the City to take action against either the record owner(s) or occupant(s) of the property for a violation shall not be deemed to be a waiver of the City's right to enforce the provisions of this article for subsequent violations.

G.

If no owner can be found in the City of Amsterdam as defined above and the City of Amsterdam is unable to issue an appearance ticket for violation of this article, the City, its agents or employees shall be empowered to enter upon the subject premises or any exterior portion thereof and to remove the items that constitute such violation using the most practicable method available and a mobilization charge of \$250 and the actual costs of such removal and other additional costs in connection therewith, shall be certified by the appropriate City agent to the City Controller and shall thereupon become and be a lien upon the property on which such removal occurred and shall be added to and become and form part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes.

§ 201-29_Administrative immunity.

No officer, agent or employee of the City of Amsterdam shall render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this article.