

**INTRODUCTORY LOCAL LAW NO. \_\_ OF THE YEAR 2012  
AMENDING CHAPTER 104 ENTITLED  
"SCHEDULE OF FEES"  
OF THE CODE OF THE TOWN OF NEWBURGH:  
WATER METER RATES AND  
SEWER OPERATION AND MAINTENANCE CHARGES  
EFFECTIVE JANUARY 1, 2013**

**BE IT ENACTED** by the Town Board of the Town of Newburgh, County of Orange as follows:

**SECTION 1 - TITLE**

This Local Law shall be referred to as "A Local Law Amending Chapter 104 entitled 'Schedule of Fees' of the Code of the Town of Newburgh: Water Meter Rates and Sewer Operation and Maintenance Charges Effective January 1, 2013".

**SECTION 2 - AMENDMENTS TO CHAPTER 104**

That Chapter 104 entitled "Schedule of Fees" of the Town of Newburgh Municipal Code is amended as follows:

1. Subsection 104-2(B)(1)(b) of Section 104-2 entitled "Planning, zoning and building fees" of Chapter 104 entitled "Schedule of Fees" of the Town of Newburgh Municipal Code be and hereby is amended to read as follows:

“(b) Commercial site: \$1,500, plus \$250 per 1,000 square feet of floor area for the first 200,000 square feet and \$100 per 1,000 square feet of the floor area greater than 200,000 square feet.”

2. Subsection 104-2(C)(3)(d) of Section 104-2 entitled "Planning, zoning and building fees" of Chapter 104 entitled "Schedule of Fees" of the Town of Newburgh Municipal Code be and hereby is amended to read as follows:

“(d) For structures 100,000 square feet and greater: \$2,000, plus \$0.70 per square foot of floor area for the first 200,000 square feet and \$0.30 per square foot for the floor area greater than 200,000 square feet.”

3. A new Subsection 104-2(C)(7) is hereby added to Subsection 104-2(C) entitled "Building permit applications" of Section 104-2 entitled "Planning, zoning and building fees" of Chapter 104 entitled "Schedule of Fees" of the Town of Newburgh Municipal Code to read as follows:

"(7) Upon an applicant filing for the reissuance of a building permit that previously was issued and has expired, absent other circumstances, the permit will be re-issued upon payment of the following fee based upon the time of expiration of the permit:

(a)	0 to 12 months	10% of the original permit fee
(b)	12 to 24 months	20% of the original permit fee
(c)	24 to 36 months	30% of the original permit fee
(d)	26 to 48 months	40% of the original permit fee
(e)	48 months or longer	50% of the original permit fee."

4. Subsection 104-3(B)(2) of Section 104-3 entitled "Sanitation and water fees" of Chapter 104 entitled "Schedule of Fees" of the Town of Newburgh Municipal Code be and hereby is amended to read as follows:

"(2) Meter rates. Meter rates for the sale of water to all consumers within the Consolidated Water District and Colden Park Water District of the Town of Newburgh and the duly constituted extensions thereto, excluding water sold to the Town of New Windsor, the New York State Thruway Authority or outside-the-district users, shall be as follows:

Usage Per Quarter	Rate
First 7,500 gallons	\$11.00 (minimum charges per quarter)
Next 10,000 gallons	\$2.48 per 1,000 gallons
Next 82,500 gallons	\$4.20 per 1,000 gallons
Over 100,000 gallons	\$4.85 per 1,000 gallons

(a) A penalty equal to 5% of the original bill shall be added to the metered water charges if not paid in full within 30 days from the due and payable date.

(b) The Town of New Windsor, the New York State Thruway Authority and the outside-the-district users will pay rates and charges as per agreements

entered into with the town. In the event that water assessments under the benefit formula cannot be made applicable for any reason to any consumer and any agreement between the town and such users does not reflect payment of the same in one form or another, the town reserves the right to surcharge such users as to meter rates so as to provide for equitable payment of all charges between all users, said surcharge to be applicable in the last calendar quarter charge.

- (c) The water rates for the Stewart AOG Base Water District consumers will be established by the Town Board from time to time in accordance with New York State Town Law Section 198. Unpaid water charges in arrears for 30 days or longer shall be subject to such penalty as the Town Board may provide for by resolution subject to the limit established by Town Law Section 198.

5. Subsection 104-3(C)(1) of Section 104-3 entitled "Sanitation and water fees" of Chapter 104 entitled "Schedule of Fees" of the Town of Newburgh Municipal Code be and hereby is amended to read as follows:

"(1) Sewer operation and maintenance charge.

<b>Sewer District</b>	<b>Rate/Fee (per gallons consumed per premises)</b>
Algonquin	\$3.00/1,000
Crossroads	\$3.20/1,000
Gidney	\$3.25/1,000
Meadow Hill South	\$3.28/1,000
Meadow Hill North	\$3.00/1,000
17K/UA	\$3.28/1,000
Nob Hill	\$0.00315/gallon
Fleetwood	\$6.50/1,000
Wintergreen	\$4.25/1,000"

**SECTION 3 - UNCONSTITUTIONALITY OR ILLEGALITY**

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not

affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 4 - EFFECTIVE DATE**

This Local Law shall take effect on the later of the date 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 or January 1, 2013.