

# Town of Poughkeepsie

FELICIA SALVATORE  
TOWN CLERK

PHONE (845) 485-3620



ONE OVERROCKER ROAD  
POUGHKEEPSIE, N.Y. 12603

FAX (845) 485-8583

December 21, 2023

Ms. Fiona Squires  
General Code Publisher's Corp.  
781 Elmgrove Road  
Rochester, New York 14624

Via email : [ezsupp@generalcode.com](mailto:ezsupp@generalcode.com)

RE: Local Law # 13 of 2023

Dear Ms. Squires:

Enclosed please find Local Law # 13 of 2023 of the Town of Poughkeepsie which has been filed with the NYS Department of State Records and Law Bureau.

Sincerely,

*Felicia Salvatore*

Felicia Salvatore, Town Clerk  
Town of Poughkeepsie

Enclosure

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one:)

of Poughkeepsie

Local Law No. 13 of the year 2023

A local law amending the Town of Poughkeepsie Code, Chapter 203 "Water"  
(Insert Title)

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one:)

of Town of Poughkeepsie as follows:

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on December 20, 2023 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby adopt the amendment to Town of Poughkeepsie Code, Chapter 203 "Water", attached hereto as Exhibit A; and

BE IT FURTHER ENACTED, that the proposed amendments are attached hereto as Exhibit A and incorporated herein, with the material to be added underscored and the material to be deleted ~~stricken~~, and the Town Board does hereby waive a verbatim reading of said amendments and does direct that said amendments be spread across the record as if they, in fact, had been read verbatim, and

BE IT FURTHER ENACTED, that the Legal Notice of Public Hearing was posted on December 8, 2023 and published in the Poughkeepsie Journal on December 14, 2023; and

BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie has determined that this action is a Type II Action requiring no environmental review; and

BE IT FURTHER ENACTED, that said local law shall take effect immediately upon filing with the Secretary of State.

# EXHIBIT A

## Chapter 203. Water

### Article I. Town-Wide Water Improvement Area

[Adopted 2-16-1972 (Part I, Subpart 15, of the 1964 Code); amended in its entirety 3-27-1996 by L.L. No. 4-1996]

#### § 203-1. Scope.

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#### § 203-5. Connection with mains.

A. ....

(1)

Ductile iron pipe, Class 52, is the only acceptable pipe to must be used for water mains, but HDPE DR11 may be used after a master meter pit with trace wire for locating purposes. Fittings must be ductile iron with restraining glands or tie rods.

....

E.

Copper Type K is the only acceptable pipe for service laterals up to two inches and under 200 feet long. Services one inch and up to two inches over 200 feet long that require a meter pit may be installed using 200 psi PE (polyethylene) plastic pipe between the meter pit and the house. Type K Copper must be used from main to curb box and curb box to pit. The CTS (copper tubing size) poly pipe connects using stainless steel sleeves and compression fittings. Plastic pipe must have five feet of cover and be installed with a tracer wire for locating purposes. Services larger than two inches must be ductile iron pipe. Fittings must be compression type for copper pipe. Nondraining curb boxes only. [Amended 4-23-2003 by L.L. No. 3-2003; 11-18-2009 by L.L. No. 41-2009]

Only Copper Type K and CTS (copper tubing size) 200 psi polyethylene plastic pipe sizes ¾" to 2" may be used for service laterals. CTS poly pipe shall be connected using stainless steel sleeves with compression fittings. CTS plastic pipe shall be installed with

tracer wire from the copper pipe at the curb valve to the first valve inside the residence for locating purposes. Service laterals over 100 feet must be one inch. Service laterals over 200 feet must have a master meter pit at the property line. Type K Copper must be used from the main to the curb valve and the curb valve to the pit. Piping on the Town of Poughkeepsie side of service will continue to be Type K copper. Service lines greater than 2 inches must be ductile iron. Only non-draining curb valves may be installed.

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## § 203-6. Meters; civil penalties.

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B.  
Separate water service lines designed and installed exclusively for fire-fighting purposes (i.e., sprinkler systems, etc.) and from which there are no connections or tees or taps from which water may be drawn and used for purposes other than fire fighting and protection need not be metered; but are subject to an annual fee as shown on the Fee Schedule maintained by the Town Clerk.-

C.  
All water meters of one inch size or less must be procured from the Water Department and shall be the property of the Town-Wide Water Improvement Area. Larger meters shall be provided by and at the expense of the owner of the premises requiring the meter and shall be of the size and type acceptable to the Water Department. They shall be set at the expense of the property owner in such location, position and manner as to be readily accessible for reading and repair and kept free from obstruction and shall be fully protected from freezing and damage at the property owner's expense. Remote reading heads and accessory meters will be installed by the owner for all water meters over one inch, at a time to be determined (by the Town of Poughkeepsie Water Department) upon order of the Town of Poughkeepsie Water Department, at the owner's sole cost and expense and in compliance with the Town Code and specifications as determined by the Water Department. At the time said meters are installed the owner shall install backflow preventors approved by the Town of Poughkeepsie Water Department as determined by the Water Department at the time of installation. Cables and/or wires connecting such heads with the meters shall be protected from damage by the property owner. A civil penalty/penalties in the amount(s) specified in the Fee Schedule maintained by the Town Clerk of \$150 will be imposed on the property owner when a meter is damaged by freezing or other negligence on the part of the owner of the premises and/or when a remote reading cable and/or head is damaged by the property owner's negligence. Such penalty shall be a lien against the property. All meters, cables, remote reading heads and all other equipment accessory to the meters shall be under the exclusive control of the Water Department and subject to inspection at all times by the Water Department, Plumbing

Inspector and other agents authorized by the Town Board. Any penalty imposed hereunder may be appealed to the Town Board in writing received by the Town Clerk, with a copy to the Water Department, within 30 days of the bill date.

....

E.  
No person shall interfere or tamper in any way with the meter or meter accessories or the valves and fittings connected thereto. No person shall use unmetered water. Any person violating this subsection shall be subject to a civil ~~penalty/penalties~~ ~~fine in the sum of \$1,000 as determined and imposed by the~~ in the amount(s) specified in the Fee Schedule maintained by the Town Clerk ~~person charged with the enforcement of this chapter or by agreement of the parties.~~ In addition, any person violating this subsection shall be required to make restitution and payment to the Water Department in an amount ~~to be determined by the Water Department~~ Superintendent or his or her designee to reimburse the Water Department for service provided but not paid for by any person violating this subsection for a period of up to three years immediately preceding the discovery of the violation, and to further reimburse the Water Department for any and all damages sustained to the meter or meter accessories or the valves and fittings connected thereto. Any penalties, restitution and payment, or reimbursement charges imposed hereunder may be appealed to the Town Board in writing received by the Town Clerk, with a copy to the Water Department, within 30 days of the bill date. The Town's remedies here provided are not exclusive.

[Amended 6-3-2009 by L.L. No. 22-2009]

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G.  
Residential three-quarter-inch and one-inch water meters that are over 20 years old, not compatible with Town reading equipment, or not functioning properly shall be replaced at Town expense. Affected property owners shall be sent a thirty-day mandatory upgrade notice letter. If a consent to replace is not timely received, or if replacement is not allowed, a second thirty-day notice letter shall be sent. If after the second notice letter is sent no consent to replace is received, or if replacement is not allowed, the Town will send a final thirty-day notice letter via Certified Mail. If a consent to replace is not then timely received, or if replacement is not allowed, a \$100 charge will be assessed in the amount specified in the Fee Schedule maintained by the Town Clerk on each quarterly water bill thereafter until the replacement has been acceptably completed, with the Town reserving to itself all other rights and remedies.

[Added 9-29-2021 by L.L. No. 10-2021]

H.  
Except as provided below, one-and-one-quarter-inch, one-and-one-half-inch, and two-inch commercial water meters that are over 20 years old, not compatible with Town reading equipment, or not functioning properly shall be replaced at the property owner's

expense. Owners will be sent a thirty-day mandatory upgrade letter. If a consent to replace is not timely received, or if a replacement is not allowed, a second thirty-day notice letter shall be sent. If after the second notice letter is sent no consent to replace is timely received, or if replacement is not allowed, the Town will send a final thirty-day notice letter via Certified Mail. If consent to replace is not timely received, or if replacement is not allowed, a \$500-charge will be assessed in the amount specified in the Fee Schedule maintained by the Town Clerk on each quarterly water bill thereafter until after the replacement has been acceptably completed; provided however, that if a commercial property owner can prove that its meter is compatible, functioning properly, and although over 20 years old, is accurate to within 2% plus or minus by a certified meter testing company, the \$500-charge will be waived. The Town reserves to itself all other rights and remedies.

[Added 9-29-2021 by L.L. No. 10-2021]

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## § 203-8. Rates, charges and billing.

A.

~~Effective August 13, 2018, the minimum rent per quarter, which includes rental of meter, if any, shall be \$18.75.~~

~~[Amended 12-16-1998 by L.L. No. 17-1998; 7-11-2018 by L.L. No. 6-2018]~~

B.

~~Effective billing August 13, 2018, all water shall be billed at the rate of \$2.50 per 100 cubic feet.<sup>[1]</sup>~~

~~[Amended 12-16-1998 by L.L. No. 17-1998; 10-20-2004 by L.L. No. 22-2004; 7-11-2018 by L.L. No. 6-2018]~~

[1]

~~*Editor's Note: Pursuant to L.L. 13-2021, adopted 11-3-2021, effective 1-1-2022, all fees will be in a Fee Schedule maintained in the Town offices, which fees may be amended from time to time by resolution.*~~

A. Effective January 1, 2024 all water rent, rates, tap fees, non-payment and other penalties, user fees, installation fees, infrastructure unit fees for water and sewer appurtenances, and all other water related fees and charges, except as specifically provided otherwise, shall be as reflected in the Fee Schedule adopted by Town Board resolution and maintained by the Town Clerk, which Fee Schedule may be amended from time to time by resolution by the Town Board.

C.B.

The fee for permission to open streets, lanes, walkways and other public grounds for the purpose of installing mains, services and other appurtenances shall be subject to permission and fee as set down by the Superintendent of Highways.

D.

Tap charges.<sup>[2]</sup>

[Amended 11-18-2009 by L.L. No. 41-2009]

(1)

~~The charge for taps of three-fourths inch and one inch size shall be \$150 and \$185, respectively. Materials to be supplied by others.~~

(2)

~~The charge for taps from one and one-quarter inch to two inch size shall be \$275. Materials to be supplied by others.~~

(3)

~~The fee of \$750 for a standard large tap and \$950 for twenty inch or larger tap shall be charged. Materials to be supplied by others.~~

[2]

*Editor's Note: Pursuant to L.L. 13-2021, adopted 11-3-2021, effective 1-1-2022, all fees will be in a Fee Schedule maintained in the Town offices, which fees may be amended from time to time by resolution.*

E.-C.

All unpaid water rents, charges and penalties which are in arrears for 30 days or longer shall be subject to a penalty inof 10% of the amount due specified in the Fee Schedule maintained by the Town Clerk.

F.-D.

If all such water rents, charges and penalties shall not be paid within 60 days after the date due, the Town Clerk shall mail to the owner a notice of arrearage, containing the total amount then due with notice that, unless paid within five days after date of mailing such notice, service will be discontinued unless such bill and the whole thereof shall be paid within said five days or the next business day after the expiration of said five-day period, and such service shall not be restored until all charges and penalties shall have been paid, ~~and the further sum of \$20 shall have been paid for the restoration of service.~~  
[Amended 11-2-2011 by L.L. No. 28-2011]

G.-E.

All water rents and other lawful charges in connection with the water system shall be a lien upon the real estate where such water is supplied. All penalties for the violation of any rules and regulations hereafter adopted, if not paid when imposed, shall constitute a lien upon the real property and premises in like manner as unpaid water rents.

H.-F.

All water rents, penalties and other lawful charges remaining due and unpaid at the time the annual tax roll of the water improvement area is made up shall be included therein and levied against the real property on which the water shall have been used and shall be collected with and in the same manner as other Town taxes with the additional fees, charges and penalties incident to the collection of such taxes.

I.-G.



Water shall not be turned on or off except by the Water Department. There will be no charge for the first turning on of the water but, should the Town Board or its agent turn it off because of any delinquency on the part of the consumer, the water will not be turned on again until all the charges have and a fee of \$20 has been paid by the delinquent. When water is turned off or on at the request of a consumer, no charge will be made for turning off, but a charge of \$10 will be made for again turning on the supply.<sup>[3]</sup> While so shut off at the curb box, no minimum charge will be made.

~~[3]  
Editor's Note: Pursuant to L.L. 13-2021, adopted 11-3-2021, effective 1-1-2022, all fees will be in a Fee Schedule maintained in the Town offices, which fees may be amended from time to time by resolution.~~

J.H.  
The Town Board reserves the right to suspend or discontinue, when the public interest shall require it, the use of any water service, including street mains, and also to shut off the water for repairs or alterations of the street mains or service mains or for other purposes and to keep it shut off as long as may be necessary.

K.I.  
Neither the Town or any of its officers or agents or the Town-Wide Water Improvement Area shall be held responsible or be responsible to consumers for any damages which may result from or be caused by shutting off the water, even when no notice is given, and no deduction from water bills will be in consequence thereof. No claim shall be made against the Town of Poughkeepsie or the improvement aArea for any damages arising from the bursting or breaking of any street main or service pipe or any fixture or attachment thereto, wherever situated, or from the failure or diminution of the water supply, whatever the cause thereof may be.

L.  
Various fees.<sup>[4]</sup>  
[Added 11-18-2009 by L.L. No. 40-2009]

~~(1)  
Three-fourths-inch meter installation: \$300.~~

~~(2)  
One-inch meter installation: \$350.~~

~~(3)  
Water service fee: \$35.~~

~~(4)  
Sewer service fee: \$35.~~

~~[4]  
Editor's Note: Pursuant to L.L. 13-2021, adopted 11-3-2021, effective 1-1-2022, all fees will be in a Fee Schedule maintained in the Town offices, which fees may be amended from time to time by resolution.~~

M.  
Unit fees for infrastructure permits.<sup>[5]</sup>

~~[Added 11-18-2009 by L.L. No. 40-2009]~~

~~(1)~~

~~Water appurtenances (meter pits, water mains, backflow devices, fire hydrants, and miscellaneous appurtenances): \$35 each.~~

~~(2)~~

~~Sewer appurtenances (manhole, grease traps, sewer mains, laterals, and miscellaneous appurtenances): \$35.~~

~~[5]~~

~~Editor's Note: Pursuant to L.L. 13-2021, adopted 11-3-2021, effective 1-1-2022, all fees will be in a Fee Schedule maintained in the Town offices, which fees may be amended from time to time by resolution.~~

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## § 203-14. Enforcement; penalties for offenses; additional remedies.

Pursuant to § 135 of the Town Law, a violation of these ordinances, rules and regulations is hereby declared to be a violation, punishable by a fine for each violation not exceeding ~~\$250~~\$750 or imprisonment for a period not to exceed 15 days, or both, and each day said violation continues shall constitute a separate violation. The proper local authorities of the Town, in addition to other remedies, may institute any appropriate action or proceeding to prevent unlawful violation of these ordinances, rules and regulations and to retrain, correct to abate such violation or to prevent any illegal action, conduct or use in or about said water improvement area.

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 13 of 2023 of the ~~(County)(City)~~(Town)(Village) of Poughkeepsie was duly passed by the Town Board on December 20, 2023, in accordance with the applicable ~~(Name of Legislative Body)~~ provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted ~~(Elective Chief Executive Officer\*)~~ on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. ~~(Elective Chief Executive Officer\*)~~

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local ~~(Elective Chief Executive Officer\*)~~ law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

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\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.



*Felicia Salvatore*  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body \_\_\_\_\_

Date: 12/22/2023

(Seal)