

LOCAL LAW NO.: \_\_\_\_\_ - 2010

OF

**JUNE 14 2010**

**A LOCAL LAW AMENDING CITY CHARTER SECTIONS C9.03 ENTITLED  
“DUMPSTER USER FEES” AND C9.33 ENTITLED “USER FEES TO BE CHARGED FOR  
COLLECTION” OF THE CODE OF THE CITY OF NEWBURGH**

**BE IT ENACTED** by the City Council of the City of Newburgh as follows:

**SECTION 1 - TITLE**

This Local Law shall be referred to as “A Local Law Amending User Fees to be Charged for Sanitation Collection as Set Forth in City Charter Sections C9.03 entitled “Dumpster User Fees” and C9.33 entitled ‘User Fees to be Charged for Collection’ of the Code of the City of Newburgh”.

**SECTION 2 - PURPOSE AND INTENT**

The City Council finds that it is necessary to have a consolidated schedule of fees and to bill refuse collection fees at the beginning of the collection calendar quarter to promote proper governmental administration. Accordingly, the City Council finds it is in the best interests of the City of Newburgh to amend City Charter Sections C9.03 and C9.33 to provide that the fees for the collection and disposal of garbage, trash, refuse and recyclables be removed from the City Charter and be relocated in Chapter 163, entitled “Fees”, and that the billing schedule be amended for these purposes. This local law is enacted under the authority granted to municipalities under the Municipal Home Rule Law of the State of New York.

**SECTION 3 - AMENDMENTS**

**Subsections A and D of City Charter Section C9.03 entitled “Dumpster User Fees” of the Code of the City of Newburgh are hereby amended to read as follows:**

**§ C9.03. Dumpster User Fees**

- A. The owners of all properties where dumpsters are serviced by the city, within the City of Newburgh, shall be charged for the removal of wastes generated by such properties at a rate [ of one hundred twenty dollars (\$120.) per month per dumpster for waste generated at said property ] as set forth in Chapter 163, “Fees” of this Code. A dumpster is defined as having a volume not exceeding two (2) cubic yards. Dumpsters exceeding two (2) cubic yards will not be serviced by the city.

- D. The Council shall adjust the above rates from time to time so that the amount charged shall be sufficient to fund the operating costs of garbage collection services [ offered to commercial properties ] together with an appropriate proportional share of such capital improvements, principal and interest payments on bonds that may be issued to finance such garbage collection operations, and such other related expenses as the Council may deem necessary to fund [ the ] collection operations [ related to commercial properties ] , all under the Sanitation Fund.

Subsections D and E of City Charter Section C9.33 entitled “User fees to be charged for collection” of the Code of the City of Newburgh are hereby amended to read as follows:

§ C9.33. User fees to be charged for garbage collection.

D. Fees defined and set.

(1) Stop fee. A stop fee is the fee for the garbage truck making a stop in front of a property. The stop fee shall be computed as set forth in Chapter 163, Fees, of this Code. [ is set at ten dollars (\$10) per month for each tax lot within the city, whether or not a building is erected thereon.]

(2) Dwelling unit fee. A dwelling unit fee is the fee charged for collection of garbage from one (1) dwelling unit for a period of one (1) month. The dwelling unit fee shall be computed as set forth in Chapter 163, Fees, of this Code. [ twelve dollars (\$12.) per month per dwelling unit. ]

(3) The Council shall adjust the above rates from time to time so that the amount charged shall be sufficient to fund the operating costs of garbage collection services together with an appropriate proportional share of such capital improvements, principal and interest payments on bonds that may be issued to finance such garbage collection operations, and such other related expenses as the Council may deem necessary to fund collection operations, all under the Sanitation Fund.

E. Bills for sanitation user fees. Bills for sanitation user fees shall be prepared and sent to each owner on a quarterannual basis, starting on August 1, 1991, in the same manner as water and sewer charges are now billed and distributed, except that sanitation user fees shall be billed and paid during the first month of the calendar quarter in which sanitation removal services are performed, in the months of January, April, July and October. Bills for user fees shall be payable within the same time limits as may be prescribed in the Charter for the payment of water bills.

#### **SECTION 4 - VALIDITY**

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

**SECTION 5 - EFFECTIVE DATE**

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law, except that sanitation fee billings for the months of May through August 2010 shall be billed in August 2010 and sanitation fee billings for the months of September through December 2010 shall be billed in November 2010.

[Brackets] denote deletions  
Underlining denotes additions