

**CITY OF AMSTERDAM, NEW YORK
COMMON COUNCIL MEETING
APRIL 3, 2012
7:30 p.m.**

ORDER OF BUSINESS

- I. Call to Order
- II. Salute to the Flag
- III. Roll Call
- IV. Moment of Silence
- V. Adoption of Agenda
- VI. Proclamations
- VII. Public Participation
- VIII. Communications
 - Department Head Presentations*
 - Calvin Cline, Assessor*
 - Robert Reidy, Employee Relations*
- IX. Old Business: Resolution No. 196
- X. New Business:
 - (a) Resolutions
 - (b) Ordinances:
 - (c) Local Laws: Local Law #1 of 2012
 - (d) Introduction of Ordinances:
 - (e) Introduction of Local Laws
 - (f) Committee Reports
 - (g) Other:
- XI: Adjournment

Copies of agenda, resolutions and pertinent information are available in the city clerk at a cost of 25 cent per page. Request for copies need to be made prior to 4 pm on the date of the meeting..

RESOLUTIONS

205	RESOLUTION ADOPTING MINUTES	DEROSS
206.	RESOLUTION APPROVING AUDIT	LEGGIERO
207.	RESOLUTION APPROVING SALE OF PROPERTY – PARK ST.	LEGGIERO
208.	RESOLUTION AMENDING BUDGET – RECREATION	ISABEL
209.	RESOLUTION TRANSFERRING FUNDS – WATER TREAT.	LEGGIERO
210.	RESOLUTION AMENDING BUDGET – RECREATION	ISABEL
211.	RESOLUTION TRANSFERRING FUNDS – POLICE	ISABEL
212.	RESOLUTION TRANSFERRING FUNDS – TRANSPORTATION	DYBAS
213.	RESOLUTION TRANSFERRING FUNDS – TRANSPORTATION	DYBAS
214.	RESOLUTION ADOPTING RULES	DYBAS
215.	RESOLUTION AMENDING BUDGET – ENGINEERING	LEGGIERO

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
MARCH 20, 2012**

RESOLUTION #11/12-196

RESOLUTION AUTHORIZING AGREEMENT – SOCIAL SERVICES

BY: MAYOR THANE

WHEREAS, the Montgomery County Department of Social Services wishes to enter into an agreement with the City of Amsterdam to act as a worksite sponsor to provide work for recipients of Social Services Assistance,

RESOLVED, the Mayor is authorized to sign the attached agreement with the Montgomery County Department of Social Services as a worksite sponsor.

MOTION TO TABLE by Alderman Dybas passed with Aye. (3/20/12)

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Isabel		
Alderwoman Beekman		
Alderwoman DeRossi		
Alderman Dybas		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 3, 2012**

RESOLUTION #11/12-205

RESOLUTION ADOPTING MINUTES OF THE LAST COMMON COUNCIL MEETING

BY: ALDERWOMAN DEROSI

RESOLVED, that the minutes of the Common Council meeting of March 20, 2012, prepared by the Amsterdam City Clerk are hereby approved.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Isabel		
Alderman Beekman		
Alderman DeRossi		
Alderman Dybas		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 3, 2012**

RESOLUTION #11/12-206

RESOLUTION APPROVING AUDIT

BY: ALDERMAN LEGGIERO

RESOLVED, the bills examined by the Common Council and reported herewith as correct and they are, allowed and ordered paid and the City Clerk is authorized and empowered to issue warrants in payment of same.

COMMON COUNCIL
City of Amsterdam, NY

	<u>Aye</u>	<u>Nay</u>
<u>Alderman Isabel</u>		
<u>Alderwoman Beekman</u>		
<u>Alderwoman DeRossi</u>		
<u>Alderman Dybas</u>		
<u>Alderman Leggiero</u>		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 3, 2012**

RESOLUTION #11/12-207

RESOLUTION APPROVING SALE OF PROPERTY – PARK STREET

BY: ALDERMAN LEGGIERO

WHEREAS, the City of Amsterdam is in possession of surplus real property at Park Street (vacant lot as a result of demolition of silos) designated by tax map identifier as SBL #55.8-1-14, and

WHEREAS, an application by BRYS, LLC has been reviewed by the Property Disposition Committee and recommended for sale,

RESOLVED, the Mayor is authorized to execute a deed transferring said property at Park Street to BRYS, LLC for consideration in the amount of \$500.00 plus all recording fees.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Isabel		
Alderwoman Beekman		
Alderwoman DeRossi		
Alderman Dybas		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 3, 2012**

RESOLUTION #11/12-208

RESOLUTION AMENDING BUDGET – RECREATION

BY: ALDERMAN ISABEL

WHEREAS, a budget amendment is needed for receipt of restitution of vandalism at Riverlink Park

RESOLVED, the Controller is authorized to amend the general fund budget as follows:

INCREASE REVENUE:

A-2680	Recoveries	\$6,084.00
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INCREASE EXPENSE:

A-7020-4000	Contractual	\$6,084.00
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COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		

Alderwoman Beekman		

Alderwoman DeRossi		

Alderman Dybas		

Alderman Leggiero		

Controller		

Mayor Thane		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 3, 2012**

RESOLUTION #11/12-209

RESOLUTION TRANSFERRING FUNDS – WATER TREATMENT PLANT

BY: ALDERMAN LEGGIERO

WHEREAS, a transfer of funds is needed to purchase 8 new radios to comply with the new FCC rules,

RESOLVED, the Controller is authorized to transfer funds in the water fund budget as follows:

FROM:

F-8330-4086	Repair Outbuilding	\$2,000.00
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TO:

F-8330-2012	Plant Service Contract	\$2,000.00
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COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
_____ Alderman Isabel		
_____ Alderwoman Beekman		
_____ Alderwoman DeRossi		
_____ Alderman Dybas		
_____ Alderman Leggiero		
_____ Controller		
_____ Mayor Thane		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 3, 2012**

RESOLUTION #11/12-210

RESOLUTION AMENDING BUDGET – RECREATION

BY: ALDERMAN ISABEL

WHEREAS, registration fees for the City of Amsterdam Recreation Basketball league have been received in excess of estimated revenue,

RESOLVED the Controller is authorized to amend the budget as follows:

INCREASE REVENUE:

A-2001	Recreation Department Charges	\$548.00
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INCREASE EXPENSE:

A-7020-4000	Contractual	\$548.00
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COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		

Alderwoman Beekman		

Alderwoman DeRossi		

Alderman Dybas		

Alderman Leggiero		

Controller		

Mayor Thane		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 3, 2012**

RESOLUTION #11/12-211

RESOLUTION TRANSFERRING FUNDS - POLICE

BY: ALDERMAN ISABEL

WHEREAS, a transfer of funds is needed to cover purchase of gasoline,

RESOLVED the Controller is authorized to transfer funds in the general fund budget as follows:

FROM:

A-3120-1400	Service Pay Sick	\$5,000.00 Balance 328.14
A-3120-1500	Service Pay Leave	\$2,000.00 Balance 363.81
A-3010-1000	Personnel Services	\$6,000.00 Balance 15,300.55

TO:

A-3120-4049	Gas/Diesel	\$13,000.00
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COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
_____ Alderman Isabel		
_____ Alderwoman Beekman		
_____ Alderwoman DeRossi		
_____ Alderman Dybas		
_____ Alderman Leggiero		
_____ Controller		
_____ Mayor Thane		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 3, 2012**

RESOLUTION #11/12-212

RESOLUTION TRANSFERRING FUNDS - TRANSPORTATION

BY: ALDERMAN DYBAS

WHEREAS, a transfer of funds is needed to cover shortfall in the uniform line item,

RESOLVED the Controller is authorized to transfer funds as follows:

FROM:

CT-5630-4000	Contractual	\$80.75 (bal. \$9,228.29)
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TO:

CT-5630-4-65	Uniforms	\$80.75
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COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		

Alderwoman Beekman		

Alderwoman DeRossi		

Alderman Dybas		

Alderman Leggiero		

Controller		

Mayor Thane		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 3, 2012**

RESOLUTION #11/12-213

RESOLUTION TRANSFERRING FUNDS - TRANSPORTATION

BY: ALDERMAN DYBAS

WHEREAS, a transfer of funds is needed to cover shortfall in the vehicle repair line,

RESOLVED the Controller is authorized to transfer funds as follows:

FROM:

CT-5630-4036	Contingency	\$9,000.00 (bal. \$675.00)
CT-5630-4049	Gas/Diesel	\$5,000.00 (bal. \$16,250.00)

TO:

CT-5630-4070	Vehicle Repairs	\$14,000.00
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COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		

Alderwoman Beekman		

Alderwoman DeRossi		

Alderman Dybas		

Alderman Leggiero		

Controller		

Mayor Thane		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 3, 2012**

RESOLUTION #11/12-214

RESOLUTION ADOPTING RULES OF THE COMMON COUNCIL

BY: ALDERMAN DYBAS

WHEREAS, the Common Council shall adopt rules of procedure pursuant to city charter section C-28(B), and

WHEREAS, the Common Council had from time to time adopted such rules, however the rules were never codified, and

WHEREAS, the Common Council desires to adopt revised rules to govern its operation,

RESOLVED, that the attached are adopted as the “Rules of the Common Council” replacing all prior rule enactments and that the same be codified in the city code book as Chapter 15 – Common Council Rules.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Isabel		
Alderwoman Beekman		
Alderwoman DeRossi		
Alderman Dybas		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2012



Draft RULES OF
ORDER rev 1.2 3-29-

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 3, 2012**

RESOLUTION #11/12-215

RESOLUTION AMENDING BUDGET - ENGINEERING

BY: ALDERMAN LEGGIERO

WHEREAS, revenue has been received from the Town of Amsterdam to reimburse the City of Amsterdam for assistance in water break on Zanella Drive on January 27, 2012,

RESOLVED, the Controller is authorized to amend the budget as follows:

INCREASE REVENUE:

F-2680	Insurance Recoveries	\$1,659.84
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INCREASE EXPENSE

F-8340-1001	Overtime	\$1,202.01
F-8340-4070	Vehicle Repair	\$ 457.83

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		

Alderwoman Beekman		

Alderwoman DeRossi		

Alderman Dybas		

Alderman Leggiero		

Controller		

Mayor Thane		

ANN M. THANE, MAYOR

Dated: _____, 2012

CITY OF AMSTERDAM, NEW YORK

COMMON COUNCIL MEETING

MARCH 20, 2012

**LOCAL LAW #1 OF 2012- A LOCAL LAW REVISING CITY CODE CHAPTER 228
ARTICLE V – VEHICLE WEIGHTS AND DIMENSIONS**

BY: MAYOR THANE

BE IT ENACTED by the Common Council of the City of Amsterdam as follows:

The Code of the City of Amsterdam Chapter 228 Article V is hereby amended.

SECTION 1. PURPOSE AND LEGISLATIVE INTENT.

The intent of these amendments is to eliminate ambiguity in the penalty structure and to make the article consistent with Vehicle and Traffic Law §385.

SECTION 2. – SUBSTANTIVE PROVISIONS.

Code of the City of Amsterdam Chapter 228 Article V is hereby amended as follows: (strike through indicates existing text to be removed, underline text indicates new text to be added)

ARTICLE V, Vehicle Weights and Dimensions

§ 228-33. Restrictions.

No person shall operate or move or cause or knowingly permit to be operated or moved on any highway or bridge thereon, within the City limits, any vehicle or combination of vehicles of a size or weight exceeding the limitations provided for in this section. ~~Except as otherwise specifically provided in Subsection N of this section, no person shall operate or move or cause or knowingly permit to be operated or moved on any highway or bridge thereon, within the city, any vehicle or combination of vehicles of a size or weight exceeding the limitations provided for in the rules and regulations of the Police Department of the City of Amsterdam adopted pursuant to this section.~~

A. Vehicles widths.

(1) The width of a vehicle, inclusive of load, shall be not more than 96 inches, plus safety devices, except that the maximum width of a vehicle, inclusive of load, shall be 102 inches, plus safety devices, on any qualifying or access highway. The maximum width of a vehicle, inclusive of load, shall not be more than 102 inches, plus safety devices, on any other highway with traffic lanes designed to be a width of 10 feet or more.

(2) The provisions of Subsection A(1) of this section shall not apply to vehicles and implements or combinations thereof, not over 13 feet in width and used solely for farm purposes, during the period from sunrise to sunset, provided that at least two red flags not smaller than 24 inches square be displayed on the left front and rear of each vehicle or implement or combination thereof in such a manner as to be clearly visible from the front and rear for a distance of at least 500 feet. However, no such vehicles, implements or combinations thereof shall be operated on any highway after 10:00 a.m. on any Saturday, Sunday or legal holiday, except for trips of two miles or less, nor upon any highway at any time on which operation is prohibited by order of the Amsterdam Police Department.

(3) The provisions of Subsection A(1) of this section shall not apply to vehicles and implements or combinations thereof not over 13 feet in width and designed and intended for use solely for farm purposes when owned or in the possession of a dealer in farm implements and equipment, including transportation of such vehicles, implements and combinations thereof as a load on another vehicle, such vehicle and load not to exceed 13 feet in width, during the same period and under the same conditions and restrictions as set forth in Subsection A(2) of this section.

(4) The provisions of Subsection A(1) of this section shall not apply to omnibuses or buses used solely for the transportation of children to and from school, but the width of such omnibuses shall not exceed 98 inches.

(5) Notwithstanding the provisions of Subsection A(1) of this section, the maximum width for omnibuses or buses having a carrying capacity of more than seven passengers shall not exceed 102 inches.

(6) Notwithstanding the provisions of Subsection A(1) of this section, racks for carrying hay, straw or unthreshed grain may have a width of 10 feet at the top of the rack. In no case shall the width at the

base of the rack exceed 102 inches, nor shall the width of a rack exceed 102 inches at any portion thereof while on any qualifying highway or access highway.

B. The height of a vehicle from underside of tire to top of vehicle, inclusive of load, shall be not more than 13 1/2 feet. Any damage to highways, bridges or highway structures resulting from the use of a vehicle exceeding 13 feet in height where such excess height is the proximate cause of the accident shall be compensated for by the owner and operator of such vehicle.

C. Vehicle length.

(1) The length of a single vehicle, inclusive of load and bumpers, shall be not more than 40 feet unless otherwise provided in this subsection.

(2) The length of a semitrailer or trailer shall not exceed 48 feet; provided, however, that the length of any trailer or semitrailer being operated in combination with another trailer or semitrailer shall not exceed 281 1/2 feet.

(3) The length of buses having a carrying capacity of more than seven passengers shall not exceed 40 feet, except that the length of articulated buses shall not exceed 62 feet.

(4) The provisions of this subsection shall not apply to fire vehicles.

D. Length of combination vehicles.

(1) The total length of a combination of vehicles, inclusive of load and bumpers, shall not be more than 65 feet.

(2) The provisions of Subsection D(1) of this section shall not apply to:

(a) A combination of vehicles being operated on any qualifying highway or access highway.

(b) Vehicles of a corporation which is subject to the jurisdiction of the Interstate Commerce Commission, the Public Service Commission or other regulatory body and which are used in the construction, reconstruction, repair or maintenance of its property or facilities, provided that any such vehicle complies with the safety requirements of the laws and regulations of the United States and of this state pertaining to over-length vehicles.

(c) Vehicles hauling poles, girders, columns or other similar objects of great length, provided that any such vehicle complies with the safety requirements of the laws and regulations of the United States and of this state pertaining to such over-length vehicles.

(d) Fire vehicles.

(e) A vehicle or combination of vehicles which is disabled and unable to proceed under its own power and is being towed for a distance not in excess of 10 miles for the purpose of repairs or removal from the highway.

(f) Stinger-steered automobile transporters, while operating on qualifying and access highways. Such vehicles shall not, however, exceed 65 feet exclusive of an overhang of not more than three feet on the front and four feet on the rear of the vehicle.

(3) Notwithstanding the provisions of Subsection D(1) of this section, an overhang of not more than three feet on the front and four feet on the rear of an automobile transporter or stinger-steered automobile transporter shall be permitted.

E. In determining the number of wheels and axles on any vehicle or combination of vehicles within the meaning of this section, only two wheels shall be counted for each axle, and axles which are less than 46 inches apart, from center to center, shall be counted as one axle. However, in the case of multiple tires or multiple wheels, the sum of the widths of all the tires on a wheel or combination of wheels shall be taken in determining tire width.

F. The weight per inch width of tire on any one wheel of a single vehicle or a combination of vehicles equipped with pneumatic tires, when loaded, shall be not more than 800 pounds.

G. The weight on any one wheel of a single vehicle or a combination of vehicles, equipped with pneumatic tires, when loaded, shall be not more than 11,200 pounds.

H. The weight on any one axle of a single vehicle or a combination of vehicles, equipped with pneumatic tires, when loaded, shall be not more than 22,400 pounds.

I. The weight on any two consecutive axles of a single vehicle or a combination of vehicles, equipped with pneumatic tires, when loaded, and when such axles are spaced less than eight feet from center to center, shall be not more than 36,000 pounds, except where axles are spaced eight feet or greater, but less than 10 feet, the weight on those two axles shall not exceed that permitted by Subsection J(2) of this section and, in addition, shall not exceed 40,000 pounds. Axles are to be counted as provided in Subsection E of this section.

J. A single vehicle or a combination of vehicles having three axles or more and equipped with pneumatic tires, when loaded, may have a total weight on all axles not to exceed thirty-four thousand pounds, plus one thousand pounds for each foot and major fraction of a foot of the distance from the center of the foremost axle to the center of the rearmost axle. Axles are to be counted as provided in

Subsection E of this section. In no case, however, shall the total weight exceed 80,000 pounds. For any vehicle or combination of vehicles having a total gross weight less than ~~71,000~~ 34,000 pounds, the higher of the following shall apply:

(1) The total weight on all axles shall not exceed 34,000 pounds, plus 1,000 pounds for each foot and major fraction of a foot of the distance from the center of the foremost axle to the center of the rearmost axle; or

(2) The overall gross weight on a group of two or more consecutive axles shall not exceed the weight produced by application of the following formula:

$$W = 500 [(L \times N)(N - 1)(12 \times N) + 36] \text{ -----}$$
$$W = 500 [(L \times N)/(N - 1) + (12 \times N) + 36]$$

Where:

W = Overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds.

L = Distance in feet from the center of the foremost axle to the center of the rearmost axle of any group of two or more consecutive ~~axles~~ angles.

N = Number of axles in group under consideration, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds, each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is ~~36~~ 35 feet or more.

(3) For any vehicle or combination of vehicles having a total gross weight of 71,000 pounds or greater, Subsection J(2) shall apply to determine maximum gross weight which is permitted hereunder.

J-a (1) Notwithstanding the provisions of subdivisions G, H, I, J, K and L of this section, the calculation of weight pursuant to such subdivisions shall exclude the actual weight, not to exceed four hundred pounds, of a fully-functioning idle reduction device installed on a vehicle or combination of vehicles that are subject to such subdivisions, provided that the operator of such vehicle: (i) maintains written certification of the actual weight of such device and acceptable proof that it is fully functional; and (ii) provides such certification and proof, upon request, to a law enforcement officer or any other officer or employee authorized to enforce this section. Acceptable proof of the functionality of such device shall consist of written certification from the manufacturer of such idle reduction device, physical demonstration, or any other documentation acceptable to the commissioner of transportation as may be set forth in regulations promulgated by such commissioner after consultation with the commissioner of environmental conservation.

(2) For the purposes of this subdivision, the following terms shall have the following meanings: (i) "auxiliary power unit" shall mean an integrated system that (A) provides heat, air conditioning, engine warming, or electricity to components on a vehicle which is subject to the provisions of this section and (B) is certified under part eighty-nine of title forty of the code of federal regulations (as may from time to time be amended) as meeting applicable emission standards; and (ii) "idle reduction device" shall mean an auxiliary power unit or other technology that is used to reduce long-duration idling (as such term is defined in paragraph seven of subdivision (a) of section 16104 of the United States code as may from time to time be amended) and allows for the main drive engine or auxiliary refrigeration engine to be shut down.

K. A vehicle or combination of vehicles equipped with any solid rubber tires shall not have weights more than 80% of those permitted in this section for pneumatic tires.

L. Motor vehicles or vehicles drawn by motor vehicles when equipped with metal tires shall not have weights more than 40% of those permitted in this section for pneumatic tires.

M. For the purpose of this section, the width of pneumatic tires shall be ascertained by measuring the greatest width of the tire casing when tire is inflated. The width of solid rubber tires shall be ascertained by measuring the width of the tire base channel or between the flanges of the metal rim, provided that no vehicle equipped with solid rubber tires shall be operated upon a public highway in the City of Amsterdam, which has at any point less than one inch of rubber above the top or beyond the flange or rim. The width of metal tires shall be ascertained by measuring the width of contact of the tire with the road surface.

N. No person shall operate or move a vehicle or a combination of vehicles over, on or through any bridge or structure on any highway if the weight of such vehicle, or combination of vehicles, and load, is greater than the posted capacity of the structure or exceeds the height of the posted clearance as shown by an official sign.

O. Except as provided in Subsection P of this section, the violation of the provisions of this section ~~by the operator of a vehicle which exceeds the limitations provided for in the rules and regulations of the Amsterdam Police Department~~ shall be punishable by a fine of not less than \$200 nor more than \$500 or

by imprisonment for not more than 30 days, or by both such fine and imprisonment for the first offense; by a fine of not less than \$500 nor more than \$1,000 or by imprisonment for not more than 60 days, or by both such fine and imprisonment, for the second or subsequent offense, provided that a sentence or execution thereof for any violation under this subdivision may not be suspended.

P. Penalties for offenses.

(1) A violation of the provisions of Subsection H, I or J of this section by any vehicle or combination of vehicles whose weight exceeds the weight limitations as set forth in this section, or a violation of the weight limitations specified by permit issued pursuant to subdivision fifteen of Vehicle and Traffic Law §385 shall be punishable by fines levied on the registered owner of the vehicle or vehicles, whether at the time of the violation the vehicle was in the charge of the registered owner or his agent or lessee in accordance with the following schedule:

<u>Percent of excess weight</u> (percentage)	<u>less than</u>	<u>Amount of fine greater than</u>	<u>or equal to</u>	<u>(dollars)</u>
0	2.0	150		
2.0	4.0	300		
4.0	6.0	450		
6.0	7.0	525		
7.0	8.0	600		
8.0	10.0	750		
10.0	12.0	950		
12.0	14.0	1,150		
14.0	16.0	1,350		
16.0	18.0	1,550		
18.0	20.0	1,750		
20.0	22.0	1,950		
22.0	24.0	2,150		
24.0	26.0	2,350		
26.0	28.0	2,550		
28.0	30.0	2,750		
30.0	32.0	2,950		
32.0	34.0	3,150		
34.0	36.0	3,350		
36.0	38.0	3,550		
38.0	40.0	3,750		
40.0		3,750		
or greater		plus \$ 125 for		
		each percent		
		over 40 percent		

(NOTE: Where the total weight, axle weight or axle grouping weight is greater than seven percent including any applicable enforcement scale tolerance in excess of the limits specified by a permit, the permit shall be deemed voided and then the amount of fine shall be determined in accordance with the maximum weight which would have been in effect for the operation of such vehicle if the permit to exceed such maximum weight had not been issued.

<u>Excess Total Weight</u> (pounds)	<u>Amount of Fine</u>
0 to 2,000	\$50
2,000 to 3,000	\$75
3,000 to 4,000	\$100
4,000 to 5,000	\$200
5,000 to 6,000	\$300
6,000 to 7,000	\$400
7,000 to 8,000	\$500
8,000 to 9,000	\$600
9,000 to 10,000	\$700
10,000 to 15,000	\$1,200
15,000 to 20,000	\$1,700
20,000 to 25,000	\$2,200
25,000 to 30,000	\$2,700
30,000 and over	\$0.06 for each pound in excess of 30,000

~~————— (NOTE: Where the excess total weight is greater than 10,000 pounds in excess of limits specified by a permit, the permit shall be deemed voided and then the amount of fine shall be determined in accordance with the maximum weight which would have been in effect for the operation of such vehicle if the permit to exceed such maximum weight had not been issued.) —————~~

(2) ~~A violation of the provisions of Subsections H or I of this section by any vehicle or combination of vehicles whose weight exceeds the weight limitations as set forth in this section shall be punishable by fines levied on the registered owner of the vehicle or vehicles, whether at the time of the violation the vehicle was in the charge of the registered owner or his agent or lessee, in accordance with the following schedule:~~

Percentage of Excess Weight	Amount of fine
0 to 5.0	\$100
5.0 to 10.0	\$200
10.0 to 15.0	\$350
15.0 to 20.0	\$600
20.0 to 25.0	\$1,000
25.0 to 30.0	\$1,600
30.0 and over	\$2,450

~~————— (NOTE: Where the excess axle or axles weight is greater than 10% in excess of the limits specified by a permit, the permit shall be deemed voided and then the amount of fine shall be determined in accordance with the maximum weight which would have been in effect for the operation of such vehicles if the permit to exceed such maximum weight had not been issued.) —————~~

(3) ~~In connection with the weighing of a vehicle or combination of vehicles, if it is found that there is a violation of Subsection J and also of Subsection H or I or both Subsections H and I of this section, there shall be a single fine imposed and the maximum amount of such fine shall not exceed the highest fine that could be imposed under Subsection P(1) of this section.~~

(4) ~~Notwithstanding Subsection P(1) of this section, a violation of the provisions of Subsection J of this section or of the provisions of the rules or regulations of the Amsterdam Police Department setting forth the maximum allowable gross weight for the operation of a vehicle in the City of Amsterdam without a permit for such vehicles, by any vehicle or combination of vehicles whose weight exceeds the weight limitations as set forth in this section, or such rules and regulation, excluding enforcement scale tolerance not to exceed 5%, shall be punishable by fines levied on the registered owner of the vehicle or vehicles, whether at the time of the violation the vehicle was in the charge of the registered owner or his agent or lessee in accordance with the following schedule:~~

Excess Total Weight (pounds)	Amount of Fine
0 to 2,000	\$50
2,000 to 3,000	\$75
3,000 to 4,000	\$100
4,000 to 5,000	\$200
5,000 to 6,000	\$300
6,000 to 7,000	\$400
7,000 to 8,000	\$500
8,000 to 9,000	\$600
9,000 to 10,000	\$700
10,000 to 15,000	\$1,200
15,000 to 20,000	\$1,700
20,000 to 25,000	\$2,200
25,000 to 30,000	\$2,700
30,000 to 35,000	\$3,200
35,000 to 40,000	\$3,700
40,000 to 45,000	\$4,200
45,000 or greater	\$4,700

~~————— (NOTE: Where the excess total weight is greater than the limits specified by a permit, the permit shall be deemed voided and then the amount of fine shall be determined in accordance with the maximum weight which would have been in effect for the operation of such vehicle if the permit to exceed such maximum weight had not been issued.) —————~~

~~(5) Notwithstanding Subsection P(2) of this section, a violation of the provisions of Subsection H or I of this section or of the provisions of the rules and regulations of the Amsterdam Police Department setting forth the maximum allowable axle or tandem axle weight for the operation of a vehicle in the City of Amsterdam without a permit for such vehicle, by any vehicle or combination of vehicles whose weight exceeds the weight limitations as set forth in this section or such rules or regulations, shall be punishable by fines levied on the registered owner of the vehicle or vehicles, whether at the time of the violation the vehicle was in the charge of the registered owner or his agent or lessee, in accordance with the following schedule:~~

Percentage of Excess Weight	Amount of Fine
0 to 5.0	\$100
5.0 to 10.0	\$200
10.0 to 15.0	\$350
15.0 to 20.0	\$600
20.0 to 25.0	\$1,000
25.0 to 30.0	\$1,600
30.0 to 35.0	\$2,450
35.0 to 40.0	\$3,600
40.0 to 45.0	\$5,100
45.0 and greater	\$7,000

~~(NOTE: Where the excess axle or axles weight is greater than the limits specified by a permit, the permit shall be deemed voided and then the amount of fine shall be determined in accordance with the maximum weight which would have been in effect for the operation of such vehicle if the permit to exceed such maximum weight had not been issued.)~~

Q. If a vehicle or combination of vehicles is operated in violation of this section, an appearance ticket or summons may be issued to the registrant of the vehicle or, if a combination of vehicles, to the registrant of the hauling vehicle rather than the operator. In the event that the vehicle is operated by a person other than the registrant, any appearance ticket or summons issued to the registrant shall be served upon the operator, who shall be deemed the agent of the registrant for the purpose of receiving such appearance ticket or summons. Such operator-agent shall transmit such ticket or summons to the registrant of the vehicle or the hauling vehicle. If the registrant does not appear on the return date, a notice establishing a new return date and either containing all pertinent information relating to the charge which is contained on the summons or appearance ticket or accompanied by a copy of the information or complaint shall also be mailed by certified or registered mail by or on behalf of the City Court before whom the appearance ticket or summons is returnable to the registrant at the address given on the registration certificate for the vehicle or, if no registration certificate is produced at the time the appearance ticket or summons is issued, to the address of the registrant on file with the department or given to the person issuing the appearance ticket or summons. ~~Whenever proceedings in City Court result in a conviction for a violation of this section and the Court has made the mailing specified herein, the Court shall levy a mandatory surcharge, in addition to any sentence or other surcharge required or permitted by law, in the amount of \$30. This mandatory surcharge shall be paid to the clerk of the court that rendered the conviction. Within the first 10 days of the month following collection of the mandatory surcharge by City Court, the Court shall pay such money to the City Controller who shall credit such money to the account of the Amsterdam Police Department.~~ The provisions of this subdivision shall not apply to owner-operators of any motor vehicle or to any motor vehicle or trailer which is registered in the name of a person whose principal business is the lease or rental of motor vehicles or trailers unless the motor vehicle or trailer is being operated by any employee of the registrant or for a community of interest other than the lease or rental agreement between the parties to the lease or rental agreement.

R. The City court may impose any sentence authorized by this chapter; provided, however, that any such sentence must include a fine as provided in this section.

S. ~~In any case wherein the charge laid before the City court alleges a violation of this section, any plea of guilty thereafter entered in satisfaction of such charge must include at least a plea of guilty to a violation of one of the subsections of this section. No other disposition by plea of guilty to any other charge in satisfaction of such charge shall be authorized; provided, however, that if the District Attorney, upon reviewing the available evidence, determines that the charge of a violation of this section is not warranted or under the circumstances not appropriate, he may consent and the court may allow a disposition by plea of guilty to that or another charge in satisfaction of such charge; provided, however,~~

that the court must impose at least the minimum fine as authorized in this section for the offense of conviction.

SECTION 3. SEVERABILITY

Should any section or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole or any parts thereof other than the part so decided to be unconstitutional or invalid.

SECTION 4. ENABLING LEGISLATION

This Local Law is adopted pursuant to the authority granted by Section 1640 of the Vehicle and Traffic Law of the State of New York.

SECTION 5. EFFECTIVE DATE

This local law shall be effective when filed with the Secretary of State.

COMMON COUNCIL
City of Amsterdam, NY

	<u>Aye</u>	<u>Nay</u>
<u>Alderman Isabel</u>		
<u>Alderwoman Beekman</u>		
<u>Alderwoman DeRossi</u>		
<u>Alderman Dybas</u>		
<u>Alderman Leggiero</u>		

ANN M. THANE, MAYOR

Dated: _____, 2012