

ORDINANCE # X of 2023

AN ORDINANCE TO ESTABLISH CHAPTER 91 OF THE CITY OF ONEONTA MUNICIPAL CODE

BE IT ORDAINED by the Common Council of the City of Oneonta as follows:

Section 1. Chapter 248 (1) (6) of the Code of the City of Oneonta entitled “Noncompliance; appeals” is hereby repealed.

Section 2. Chapter 82 of the Code of the City of Oneonta entitled “Brush, Grass and Weeds” is hereby repealed.

Section 3. Chapter 278 of the Code of the City of Oneonta entitled “Vehicles, Storage Of” is hereby repealed.

Section 4. Chapter 91 of the Code of the City of Oneonta entitled “Oneonta Exterior Code” is hereby established as follows:

§ 91-1 Garbage, solid waste and refuse materials.

No person, either as owner, lessee, agent, tenant or otherwise, of any lot, land, premises or improved property in the City of Oneonta shall cause or allow thereon garbage and refuse materials to become a hazard to public health, safety or travel or to become a nuisance of any sort.

It shall be the duty and responsibility of all owners of property in the City of Oneonta to ensure that:

Duties of property owners and occupants.

A. Providing and care of proper receptacles.

- (1) At properties containing any residential use, it shall be the duty of the property owner to furnish receptacles, in compliance with this code, to hold the garbage and refuse accumulations generated by the residential users between the periods of collection. It shall be the duty of the property owner and the occupant to keep the receptacles covered at all times when in use with proper tight-fitting sturdy covers, except while garbage and refuse is being put into such receptacles or while the same are being emptied.
- (2) It shall be the duty of the property owner and the nonresidential occupants of any property to furnish approved sturdy receptacles with proper tight-fitting covers to hold the garbage and refuse accumulations generated by the non-residential users between the periods of collection. It shall be the duty of the property owner and the nonresidential occupant to keep the receptacles covered at all times when in use with proper tight-fitting sturdy covers, except while garbage and refuse is being put into such receptacles or while the same are being emptied. Failure by the nonresidential occupant to comply with this section shall require compliance by the property owner.
- (3) It shall be the duty of the property owner to ensure compliance with this chapter.

§ 91-2 Use and maintenance of receptacles; storage of bulk garbage and refuse items.

A. Requirements.

- (1) Receptacles shall be kept securely covered in such manner as to exclude animals, pests and vermin and to prevent the accumulation of rainwater and snow therein. Garbage containers, whether they contain garbage or not, shall have a tight-fitting lid in place at all times. Tight-fitting lids shall be placed back on all garbage containers as soon as possible after garbage collection and, in any event, on the same day as collection.
- (2) Their contents shall be removed from the premises at least once weekly.
- (3) Receptacles must be kept in a good, clean and sanitary condition free of leaks and dents which prevent tight closings and shall not be permitted to have any ragged or sharp edges to hinder or harm the person handling the contents thereof.
- (4) All garbage, with the exception of bulk items, shall be completely contained in nonabsorbent, watertight, durable receptacles having a tight-fitting lid in place. Plastic bags are not considered durable receptacles. At no time shall plastic bags be used to house garbage either on the property or

at the curbside prior to garbage removal.

- (5) Bulk items shall be stored such that they are not hazardous; shall not collect water; shall have no sharp edges or dangerous parts; and shall be stored in compliance with this chapter.
- (6) All grounds on the exterior of the premises and all porch areas are kept free from solid waste, and any litter that has been cast, blown, thrown, put, placed, or accidentally dropped on the grounds, bushes, or in trees, and allowed to remain on the grounds, bushes, or in trees for 24 hours, shall be removed.
- (7) Any garbage remaining after scheduled pickup shall be removed within 24 hours of the scheduled garbage pick-up.
- (8) Recyclable materials, their storage and disposal shall be in compliance with this code as it relates to garbage and refuse.
- (9) Composting materials, so long as they are maintained in compliance with this chapter, shall not be considered garbage. Composting areas shall be maintained in a sanitary condition, shall be secured from wildlife and shall be located in rear yards.
- (10) Burning of garbage by the householder, tenant or lessee shall be prohibited.
- (11) It shall be unlawful for any person to strew or scatter the contents of any receptacle containing garbage or refuse in a yard or on a lawn, sidewalk street, waterway, stream, empty lot or other public or private place in the City of Oneonta.

B. Location. Garbage and refuse shall be kept in a condition that is neat, sanitary and in such a place as not to constitute a nuisance.

- (1) Garbage receptacles, garbage and bulk items shall not be stored in front yards or on or along the front façade of a structure, building or property. For purposes of this chapter, "stored" shall mean located in a general vicinity exceeding 24 hours.
- (2) Garbage receptacles and bulk items shall not be stored on tree lawns.
- (3) No person shall place any garbage and refuse material at or near any curbing other than the curb-line immediately in front of the property from which such waste material was generated.
- (4) Any property that has public street frontage on multiple yards shall store garbage receptacles out of the public view or on the rear yard.

C. Bulk or household items shall not be stored in the public view.

Exceptions:

- (1) Garbage stored in accordance with this code.
- (2) Recyclable materials stored in accordance with this code.
- (3) Construction and demolition debris related to an ongoing construction project with a valid building permit for a period of not more than 30 days. Debris shall be stored in a dumpster or compliant receptacles. Materials that are not part of a valid construction project authorized by a building permit shall not be stored in public view and shall be deemed solid waste for the purposes of this chapter.
- (4) Residents may place reusable materials on the tree lawn for purposes of informal scavenging, not to be observable for more than two successive days (48 hours) per month or 30-day period.

D. Dumpsters shall be maintained in compliance with this code and shall not create a public nuisance.

E. Variance procedure for location issues. The Zoning Board of Appeals, as established by the City of Oneonta, shall hear and decide requests for variances from the storage location requirements of Subsection B of this section. In passing upon applications for such variances, the Zoning Board of Appeals shall consider all relevant factors related to the health, safety and welfare of adjacent residents and property owners.

F. Receptacle standards.

- (1) Receptacles shall be sturdy, weather resistant, animal and pest proof, upright and of plastic or metal and shall have overlapping and tight-fitting covers.
- (2) Plastic bags shall not be considered a garbage receptacle.
- (3) No receptacle for household waste shall be larger than 50 gallons or smaller than four gallons unless approved in writing by the City of Oneonta Code Enforcement Office.
- (4) It is presumed that the contents of any garbage bag, plastic bag or garbage receptacle stored in

violation of this code is garbage.

- G.** Storage of garbage receptacles in violation of this code. A first offense shall result in a notice of violation to the individual or entity on record at Otsego County Office of Real Property, or the agent on file with the City of Oneonta Code Enforcement Office in accordance with this code. The notice of violation shall include the remedy process, cost and appeal described in this code.
- H.** Additional violations in the same calendar year. If a garbage receptacle is stored in violation of this code the City of Oneonta may remedy the condition without additional notice if the individual or entity on record at Otsego County Office of Real Property, or the agent on file with the City of Oneonta Code Enforcement office has received written notice of violation for improperly stored garbage receptacles once in the same calendar year.

Exceptions:

- (1) Ownership of the property has changed in the past calendar year and has had no notification of past violations.
- (2) The agent on file with the City of Oneonta Code Enforcement Office has changed in the past calendar year and has had no notification of past violations.

§ 91-3 Dumping in rivers, creeks and ditches.

- A.** No person shall throw or place any refuse, paper, trash, snow, glass, nails, tacks, wire, bottles, cans, yard trash, concrete, earthen fill, garbage, containers or litter or other debris in any ditch, stream, river or retention basin that regularly or periodically carries surface water runoff. Any persons who deposits any of the above shall remove it or shall cause it to be removed therefrom immediately.
- B.** In the event that the City of Oneonta deems it necessary to bring civil action to enforce the terms of this chapter, the violator shall be responsible for all court costs and attorney fees incurred by the city.

§ 91-4 Inoperable, unlicensed, uninspected or uninsured motor vehicles.

- A.** Open storage of one or more inoperable, unlicensed, uninspected or uninsured motor vehicles, as defined in this chapter, shall not be permitted on private property within the City for a period of more than two weeks. No vehicle shall at any time be openly stored in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

Exceptions:

- (1) Licensed and approved motor vehicle sales, repair and service establishments in nonresidential zoning districts.
- (2) Approved junk or recycling facilities.
- B.** Storage of inoperable, unlicensed, uninspected or uninsured motor vehicles shall be in compliance with the parking and loading requirements of the City of Oneonta zoning code.
- C.** For purposes of this section, "stored" shall mean located on the premises for at least 24 hours.

§ 91-5 Brush, trees, grass and vegetation.

- A.** All premises and immediate exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Premises situated at street intersections or on curved streets shall be kept in such condition as to give a clear and unobstructed view of the intersection or curve.

Exceptions:

- (1) This shall not be construed to prevent the raising of garden or cultivated crops on farmlands or to

unreasonably require the cutting of grass and brush on undeveloped areas except within 200 feet of improved properties and adjacent to public right of ways.

(2) Natural woodlands or public parklands shall be considered an ornamental or useful purpose.

- B.** The area along public rights-of-way adjacent to or on the property, including but not limited to the area between the front property line or sidewalk and the curb or street pavement (tree lawn), shall not for more than 24 hours fail to be maintained in a reasonably clean and sanitary condition free of garbage and/or solid waste, with any grass, weeds and brush in said area cut, removed or trimmed in compliance with this chapter.
- C.** The planting of annuals and perennials in the tree lawn shall be allowed, however the planting of trees and shrubs or changes to curbing, elevations, grading, impervious coverage or hardscaping in these areas shall not be permitted without the approval of the Public Works Director.
- D.** Any person owning or having any ornamental trees or shade trees standing or growing within the lines of any of the streets, sidewalks or public places, the branches of which trees shall project or hang over such streets, sidewalks or public places, shall keep such trees so trimmed that the lowest branches shall not be within 12 feet from the ground.
- E.** It shall be unlawful for any person to plant a poplar, willow, silver maple or box elder tree within 100 feet of any public highway, sidewalk, sewer, water main, gas main or watercourse within the City.
- F.** It shall be unlawful for any person to have or maintain a poplar or willow tree, the roots of which may penetrate over and under the surface of a public highway, sidewalk or public place or within 100 feet of any sewer, water main, gas main or watercourse within the City.
- G.** The maintenance of City trees, including trees between the sidewalk and curb, shall be left to the Department of Public Works or their designee.
- H.** Areas visible from the public right of way, including tree lawns, covered with vegetation, grasses or landscaping shall not be replaced with gravel or hardscaping. Any property that has public street frontage on all yards may create hardscaping only in rear yards and only in compliance with the City of Oneonta Municipal code.
- I.** Tree lawns shall be maintained. The property owner shall be responsible for, and shall repair to the specifications of the Public Works Director, any damage to sidewalks, curbing or vegetation as a result of personal, lessee, tenant or occupants use.
- J.** The accumulation of brush shall not cause a nuisance, be stored in a front yard, or encourage the harborage of vermin, pests or wildlife. Brush shall not be stored on the tree lawn.

Exception:

(1) Brush may be stored on the tree lawn in compliance with any brush and yard waste collection program administered by the Department of Public Works.

- K.** In cases where the Board of Public Service finds that a property is of such size or of such topographical characteristics as to make compliance with this chapter impractical or a financial hardship to the owner, the Board of Public Service may grant an exemption (or a partial exemption to the extent dictated by the special circumstances) from the requirement.
- L.** Brush, trees, grass and vegetation in violation of this code. A first offense shall result in a notice of violation to the individual or entity on record at Otsego County Office of Real Property, or the agent on file with the City of Oneonta Code Enforcement Office in accordance with this code. The notice of violation shall include the remedy process, cost and appeal described in this code.
- M.** Additional violations in the same calendar year. If brush, trees, grass or vegetation are in violation of this

code the City of Oneonta may remedy the condition without additional notice if the individual or entity on record at Otsego County Office of Real Property, or the agent on file with the City of Oneonta Code Enforcement office has received written notice of violation for brush, trees, grass or vegetation once in the same calendar year.

Exceptions:

- (1) Ownership of the property has changed in the past calendar year and has had no notification of past violations.
- (2) The agent on file with the City of Oneonta Code Enforcement Office has changed in the past calendar year and has had no notification of past violations.

§ 91-6 Porches, roof areas, and exteriors.

- A. No furniture, access or occupancy shall be permitted on any roof that has not been specifically designed for occupancy and does not have guardrails meeting the State Building Code requirements at the time of construction. Roofs shall be kept free of garbage, bulk items and solid waste.
- B. The use, keeping, or storage of any furniture, including mattresses, manufactured primarily for indoor use, shall be prohibited in any front or side yard and on any unenclosed front or side porch. All porches shall be kept free of garbage, solid waste and bulk storage.
- C. Porches, exterior structures and roof areas shall be maintained in a safe, structurally sound and weathertight condition. Maintenance shall include, but not be limited to, foundation walls, protective coatings, individual components, windows, doors, fasteners and architectural or decorative elements. All maintenance shall be done in a workmanlike manner.
- D. Steps, walks, driveways, parking spaces, and other similar paved areas in sidewalks, driveways, patios and tree lawns are maintained so as to afford safe passage under normal use and weather conditions. Paved areas shall be free from deterioration and missing or damaged elements shall be repaired or replaced in a workmanlike manner.
- E. Fences and walls shall be maintained in a safe and structurally sound condition. Maintenance shall include protective coatings, individual components, fasteners and gates. All maintenance shall be done in a workmanlike manner.
- F. All properties shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.
- G. Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.
- H. Exterior property and premises shall be maintained in a clean, safe and sanitary condition.

§ 91-7 Sidewalks; snow and ice.

- A. Sidewalks shall be free from snow and ice for the full paved width of such sidewalk, except during an active snowfall. It shall be the duty of the owner and occupant of each and every parcel of real estate in the City, abutting or bordering upon any street, avenue, highway or other public place, to remove or cause to be removed all snow and ice from the sidewalk in front of or adjacent to such premises to the full paved width of such sidewalk before 9:00 a.m. of each day following snowfall; provided, however, that where footways or sidewalks have not been paved or duly established, snow and ice shall be removed to a width of not less than four feet from that portion of the street or way which is used in common as a footway in such street or way. Failure to comply shall be punished as provided in this code. Each day that a violation continues shall be considered a separate offense.

- B.** Removal from roofs; duty of owner, occupant. It shall also be the duty of the owner and occupant of any buildings abutting upon or near to any public street, sidewalk or place so located that snow or ice may fall from the roof thereof into or upon such street, sidewalk or place to cause all snow and ice to be removed from such roof before 9:00 a.m. of each day or to provide suitable guards so that the ice or snow shall not be discharged upon the sidewalk.
- C.** When snow and ice on any sidewalk within the time period specified in this code is frozen such that it cannot be removed without injury to the sidewalk, it shall, within the time specified above be strewn and kept strewn with ashes, sand, sawdust or other suitable material, so as to be no longer dangerous to the public. As soon as practical thereafter, the sidewalk shall be completely cleared of snow, ice and other materials strewn thereon, as provided in this code.
- D.** Whenever any owner or occupant of such parcel of real estate shall fail or neglect to remove such snow and ice as aforesaid, the Board of Public Service may have the snow and ice removed therefrom without notice to such owner or occupant, and the cost of such removal, shall be assessed against such property, and the same shall be levied, corrected, enforced and collected in the same manner, by the same proceedings, at the same time, under the same penalties, and having the same lien upon the property so assessed as the general City tax and as a part thereof.

§ 91-8 Responsibilities of agents delegated by property owners.

- A.** Property owners who do not reside in the City of Oneonta or an approved adjacent municipality must file an agent form with the Code Enforcement Office designating an agent to be responsible for all of the requirements outlined in this chapter, and to accept service of process on behalf of the property owner. Property owners residing within the City of Oneonta or an approved adjacent municipality may delegate the requirements outlined in this chapter to an agent so long as, at the time of any violation of this subsection, an agent form is on file in the Code Enforcement Office.
- B.** The property owner and agent shall both be liable for violations of this chapter, and the City may bring an enforcement action against either the property owner or agent, or both.
- C.** If a property owner who does not reside in the City of Oneonta or an approved adjacent municipality fails to file an agent form with the Code Enforcement Office within 30 days of the effective date of this chapter, or if the current agent designated does not accept service or denies agency, then the service by mail shall be deemed complete upon mailing by certified letter a notice of violation to the property owner. The owner shall be the individual or entity on record at Otsego County Office of Real Property.
- D.** All agent forms shall be filed using the form specified by the Code Enforcement Office. The agent must be a resident of an approved municipality or maintain regular daily business in the City of Oneonta. Business shall be defined as regular employment within the City of Oneonta. This shall be verifiable by employment documents provided to the Code Enforcement Office. Post office boxes will not be accepted as addresses for agents.
- E.** The owner shall be responsible for informing the Code Enforcement Office, in writing, of changes to the owner's and agent's addresses and telephone numbers that occur after the owner files the agent form with the Code Enforcement Office.
- F.** The property owner may not designate a residential tenant as the agent pursuant to this section, except where such designation is contained in an employment agreement between the property owner and the tenant. The employment agreement shall not be contained in the lease agreement between the property owner and the tenant, and the tenant's acceptance of designation as the agent shall not be a condition of the lease agreement.

§ 91-9 Notification when City intends to correct a violation; failure of property owner to comply; appeals to Board of Public Service

- A.** Except as otherwise specified in this subsection, in any case in which the City intends to correct a violation

of this chapter and then bill the property owner for the correction of the violation, the Code Enforcement Officer or his/her designee shall notify the owner of the property and, where relevant, the registered agent as outlined in this Code, in writing, of any violation of this chapter.

Exceptions:

- (1) Failure to clear snow or ice from a sidewalk. Notice of such violation or of the City's intention to remedy the violation shall not be required prior to the clearing of such snow or ice as provided for in this code; the invoice for such clearing shall constitute notice of the violation and shall also state that the property owner may contest the invoice by making a written appeal before the Board of Public Service. Any cost associated with this action if not paid shall be assessed and collected in the same manner, by the same proceedings, at the same time, under the same penalties and having the same lien upon the property so assessed as the general city tax and as a part thereof. The charge to remedy any violation of this code may include a 50% charge thereof for supervision and administration.
- (2) Storage of garbage receptacles. Notice of the City's intention to remedy the violation shall not be required prior to remedy as provided for in this code; the invoice for such remedy shall constitute notice of the violation and shall also state that the property owner may contest the invoice by making a written appeal before the Board of Public Service. Any cost associated with this action if not paid shall be assessed and collected in the same manner, by the same proceedings, at the same time, under the same penalties and having the same lien upon the property so assessed as the general city tax and as a part thereof. The charge to remedy any violation of this code may include a 50% charge thereof for supervision and administration.
- (3) Remedy of brush, trees, grass and vegetation. Notice of the City's intention to remedy the violation shall not be required prior to remedy as provided for in this code; the invoice for such remedy shall constitute notice of the violation and shall also state that the property owner may contest the invoice by making a written appeal before the Board of Public Service. Any cost associated with this action if not paid shall be assessed and collected in the same manner, by the same proceedings, at the same time, under the same penalties and having the same lien upon the property so assessed as the general city tax and as a part thereof. The charge to remedy any violation of this code may include a 50% charge thereof for supervision and administration.
- (4) The Code Enforcement Officer, upon complaint being made to them or upon their own motion, shall, upon personal and direct knowledge of the existence of garbage, refuse or solid waste being stored in violation of this code for a duration of more than 48 hours, may cause such premises to be put in such condition as will comply and shall charge the cost thereof to the owner of said premises. Any cost associated with this action if not paid shall be assessed and collected in the same manner, by the same proceedings, at the same time, under the same penalties and having the same lien upon the property so assessed as the general city tax and as a part thereof. The charge to remedy any violation of this code may include a 50% charge thereof for supervision and administration.
- (5) Exceptional emergency conditions. In circumstances where a violation of this code exists where a structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks sanitary facilities or poses an immediate and imminent threat to the public health, safety or welfare, the Code Enforcement Office may immediately cause such premises to be put in such condition as will comply and shall charge the cost thereof to the owner of said premises. Any cost associated with this action if not paid shall be assessed and collected in the same manner, by the same proceedings, at the same time, under the same penalties and having the same lien upon the property so assessed as the general city tax and as a part thereof. The charge to remedy any violation of this code may include a 50% charge thereof for supervision and administration.

B. Any notice required by this chapter shall be served in person or by mail to the registered agent, owner or address appearing on the City tax roll, requiring such person, within a time specified in such notice but in

no event less than five days from the service or mailing thereof, to bring the premises in to compliance with this chapter. Such notice shall also state that the property owner or registered agent may contest the finding of the Code Enforcement Officer or designee by making a written appeal to the Board of Public Service.

- C. The Code Enforcement Officer, upon the failure of such owner or agent to comply with a required notice of violation within the time limited therein, shall cause such premises to be put in such condition as will comply and shall charge the cost thereof to the owner of said premises. The Code Enforcement Officer may include a fifty-percent charge thereof for supervision and administration. The minimum charge to the property owner for such work shall be an amount determined from time to time by the Common Council.
- D. Bills rendered for bringing any premises into compliance with this code shall be due 30 days from the date of such bills. Failure to pay a bill within 30 days shall result in a late fee in the amount of 20% of the penalty added to the amount due, such late fee is waivable by the Director of Finance.
- E. The owner of the premises shall be held responsible and liable for all charges for such service. In case of default of payment, any charges will be collected in the manner provided for by the provisions of the City Charter relating to the collection of general city taxes, including the levy, correction, enforcement and collection in the same manner and in the same proceedings at the same time, under the same penalties, and having the same lien upon the property so charged as such tax and as a part thereof.
- F. Any person who denies a violation of this code or is allegedly aggrieved by the actions taken under this chapter may, within 10 days after receipt of billing for said actions make a request in writing for a hearing before the Board of Public Service, stating in detail the reasons why such hearing is requested. Any such written request for a hearing shall automatically stay further administrative enforcement concerning the alleged violation pending such hearing. The decision of the Board of Public Service, by majority vote, shall be binding, subject to any further judicial review available to either the City or the property owner.

§ 91-10 Enforcement; violation notice

- A. The Code Enforcement Officer or their Designee is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of this chapter. When required, upon finding that any such condition or activity exists, the Code Enforcement Officer or their Designee shall issue a violation order hereunder.
- B. The order shall include the following:
 - (1) Be in writing.
 - (2) Identify the premises.
 - (3) Specify the violation and remedial action to be taken.
 - (4) Provide a reasonable time limit for compliance in accordance with this chapter.
 - (5) State the time within which an appeal may be made.
 - (6) A statement that if the violation is not remedied within the time limit specified in the order, the Code Enforcement Officer or their designee may remedy the violation and/or issue an appearance ticket and/or take additional legal action to remedy the violation.
- C. A violation order may be served as follows:
 - (1) By personal service.
 - (2) By mailing, by registered or certified mail, to the registered agent, owner or address appearing on the City tax roll, in accordance with this chapter.
 - (3) If no person has filed with the Code Enforcement Office the name and address of the owner, lessor or their respective agent upon whom an order may be served, as provided in this article, by posting a copy of the violation notice in a conspicuous place on the premises and by mailing another copy to the premises, on the same day as posted, enclosed in a postpaid wrapper addressed to the owner, lessor or their respective agent.

§ 91-11 Enforcement; Failure to remedy; reinspection

- A. After the time for correction is passed, there shall be a reinspection, for which a reinspection fee may be

charged. If the violation is not corrected, the inspector may schedule a time for one or more reinspection, each of which may not commence sooner than five calendar days from the date of the last inspection, to determine whether the violation is corrected. If reinspection of the building or premises are required because violations remain uncorrected, a separate reinspection fee may be charged for each such reinspection in accordance with the inspection fee schedule then in effect. Notice for reinspection shall follow the same requirements as a notice of violation.

- B.** If the violation is not corrected, the inspector may remedy the violation in accordance with this chapter and may refer the matter to the City of Oneonta Prosecutor for legal action.
- C.** Failure to pay a bill within 30 days shall result in a late fee in the amount of 20% of the penalty added to the amount due, such late fee is waivable by the Director of Finance.
- D.** The owner of the premises shall be held responsible and liable for all charges for such service. In case of default of payment, any charges will be collected in the manner provided for by the provisions of the City Charter relating to the collection of general city taxes, including the levy, correction, enforcement and collection in the same manner and in the same proceedings at the same time, under the same penalties, and having the same lien upon the property so charged as such tax and as a part thereof.

§ 91-12 Enforcement; Appearance tickets

- A.** Appearance tickets. Notwithstanding any contrary Code provision, appearance tickets may be issued by the Code Enforcement Officer and/or his/her designee(s) charging violations of this chapter or whenever there is probable cause to believe that said violations have occurred. Any rights to administrative appeals to any board or commission of the City of Oneonta mentioned elsewhere in this Code shall not apply as a condition precedent to issuing an appearance ticket charging a violation of this chapter. Any right to an administrative appeal from a decision or determination of the Code Enforcement Officer or other City official with regard to the above Code chapter and section shall apply only in cases in which the City intends to correct the violation and seek to charge the property owner or agent for the costs of correction. Service by first class mail of an appearance ticket to the property owner at the property address or other address indicated by the owner, or if an agent has been designated, shall be deemed complete.
- B.** Each violation of this chapter, and each day during which a violation continues, shall be deemed to be a separate violation. Failure to comply with a violation order, within the time limit stated therein, shall constitute an offense. A person convicted of an offense shall be punished by a fine not to exceed \$1,000 or by imprisonment for a period not to exceed one year, or both. Failure to comply with a violation order, after such time limit, may constitute a separate offense for which the aforesaid penalties may be cumulatively imposed
- C.** The City Attorney or his or her designee may commence an action or special proceeding against the violator in a court of competent jurisdiction to collect any penalties, together with costs, disbursements and recoverable attorneys' fees, and/or to compel compliance with or restrain by injunction any such violation.
- D.** In the event a defendant property owner or representative does not answer a ticket within six months of the court date specified on the summons, the court having jurisdiction shall enter a default plea of guilty on behalf of the defendant property owner and render a default judgment of the fine specified in this section. Upon motion by the defendant property owner with good cause for the default shown and a meritorious defense asserted, the court shall vacate the default plea of guilty. Mailing the summons to an address other than the one specified in the Code Enforcement Office file shall also be grounds to vacate the default plea of guilty.

Section 5. Chapter 91 of the Code of the City of Oneonta entitled "Definitions" is amended to include:

CULTIVATE

The act of caring for or raising of plants through the destruction of weeds and grasses. This definition includes preparation, planting and maintenance of annual and perennial plantings.

GARBAGE and REFUSE

Includes both combustible and incombustible waste materials, such as waste of meat, fish, fruits, vegetables or vegetable matter, including tin cans that have contained food material, and paper, wood, leather, cloth or any other combustible matter, ashes, glass, metals or other incombustible refuse. This term shall also include bulk items such as vehicle tires, household appliances, furniture, machinery, construction waste and demolition waste.

INOPERABLE MOTOR VEHICLE.

A vehicle that cannot be driven upon the public streets for reason including but not limited to being unlicensed, uninspected, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

Section 6. This ordinance shall become effective immediately upon passage and filing with the City Clerk.