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**A LOCAL LAW AMENDING CHAPTER 163  
ENTITLED "FEES" 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 Chapter 163 entitled 'Fees' of the Code of the City of Newburgh".

**SECTION 2 - PURPOSE AND INTENT**

The purpose of this local law is to amend Chapter 163 of the Code of the City of Newburgh to promote proper governmental administration and to provide for a consolidated schedule of fees involving the administration of City ordinances, local laws, rules and regulations. Accordingly, the City Council finds it is in the best interests of the City of Newburgh to amend Chapter 163. 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 - AMENDMENT**

Chapter 163 entitled "Fees" of the Code of the City of Newburgh is hereby amended to read as follows:

§ 163-1. Applicability.

Notwithstanding any other provision in this Code, the following fees shall be applicable and payable to the City of Newburgh for the following uses, services and licenses.

§ 163-2. Code compliance.

The following code compliance fees shall be charged:

A. Social services:

(1) Pre-rental inspection: [\$50.] \$75.

- (2) Each re-inspection: [\$25.] \$50.
- B. Certificate of occupancy:
  - (1) Single-family or two-family residence: \$[100] 120.
  - (2) Residential accessory structure/residential addition, alteration or renovation: \$50.
  - (3) Multiple-family residence (three units and above): \$[300] 360.
  - (4) Commercial/industrial: \$[300] 360.
  - (5) Re-inspection: \$200.
  - (6) Copy of certificate of occupancy: \$25.
  - (7) Violation search: [\$20] \$100, plus \$0.25 per copy.
  - (8) Street reports: \$20.
- C. Trailers:
  - (1) (Reserved)
  - (2) Temporary (used by contractors as offices during construction):
    - (a) One to 10 days maximum: \$50.
    - (b) Ten to 30 days maximum: \$100.
- D. Blasting permit: [\$100.] \$250.
- E. Sign permits: \$[100] 120.
- F. Scaffold permit: [\$25] \$50 per erection.
- G. Dumpster permit: \$25.
- H. Permit for use of crane (See Chapter 139.):
  - (1) Three days maximum: [\$100.] \$300.
  - (2) After three days: \$50 per day.
- I. Wood- or coal-burning stove permit:
  - (1) Construction: \$25.

- (2) After three days: \$50 per day.
- J. Boiler permit: \$25.
- K. Swimming or bathing pool permit: [~~\$25.~~] \$50.
- L. Fence permit: \$25.
- M. Place of assembly category buildings, annual inspection: [~~\$100.~~] \$150.
- N. Commercial buildings (other than public assembly category), annual inspection: [~~\$50.~~] \$75.00

§ 163-3. Sewer and water.

The following sewer and water fees shall be charged:

- A. Utility service connection: The following utility connection fees shall be charged for all new connections to water and sewer systems in the City of Newburgh:
  - (1) One- and two-family residential: \$100.
  - (2) Multifamily (three and above), commercial, industrial: \$300.
- B. Sewer fees (See Chapter 248.):
  - (1) Sewer connections (openings or alteration):
    - (a) Residential (one- and two-family): \$100.
    - (b) Multifamily (three and above), commercial, industrial gravity sewer connection: \$200.
  - (2) Septic systems and other private sewage disposal systems:
    - (a) Residential new system or repair of existing: \$100.
  - (3) Inspections and tests (See Chapter 293.):
    - (a) Water: [~~\$5.~~] \$25.
    - (b) Sewer: [~~\$5.~~] \$25.
    - (c) Sewer and water: [~~\$10.~~] \$50.

- (d) Performance of dye or peppermint test: [~~\$15~~] \$50 plus the cost of the dye or peppermint up to [~~\$14~~] \$20 per pound.
- (4) Minimum sewer charge: \$1 per quarter.
- (5) Permit for the discharge from private sewage disposal system to public sewer:
  - (a) Application fee: \$100.
  - (b) Discharge fee: The rate established by the sewage treatment plant manager based upon the cost of processing the particular type of waste, market conditions, and the risks entailed to the plant by the processing of that particular type of waste so as to provide a reasonable return to the City, provided that such rate shall be no less than \$5 per 1,000 gallons of waste or the sewer use rent as may be established by § 248-1B of this Code multiplied by the rate per 1,000 gallons for outside City water users as may be established in § 163-3C(7) of this Code, whichever is greater.
- (6) Scavenger waste discharge:
  - (a) Annual license fee for vehicles transporting sewage to treatment plant: \$25.
  - (b) Discharge per 1,000 gallons or fraction thereof: \$5.
- (7) Industrial waste discharge permit:
  - (a) Industrial users: \$1,500 per year.
  - (b) Significant industrial users: \$11,500 per year.
- (8) Laundry sewage disposal:
  - (a) Sewage sludge: \$0.13 per gallon.
  - (b) Septage: \$0.13 per gallon.
  - (c) Leachate: \$0.13 per gallon.
  - (d) Laundry sewage: \$0.05 per gallon.
- C. Water service fees (See Chapter 293.):
  - (1) The charge for maintenance, repair or replacement of the water meter because of improper use, accident, freezing, vandalism, theft or removal without permission of the Superintendent or any other extraordinary cause shall be \$250, plus the actual cost of labor and parts required to repair or replace the meter. The penalty for unauthorized interference with, tampering with, unsealing of or removal of

water meters shall be \$500, plus cost of parts and labor for repair, replacement and/or resealing of meter. The charge for replacement of missing water meters shall be \$1,000, plus the actual cost of parts, labor and the cost to purchase a new meter.

- (2) Connection to City water main:
  - (a) One- and two-family residential: \$100.
  - (b) Multifamily (three and above), commercial and industrial: \$300.
  - (c) Water meters up to two inches in size shall be supplied by the City at no cost. The cost for meters over two inches shall be paid by the owner/applicant and shall be purchased by the owner/applicant from the supplier for the type and manufacturer as indicated by the Superintendent.
  - (d) The owner/applicant shall be responsible for the installation of the connection line from the main to the building, including the tapping valve or corporation stop, curb stop and box, as well as the meter and remote. All connection permit charges shall be paid at the time the application is approved.
- (3) Charge for restoration of service. When water service to any premises is requested to be turned off or when water service to any premises has been turned off upon the order of the owner/customer or for any of the above reasons and service at any premises is again desired by the same owner/customer, including seasonal customers, it shall be done by a City of Newburgh licensed plumber at the cost to the owner/customer. If the City shuts off the water service at the water main for any violation of Chapter 293, the owner shall be charged the actual cost of the termination which shall be included on the owner's next water bill. If the owner requests the water service to be turned on after the violation of Chapter 293 has been corrected and lifted by the Superintendent, the reconnection shall be done by a City of Newburgh licensed plumber and contractor with all costs borne by the owner.
- (4) Final/closing reading of meter at customer request: \$35.
- (5) Check reading of water meter fee: \$35; whenever the accuracy of a meter reading is questioned by the owner/customer, a check reading of the meter shall be done by the Water Department. The expense incurred in making such check reading shall be borne by the owner/customer, except on the occasion when the reading was found to be inaccurate, the cost shall be borne by the City.
- (6) Meter test fee (requested by owner):

Meter Size (inches)	Fee
5/8 to 1	\$25
1 1/2 to 2	\$40

(7) Quarterly metered rates.

(a) Quarterly metered rates per 1,000 gallons:

[1] First 1,000 gallons:

[a] Inside City: \$[3.970.] 5.570.

[b] Outside City: \$[5.901.] 8.360.

[2] Additional usage will be charged at a flat rate of \$[3.970] 5.570 (\$[5.901] 8.36 outside City) per 1,000 gallons.

(b) Minimum quarterly charge.

Meter Size (inches)	Gallons Allowed	New Inside City	Outside City
+5/8	9,000	\$[35.73] <u>50.13</u>	\$[53.11] <u>75.24</u>
3/4	14,000	\$[55.58] <u>77.98</u>	\$[82.61] <u>117.04</u>
1	24,000	\$[95.28] <u>133.68</u>	\$[141.62] <u>200.64</u>
1 1/2	42,000	\$[166.74] <u>233.94</u>	\$[247.84] <u>351.12</u>
2	83,000	\$[329.51] <u>462.31</u>	\$[489.78] <u>693.88</u>
3	120,000	\$[476.40] <u>668.40</u>	\$[708.12] <u>1,003.20</u>
4	180,000	\$[714.60] <u>1,002.60</u>	\$[1,062.18] <u>1,504.80</u>
6	315,000	\$[1,250.55] <u>1,754.55</u>	\$[1,858.82] <u>2,633.40</u>
8	675,000	\$[2,679.75] <u>3,759.75</u>	\$[3,983.18] <u>5,643.00</u>

(c) Surcharge. A surcharge shall be added to the above charges for water services in the amount of 14%. This extra charge is made for the purpose of financing the cost of obtaining water from the New York City Aqueduct. Such surcharge shall be effective on October 1, 1981, and shall continue to be made in every quarterly billing period in which any water is taken from the Aqueduct tap.

(8) Water Facility Charge:

(a) Each single-family dwelling will be assigned one unit.

(b) Each two-family dwelling will be assigned 1.75 units.

(c) Each three-family dwelling will be assigned 2.5 units.

(d) All other properties within the City, other than one, two and three family dwellings, will be assigned one unit for every \$30,000.00 in their total assessed value (approved prior to applying exceptions, abatements, etc.)

(e) Quarterly water facility charge: \$7.30 per unit as determined by subsection 8(a), (b), (c) and (d) above.

(f) Minimum water facility charge: \$1 per quarter.

[(8)] (9) Hydrant charge, outside City: \$64 per hydrant per year.

[(9)] (10) Private sprinkler charge for connection to City mains.

Size of Lateral (inches)	Charge Per Year
2	\$36
3	\$54
4	\$72
6	\$135
8 and larger	\$180

D. Water system flow test or fire hydrant flow test: \$150 per hour.

E. Backflow preventer.

(1) Application fee: \$100.

(2) Administrative processing fee for late filing of annual backflow prevention device testing report: \$25.

F. Fire hydrants:

(1) Permit to use hydrant: \$100 per day.

(2) Deposit for connection and wrenches: \$100.

§ 163-4. Streets and sidewalks.

Fees for the various activities associated with streets and sidewalks shall be as follows:

A. Street opening permit: [~~\$125~~] \$175.

B. Sidewalk permit: [~~\$50~~] 60.

C. Curb cut permit: \$75.

D. Loading zones (See § 288-29.): \$100 per year.

E. Handicapped parking spaces (See § 288-34D.): \$25.

§ 163-5. Trades, businesses, professions and other activities.

The following fees shall be charged for permits and licenses for the trades, businesses, professions and activities listed below:

A. Electrical (See Chapter 155.):

(1) Electrical licenses:

(a) Master electrician (Class A).

[1] New license: [~~\$300.~~] \$350.

[2] Renewal: [~~\$100.~~] \$300 every two years.

(b) Master electrician (Class B).

[1] Temporary (one job only): [~~\$300.~~] \$750.

(c) Special electrician (Class C).

[1] New license: \$50.

[2] Renewal: [~~\$25.~~] \$50.

(2) Plate or sign: \$10.

(3) Manual of rules and regulations for electrical examiners (See Chapter 30.): \$5 per copy.

(4) Electrical permit: [~~\$15~~] \$25 per permit.

B. Plumbing (See Chapter 230.):

(1) Examinations:

(a) Application: \$300 nonrefundable, including one reexamination.

(2) License (certificate of competency):

(a) Certificate of registration: [~~\$50.~~] \$250.

- (b) Renewal:
  - [1] Within 30 days of expiration: [~~\$50.~~] \$100.
  - [2] If renewed after January 1: [~~\$65.~~] \$125.
  - [3] Sticker: \$5 per vehicle per year.

(3) Plumbing Permit

- (a) 1-5 fixtures: \$30.
- (b) 6 or more fixtures: \$50.

C. Gasoline and petroleum tanks (See Chapter 263, Article IV.):

- (1) Permit for installation of gasoline tanks: [~~\$250.~~] \$350.
- (2) Operation of petroleum dispensers: [~~\$50~~] \$100 per year.
- (3) Gas pump within line of street: \$50 per year.
- (4) Permit for installation of combustible liquid tank:
  - (a) Tanks of 275 gallons (up to two tanks): no fee.
  - (b) Tanks of 550 gallons: \$50.
  - (c) Tanks of 1,000 gallons and larger: [~~\$100~~] \$250 for tanks of 1,000 gallons and \$15 for each additional 1,000 gallons of tank capacity.
- (5) Permit for removal of tank: \$25 per tank.

D. Taxis and vehicles for hire (See Chapter 272.):

- (1) Taxicab license fee: [~~\$150~~] \$400 per year.
- (2) Taxicab driver's license application: [~~\$50 per year~~] \$100.
- (3) Taxicab license: \$100 per year.

E. Peddlers (See Chapter 223.):

- (1) Application fee: [~~\$50~~] \$75, nonrefundable.
- (2) License fees:

Activity	Per Week	Per Month	PerYear
Peddling on foot	\$10	\$25	\$100
Peddling with handcart or pushcart	\$25	\$50	\$200
Peddling with vehicle (1 person)	\$25	\$50	\$200
Each helper to person peddling with a vehicle	\$5	\$40	\$50

F. Cabaret license (See Chapter 108.):

(1) Per year: \$100.

(2) Per day: \$10.

G. Bowling alley license: \$25 per year.

H. Roller-skating rink license (See Chapter 108.): \$75 per year.

I. Boxing or wrestling match license (See Chapter 108.): \$150 per year.

J. Motion-picture shows (See Chapter 108.): \$150.

K. (Reserved)

L. (Reserved)

M. Junkyard license (See Chapter 198.): [~~\$100~~] \$250 annually.

N. Vehicle license for private garbage collectors (See Chapter 183.): [~~\$100.~~] \$200.

O. Garage sale permit (See Chapter 181.): [~~\$3~~] 5.

P. Newsracks (See Chapter 209.):

(1) Annual permit fee: \$25.

(2) Renewal: \$25.

(3) Inspection fee: \$10.

Q. Wreckers and towers (See Chapter 297.):

(1) Annual license fee: \$150 for the first two vehicles.

(2) For each truck or vehicle in excess of two: \$25.

R. Letter and parcel receptacles (See Chapter 207.):

- (1) Annual permit fee: \$25.
- (2) Renewal: \$25.
- (3) Inspection fee: \$10.

S. Public assembly:

- (1) Permit fee: \$[25] 50.

§ 163-6. Planning, zoning and building fees.

A. Land subdivision (See Chapter 266, Subdivision of Land.):

- (1) Lot line change and two-lot subdivision of parcel containing an existing residential structure: \$200.
- (2) Minor subdivision of four lots or fewer: \$200.
- (3) Major subdivision of five lots or more: \$200 plus \$50 per lot.
- (4) Cost of professional services required in subdivision review process.
  - (a) On all applications for subdivision approval to the Planning Board, the applicant shall, in addition to any fees established pursuant to Subsection A(1) or (2) of this section and in addition to any fees established by § 163-7 of this chapter, pay the actual cost of the following services which may be reasonably required by the Planning Board in the processing of the application:
    - [1] Engineering services.
    - [2] Review during construction, inspection services.
    - [3] Planning services.
  - (b) The sums of money deposited pursuant to this subsection shall be placed in an escrow account to cover such costs, which account shall be drawn against in the course of the review of the particular application. Subsequent deposits shall be required as needed.
- (5) Inspection of public improvements: 4% of the value of bonded improvements.
- (6) Recreation fee in lieu of land at the Planning Board's discretion: \$500 per lot for a subdivision of four lots or fewer (minor subdivision); provided, however, that if

a lot contains an existing single-family dwelling unit, such lot (and only one) shall be excluded from the calculation; \$500 per lot including the first four lots for subdivisions greater than four (major subdivision). For residential site plans, including but not limited to newly created condominiums, multiple dwellings (three and greater) and two-family homes: \$1,000 for each residential unit.

- (7) Public hearing: \$150. Cost for obtaining a public hearing notification list from the City Assessor: \$50.

B. Site plan review (see Chapter 300, Zoning.):

- (1) Review fees.

- (a) Residential:

- [1] Site plan containing four dwelling units or fewer: \$300.
    - [2] Site plan containing five dwelling units or more: \$300 plus \$150 per unit.

- (b) Commercial: \$1,000 plus \$200 per 1,000 square feet of floor area.

- (2) Inspection of public improvements: 4% of the approved estimated value of bonded improvement.

- (3) Cost of professional services required in site plan review process.

- (a) On all applications for subdivision approval to the Planning Board, the applicant shall, in addition to any fees established pursuant to Subsection B(1) of this section and in addition to any fees established by § 163-7 of this chapter, pay the actual cost of the following services which may be reasonably required by the Planning Board in the processing of the application:

- [1] Engineering services.
    - [2] Review during construction, inspection services.
    - [3] Planning services.

- (b) The sums of money deposited pursuant to this subsection shall be placed in an escrow account to cover such costs, which account shall be drawn against in the course of the review of the particular application. Subsequent deposits shall be required as needed.

C. Building permit applications:

- (1) Upon filing of an application for a building permit for a new residential structure,

the following fee shall be charged: [~~\$200~~] \$250, plus [~~\$0.20~~] \$0.25 per square foot of floor area.

- (2) Upon filing of an application for a building permit for a new commercial or industrial structure, the following fee shall be charged: [~~\$300~~] 350, plus [~~\$0.20~~] 0.25 per square foot of floor area.
- (3) Upon filing of an application for a building permit for an addition, alteration, renovation or accessory building, the following fee shall be charged: [~~\$10~~] 12.50 per \$1,000 of construction value. Minimum fee of \$50 for a Building Permit.
- (4) Upon filing of an application for a building permit for demolition, the following fee shall be charged: [~~\$50~~] 75 per story.
- (5) Failing to apply for a building permit prior to the commencement of work, the following fee shall be charged in addition to the amounts charged in Subsection C(1), (2) and (3) of this section: 50% of the application fee for a residential structure or \$200 for a commercial structure.
- (6) Required inspections for building permit applications conducted outside of regular working hours: \$150.
- (7) Informational Report: \$50.

D. Miscellaneous planning, zoning and Building Department fees:

- (1) Zoning Board of Appeals (See Chapter 300.):
  - (a) Variances and requests for interpretation:
    - [1] Residential: \$150.
    - [2] Commercial: \$250.
  - (b) Transcript of proceedings: \$3 per page.
  - (c) Assessor's public hearing notification list: \$50.
- (2) Planning Board (See Chapter 300.):
  - (a) Special use permits:
    - [1] Residential: \$150.
    - [2] Commercial: \$250.
  - (b) Transcript of proceedings: \$3 per page.

- (c) Assessor's public hearing notification list: \$50.
  - (3) Applicants shall, at the discretion of the particular Board involved, reimburse the cost of professional services required in the review process based on the most current rate. Payment shall be made prior to each stage of submission.
  - (4) All requests for certification letters, including but not limited to flood control, certification, certificates of occupancy, abstract, title search, zoning and road ownership certificates: \$100 per certified letter.
  - (5) Re-inspection, other than for a certificate of occupancy for the same site.
    - (a) Residential site: \$40 per additional inspection of the same site for the same purpose.
    - (b) Commercial site: \$75 per additional inspection of the same site for the same purpose.
  - (6) Inspections requested outside normal business hours: \$150, plus reimbursement of overtime costs.
  - (7) Surcharge for starting work without a permit:
    - (a) Residential: 50% of building permit fee.
    - (b) Commercial/industrial: \$200.
  - (8) Floodplain development permit application: \$100.
  - (9) City street curb cut/driveway permit: \$75.
- E. Subdivision, site plan, architectural review and site preparation application professional service fees; commercial permit review.
- (1) Legislative intent. By enactment of this section, the City Council of the City of Newburgh recognizes the need of ensuring that the engineering, planning, technical, environmental, legal and clerical costs incurred by the City in processing and reviewing land use approvals be borne by the applicant/developer and not by the general public. To this end, it is the intent of this section to require the applicant/developer within the City of Newburgh to deposit with the City, in escrow, certain fees which are reasonably related to the complexity of the application and necessitate review by the City through its consultants as a condition precedent to the processing and review of any application. Additionally, this section shall also require the deposit of escrow fees with the City to cover the costs for review of an applicant/developer's environmental impact statement in

accordance with Environmental Conservation Law § 8-0113 and 6 NYCRR 617.17.

- (2) Fees for certain actions before the Planning Board.
  - (a) Upon application to the City of Newburgh Planning Board for any planning action or approval, the applicant shall deposit with the Secretary to the Planning Board an escrow to cover the costs being incurred by the City for all consultant services, including but not limited to engineering, planning and legal as well as clerical costs incurred in the processing and reviewing of such application.
  - (b) The City of Newburgh Planning Board shall compute the initial escrow charge in accordance with the following schedule:
    - [1] Residential subdivision: \$500.
    - [2] Commercial subdivision: \$1,000.
    - [3] Multifamily residential site plans and special permits: \$100 per dwelling unit.
    - [4] Commercial or other nonresidential site plans and special permits: \$1,000 plus \$200 per 1,000 square feet of building floor area or part thereof.
    - [5] State Environmental Quality Review Act (SEQRA):
      - [a] Long environmental assessment form: \$1,000.
      - [b] Environmental impact statement: \$7,500.
      - [c] Inspection fee for subdivision: 4% of amount of performance bond.
  - (c) Planning review fee deposits shall be made to the Secretary to the Planning Board and shall be placed in a separate non-interest-bearing account by the City of Newburgh.
  - (d) No review shall be under taken by the consultants nor shall the matter be scheduled before the Planning Board until the escrow account and all fees as set forth herein are paid.
  - (e) If the escrow account falls below 40% of the initial deposit, the Planning Board may, if recommended by the consulting engineer, planner or attorney, require that the applicant pay additional funds into the escrow account of up to 75% of the initial deposit.

- (f) In the event that an applicant shall withdraw his application at any stage of the proceedings or when the application review and approval process has been completed, the balance of funds after payment of all outstanding charges in the applicant's account shall be either remitted to the applicant within 60 days of final action by the Planning Board or, if so directed by the applicant, shall remain on deposit as the applicant's initial payment during the post-approval inspection requirements.
  - (g) The applicant shall be responsible for the payment of all the consultant services incurred by the Planning Board notwithstanding that the escrow account may be insufficient to pay for said fees or expenses.
  - (h) In the event that the Planning Board in the course of reviewing an application determines that the proposed action requires a positive declaration under SEQRA, all costs incurred by the Board for the review of any environmental impact statements, whether of a professional or clerical nature, shall be borne by the applicant pursuant to 6 NYCRR 617.8(a). Such costs shall be covered by an escrow account established pursuant to this subsection within 15 days of said positive declaration, in an amount as set forth in this Subsection E(2)(b).
- (3) Pending applications. All applicants with matters pending before the Planning Board as of the effective date of this section shall be required to post an escrow in the manner and upon the terms and conditions set forth below:
- (a) The Planning Board, in consultation with the applicant, shall compute the amount of the escrow to be posted with the City. Such amount shall be reasonably related to the costs attendant to the City's review of the application as of the effective date of this section. Under no circumstances shall the escrow include amounts attributable to any costs incurred by the City prior to the effective date of this section.
  - (b) Once computed and established by resolution of the Planning Board, the applicant shall, within 15 days of said resolution, post the escrow fees with the Secretary of the Planning Board. Failure to deliver said escrow fees may result in delay of the further processing of the application.

F. Rezoning fees.

- (1) Application to amend Zoning Ordinance or Zoning Map.
  - (a) For residential zoning amendments involving a single lot with single-family residences as the primary structures: \$200.
  - (b) For all other residential and for commercial zoning amendments: \$300.
- (2) Costs of professional services required for review of zoning amendment

application: at cost of professional services invoiced to City of Newburgh.

- (3) The applicant shall also be required to pay upon presentation the actual costs of publication and mailing of any and all notices required by any provision of this Code and other provisions of law.
- (4) Public hearing: \$150 plus cost of publication and transcription.

G. Professional service fees for rezoning applications, inspections, improvement districts, dedications and agreements.

- (1) Legislative intent. The City Council of the City of Newburgh hereby finds and determines that in order to protect and safeguard the City of Newburgh, its residents and their property, with respect to certain land developments in the City, applications for zoning amendments and rezonings should conform to the City's Comprehensive Plan as it may be amended from time to time and be the subject of such environmental reviews as are required by law; landscaping installations and erosion and sediment control measures should be designed and installed in a competent and workmanlike manner and in conformity with approved plans and all applicable government codes, rules and regulations; and special improvement district extensions and establishments, outside use agreements and dedications and conveyances to the City should be made in a legally sufficient manner. In order to assure the foregoing, it is essential for the City to have competent professionals retained by the City to review and make recommendations regarding proposed zoning amendments and rezonings, plans and designs to the City Council and Planning Board, inspect landscaping and erosion and sediment control measures, negotiate and draft appropriate agreements with those persons installing or constructing or proposing to install or construct highway, utility, drainage or park improvements to be dedicated or connected to City facilities, obtain, review and approve deeds, easements, securities, insurances and other legal instruments to assure that the City obtains good and proper title and is otherwise adequately protected. The costs of retaining such competent professionals should ultimately be paid by those who seek to profit from such developments rather than from the City general or improvement district funds which are raised by assessments paid by the taxpayers of the City.
- (2) Authority. This subsection is enacted under the authority of Subparagraphs a(12) and d(30) of Municipal Home Rule Law §§ 10(1)(ii) and 22. To the extent that General City Law §§ 83, 27-a, 32 and 33 do not authorize the City Council or City Planning Board to require the reimbursement to the City of professional expenses in connection with the review, inspection and approval of landscaping, erosion and sediment control measures for subdivisions and site plans, review and approval of districts and dedications and amendments to the Zoning Law, it is the express intent of the City Council to amend and supersede such statutes. More particularly, such statutes do not authorize the deferral or withholding of such approvals in the event that such expenses are not paid to the City. It is express

intent of the City Council to change and supersede General City Law §§ 83, 27-a, 32 and 33 to empower the City to require such payments as a condition to such approvals.

- (3) The applicant for approval of a zoning amendment or rezoning by the City Council shall reimburse the City for all reasonable and necessary professional expenses incurred by the City in connection with the review, preparation and consideration of such zoning amendment or rezoning and all environmental reviews in conjunction therewith.
- (4) A person who installs landscaping or erosion and sediment control measures or constructs or proposes to construct highway, drainage, utility or park improvements within or in conjunction with an approved subdivision or site plan in the City shall reimburse the City for all reasonable and necessary expenses incurred by the City in connection with the inspection of the landscaping or erosion and sediment control measures and the acceptance by the City of said highway, drainage, utility or park improvements and the dedication of same to the City.
- (5) Simultaneously with the filing of an application for a zoning amendment or rezoning, the applicant shall deposit with the City Comptroller an escrow to cover the costs being incurred by the City for all professional services incurred in the reviewing of such application.
- (6) Prior to final approval of a subdivision or site plan, the applicant shall deposit an escrow to cover the costs being incurred by the City as described in § 163-6E(2)(b) above.
- (7) The initial deposits required to fund escrow accounts shall be established by the City Council by resolution, and the City Council may increase or decrease said amounts by resolution from time to time.
- (8) Upon receipt of such sums, the City Comptroller shall cause such sums to be deposited in a non-interest-bearing account in the name of the City and shall keep a separate record of all such monies so deposited.
- (9) Upon receipt and approval of itemized vouchers from a professional for services rendered on behalf of the City pertaining to a project, the City Manager shall cause such vouchers to be paid out of the monies so deposited and shall furnish copies of such vouchers to the depositor upon request following their submission to the City.
- (10) All vouchers submitted by professional consultants shall be reviewed and audited by City officials in the same manner as all other charges. The City shall approve payment of only such fees as are reasonable in amount and are necessarily incurred by the City in connection with the review. A fee shall be considered reasonable in amount if it bears a reasonable relationship to fees prevailing in the

surrounding geographical area for similar services in similar projects. In determining similarity of services and projects, the City may consider the size of the project and installations, the topography, soil conditions, drainage conditions, surface water conditions, other site constraints, the nature of the improvements to be installed or constructed, the nature of the planning, landscaping, engineering or legal issues arising in the factual context of the application. In determining whether the fees were necessarily incurred, the City may consider, in addition to the factors listed above, the nature of the materials provided by the applicant, the manner in which the service relates to the issues which must be decided by the City in reviewing the application, whether the service provided reasonably assists the City Council in performing a function required by law or regulation and such other factors as may be relevant in the factual context of the application. Records shall be maintained showing all amounts deposited, and all amounts paid from the escrow account and all bills and vouchers submitted by the City professional consultants. The applicant shall in no case be billed for more than the City has actually expended for consultant review fees, and review fees attributable to environmental reviews under the State Environmental Quality Review Act (SEQR) shall in no event exceed the maximum amounts to be charged pursuant to the SEQR regulations.

- (11) Within 30 days of receiving any voucher for professional consultant fees, whether it has yet been paid or not, an applicant may file a written request to the City Council seeking review of the charges therein to determine whether such fees are reasonable in amount and are necessarily incurred by the City in connection with the review, under the standards set forth in this section.
- (12) When the balance in such escrow account is reduced to 40% of the initial deposit, the applicant shall replenish the amount of the escrow account to the original amount or such reduced amount as the reviewing Council shall determine appropriate. If the applicant for a zoning amendment or rezoning fails to make the escrow deposit, or fails to promptly replenish the amount in the escrow account within 15 days of the City's request, professional reviews shall not begin or continue, as the case may be, until such time as the escrow account is funded or replenished. The reviewing Council may also consider an application abandoned if nonpayment of escrow fees continues for more than two months, and the reviewing Council may deny an application based upon such abandonment.
- (13) In the event that any approval is granted and professional review fees remain to be paid, the reviewing Council shall not take any further administrative action in furtherance of the approval until sufficient provision is made for the payment of these fees. For example, no rezoning amendment at the request of the applicant shall be forwarded for filing with the Secretary of State until the City Comptroller has certified in writing to the City Clerk that all professional review fees actually incurred to date have been fully paid and/or reimbursed, and that sufficient escrow amounts remain to cover any professional review costs which will be incurred thereafter until the conclusion of the matter.

- (14) Issuance of building permits and certificates of occupancy. No building permits or certificate of occupancy or use shall be issued unless all professional review fees charged in connection with the project have been paid and reimbursed.
- (15) Any balance remaining in the escrow account shall be refunded within a reasonable time upon the applicant's request, upon completion of the project, or upon withdrawal of an application, after all fees already incurred by the City are first paid and deducted from the escrow account.
- (16) In the event the applicant fails to reimburse to the City funds expended to consultants as provided herein, the City may seek recovery of billed and unpaid fees by bringing an action venued in a court of appropriate jurisdiction, and the applicant shall pay the City's reasonable attorney fees in prosecuting such action in addition to any judgment.

§ 163-7. Environmental quality review.

Upon a determination that an action may or will have a significant effect on the environment (positive declaration), the applicant shall pay to the lead agency the actual cost to the lead agency of the preparation and review of the draft environmental impact statement under the State Environmental Quality Review Act up to a maximum of 2% of the project cost for residential projects and 1/2 of 1% of the total project cost for nonresidential projects. The lead agency shall require the applicant to deposit what it deems to be a sufficient amount in an escrow account to cover such costs, which sum shall be drawn against in the course of the SEQRA process. Subsequent deposits shall be required as needed. If the applicant elects to prepare a draft environmental impact statement (DEIS), the lead agency may still, at its discretion, collect its costs pursuant to this section in preparing its own DEIS as well as any costs incurred in the review of any DEIS prepared by the applicant.

§ 163-8. Parks and recreation activities.

The various park and recreation fees shall be as follows:

- A. (Reserved)
- B. Swimming pool; operated in two-hour sessions.
  - (1) Children under 18: free.
  - (2) Adults 18 and over: \$1 per session or \$10 for season pass.
- C. Fishing in City reservoirs.
  - (1) Daily permit with use of City-owned boats, one person:
    - (a) City resident: \$6 per day.

- (b) Non-City resident: \$10 per day.
  - (2) Extra passengers:
    - (a) Two City residents in a boat: \$10 per day.
    - (b) Two non-City residents in a boat: \$18 per day.
    - (c) Three City residents in a boat: \$14 per day.
    - (d) Three non-City residents in a boat: \$26 per day.
  - (3) Senior citizens (persons 60 years of age and older):
    - (a) City residents: free on Monday.
    - (b) Non-City residents: half price on Mondays.
- D. Assemblies in public places.
- (1) Application fee for permit: \$[25] 50.
- E. Docking at Newburgh Landing.
- (1) One-time permit.
    - (a) Permit for recreational vessels over 40 feet in length (by length of boat): \$1 per foot.
    - (b) Permit for all commercial vessels (by length of boat): \$1 per foot.
  - (2) Monthly or annual permit.
    - (a) Vessels with a capacity of fewer than 100 persons: \$[75] 125 per week.
    - (b) Vessels with a capacity of 100 or more persons: \$[100] 200 per week.
- F. Fishing from shore of Frank Masterson Recreation Area (Lockwood's Basin).
- (1) Season use fee:
    - (a) City resident: \$25 per season.
    - (b) Non-City resident: \$50 per season.
    - (c) Organization group rate: \$2 per person per day.

- (2) City residents who are senior citizens (persons 60 years of age and older) or disabled persons: free.
  - (3) Veterans, whether City residents or nonresidents, who are senior citizens (persons 60 years of age and older) or disabled: free.
  - (4) Daily use fee:
    - (a) City resident: \$6 per day.
    - (b) Non-City resident: \$10 per day.
- G. Launching a boat or launching jet skis at Newburgh Boat Launch.
- (1) All users: \$8 per day per boat.
- H. Delano-Hitch Recreation Park.
- (1) Softball diamonds:
    - (a) Per game: \$200.
    - (b) League fee: \$225 per team.
  - (2) Soccer field:
    - (a) City of Newburgh-based youth teams: \$50 per day game; \$75 per night game.
    - (b) Non-City youth teams: \$200 per day game; \$350 per night game.
    - (c) City of Newburgh-based adult teams: \$125 per day game; \$175 per night game.
    - (d) Non-City adult teams: \$300 per day game; \$350 per night game.
    - (e) Adult league: \$800 per team.
  - (3) Football field:
    - (a) Non-City youth teams: \$175 per day game; \$200 per night game.
    - (b) City of Newburgh-based adult teams: \$250 per day game; \$350 per night game.
    - (c) Non-City adult teams: \$450 per day game; \$550 per night game.

- (4) Basketball courts:
  - (a) Tournaments: \$200 per day.
  - (b) Leagues:
    - [1] City-based leagues: \$125 per team.
    - [2] Non-City-based leagues: \$175 per team.
  - (c) Use of area for nonbasketball event: \$250 per day.
- (5) Use of multipurpose activity center building: See Chapter 220, Article II.
- (6) Use of Delano-Hitch Stadium: See Chapter 220, Article IX.
- (7) Tennis: no fee.
- (8) Use of parking lot for nonsporting event: \$250.

I. Summer programs.

- (1) Summer playground program for ages six years to 11 years old:
  - (a) Residents: \$60 per two-week session.
  - (b) Nonresidents: \$100 per two-week session.
- (2) Summer teen program for ages 12 years to 14 years old:
  - (a) Residents: \$60 per two-week session.
  - (b) Nonresidents: \$100 per two-week session.

§ 163-9. Copies of documents.

Fees for copies of ordinances and official documents shall be as follows:

A. Printed copies of codes:

- (1) Zoning Ordinance: \$25.
- (2) Subdivision Regulations: \$15.

B. Photocopies of municipal records, nine inches by 14 inches in size: \$0.25 per page. Photocopies of municipal records in excess of nine inches by 14 inches in size or reproduction of records by methods other than photocopying shall be charged a fee equal to the actual cost of reproduction, such cost to be determined by the City Manager.

C. Fees of Bureau of Vital Statistics: as set by state statute.

D. Police Department reports.

- (1) All reports: \$5.
- (2) Copies: \$0.25 per page.
- (3) Certification: \$1.

E. Fire Department reports.

- (1) Fire report: \$5.
- (2) Fire investigation report: \$25.

§ 163-10. Police and Fire Department fees.

A. Police Department.

- (1) Police alarm device permit: [\$25 per alarm] \$50 annual permit fee.
- (2) False alarms:
  - (a) Any alarm activation to which the Police Department personnel respond which is not the result of an unauthorized entry, fire, smoke or other emergency (i.e., false alarm):
    - [1] One to three per calendar year: \$0.
    - [2] Four to 10 per calendar year: \$50 per alarm.
    - [3] Eleven or more per calendar year: \$125 per alarm.
  - (b) The above charges shall be paid to the City Clerk by the property owner or lessee upon receipt of an annual billing statement from the City.
- (3) Fingerprinting:
  - (a) Full set:
    - [1] City residents: \$25.
    - [2] Non-City residents: \$75.
  - (b) Thumbprint by Clerk: \$5.

(4) BB gun permit: \$5.

B. Fire Department:

(1) Nightclub (licensed premises) inspection: [~~\$100~~] \$250.

(2) Fireworks permit: \$75.

(3) Fire-suppression system fees: Upon filing of an application for a permit for the installation of a fire-suppression system in accordance with Chapter 107 of the City of Newburgh Code of Ordinances, the following fees shall apply: 2% of the approved estimated costs of the system.

§ 163-11. Dogs and other animals.

The following fees shall be charged pursuant to Chapter 150, Dogs and Other Animals:

A. Euthanization and burial:

(1) Dogs:

(a) Under 40 pounds: \$50.

(b) Over 40 pounds: \$65.

(2) Cats:

(a) Cat: \$45.

(b) Kitten \$25.

B. Redemption of impounded dog: \$35.

C. License fees. In addition to the fees established by § 110, Subdivision (1), of the Agriculture and Markets Law of the State of New York, the following local fees shall be charged:

(1) For each spayed or neutered dog: [~~\$2.50~~] \$5.00.

(2) For each unspayed or unneutered dog: [~~\$2.50~~] \$5.00.

D. Boarding.

(1) For each animal which is placed in the care and custody of a private boarding facility: the actual cost of such placement.

- (2) For each animal in the care and custody of the City of Newburgh Animal Control Officer boarded at City facilities: \$25 per day or part thereof.
- (3) In addition to the above, the City of Newburgh will charge the owner of such animal the actual cost of veterinarian services and medication expenses incurred by the City while caring for such animal.

E. Other fees.

- (1) Dogs:
  - (a) Spay: \$77.
  - (b) Neuter: \$77.
  - (c) Rabies shot: [~~\$20~~] \$28.
- (2) Cats:
  - (a) Spay: \$40.
  - (b) Neuter: \$23.
  - (c) Aids/Fiv combo: \$30.

§ 163-12. Miscellaneous.

Miscellaneous department charges shall be as follows:

- A. License pertaining to games of chance: \$50.
- B. Returned check fee: [~~\$20~~] \$30.
- C. Road dedication: \$250 plus the cost of recording and other incidental expenses to process the application; said fee is not returnable.
- D. City Clerk.
  - (1) Issuance of certification of cancellation of tax lien:
    - (a) First certification: free per tax lot;
    - (b) Replacement certification: \$25 per tax lot.
- E. Dumpster permit for construction, demolition or rehabilitation of property.
  - (1) For the first seven days: \$35.

- (2) Per day after the first seven days: \$5.
- F. For the removal of wastes from a dumpster pursuant to Charter § C9.03: \$120 per month.
- G. City Collector.
  - (1) Search of tax records and calculation of taxes owed: [\$50] \$75 per tax lot.
- H. Law Department:
  - (1) Preparation and review of documents in connection with the purchase of real property from the City: \$200 per tax lot, payable at closing.
  - (2) Preparation and review of resolutions, documents and related services by the Law Department in connection with requests by private parties to the City for an action, enactment of a resolution or execution of a document in connection with that private party, will be charged an amount equal to the reasonable cost to the City to render such services as established by the Law Department and approved by the City Manager.

§ 163-12.1. Geographic information systems.

- A. Mapping \$40 per hour (length of time to be determined by the GIS Analyst).
- B. Printing (by paper size):
  - (1) The first eight-inch by eleven-inch copy: \$5; each additional copy: \$3.
  - (2) The first eleven-inch by seventeen-inch copy: \$10; each additional copy: \$6.
  - (3) The first customized paper size up to 36 inches by 40 inches: \$25; each additional copy: \$15.
  - (4) The first copy larger than thirty-six inches by 40 inches: \$30; each additional copy: \$18.
- C. Data:
  - (1) Building footprint data: \$50.
  - (2) Parcel data: \$100.
  - (3) Orthoimagery: \$200.
  - (4) All other data: \$20 per request.

- D. Subscription: \$100 per year for Interactive Mapping Services.
- E. Administrative fee: 15% of the total fee per order.

§ 163-13. Civil service examination fees.

- A. Fees for application for any civil service open competitive exams for the position [for] of police officer or fire fighter for which the New York State Department of Civil Service has provided the examination and rated the candidates shall be \$40.
- B. Fees for application for all other open competitive exams for civil service positions for which the New York State Department of Civil Service has provided the examination and rated the candidates shall be [~~\$15~~] \$20.
- C. Candidates for [such] promotional examinations who are employees of the City of Newburgh or of the Newburgh Enlarged City School District at the time of application for the examination shall [be exempt from the City portion of such fee (\$7.50)] pay to the City of Newburgh a fee of \$15.00 and shall pay that portion of the fee mandated by and payable to the State of New York Department of Civil Service (\$7.50).
- D. Applicants for civil service examination who satisfy any one of the criteria stated herein shall be entitled to a waiver of the payment of any examination fee(s) upon the provision of certification of their eligibility therefor which is satisfactory to the City as provided hereinbelow in Subsection E hereof:
  - (1) Individuals who are unemployed and primarily responsible for the support of a household; or
  - (2) Individuals who are eligible for Medicaid, or receiving supplemental security income (SSI) payments; or
  - (3) Individuals who are receiving public assistance in the form of temporary assistance for needy families/family assistance or safety net assistance, or are certified eligible for Job Training Partnership Act/Workforce Investment Act programs through a state or local social services agency.
- E. Content of waiver form.
  - (1) To qualify and be approved for the waiver of examination fees provided herein, applicants must demonstrate to the satisfaction of the City that they qualify. Applicants may do so by submitting a signed and notarized form to the City of Newburgh Civil Service Administrator. The format of such form shall be approved by the Civil Service Commission and shall comply with the legal and regulatory requirements of the state, and shall provide, at a minimum, the following:
    - (a) A reproduction of that portion of Civil Service Law Section 50.5(b)

providing the legal authority for the subject waiver;

- (b) The examination title(s), exam number(s) and examination date(s);
- (c) Indication of the criteria which qualifies the applicant for the waiver;
- (d) A certification statement to be signed by the applicant and notarized by a New York State notary public attesting to the applicant's eligibility and stating the possible consequences of false statements;
- (e) The applicant's name, address, telephone number, social security number, the date of the application, a place for the notary seal, and such other information as the Civil Service Commission may appropriately require.

- (2) All information which is protected by privacy and security laws and other protections shall be kept confidential by the City and not publicly disclosed.

#### § 163-14. Penalties for offenses.

- A. Failure to pay the fees as stated in this chapter of the Code of Ordinances of the City of Newburgh shall be punished as provided in § 1-12 for violation of this chapter of the Code of Ordinances of the City of Newburgh.
- B. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects. Each day that prohibited conditions exist shall constitute a separate offense.

#### § 163-15. Exemptions from fees.

Notwithstanding any other provisions of this Code of the City of Newburgh, the Newburgh Industrial Development Agency shall be exempt from the payment of any and all fees to the City of Newburgh as established in this chapter or in the Code of the City of Newburgh.

#### § 163-16. Architectural Review Commission.

The following fees shall be charged for all applications made to the Architectural Review Commission:

- A. Application for certificate of appropriateness:
  - (1) With public hearing: \$100.
  - (2) Without public hearing: \$25.
- B. Application for advisory review of an application for a variance or special permit which does not involve issuance of a certificate of appropriateness: free.

- C. Application for a certificate of appropriateness only in connection with the erection of a sign subject to a sign permit fee, provided that such sign is to be either a wall sign not exceeding 25 square feet of surface area or a projecting sign not exceeding nine square feet of area on one side: \$50.

§ 163-17. Service charges for handling funds.

The City Comptroller shall impose the following service charges for receiving, handling and disbursing the following funds and coupons substituted by contractors in lieu of a retained cash percentage:

- A. Coupon bonds. Five percent of the matured coupon amount shall be paid to the Comptroller as a condition precedent to releasing the matured coupons to the owner.
- B. Other interest-bearing securities without coupons. Five percent of the interest payable on such security during the period held by the Comptroller as a condition precedent to the release of such securities.
- C. Non-interest-bearing securities. No fee shall be charged.

§ 163-18. Sanitation and garbage collection.

(Reserved)

**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.

[Brackets] denote deletions  
Underlining denotes additions