

LOCAL LAW NO. 3 OF THE YEAR 2023

BE IT ENACTED by the Town Board of the Town of Wappinger as follows:

Section I: Title.

This Local Law shall be known and cited as Town of Wappinger Local Law No. 3 of the Year 2023 entitled “Amending Chapter 122 of the Code of the Town of Wappinger to Update Fees and Fines.” This Local Law hereby revises the Schedule of Fees found at Articles IV of Chapter 122 of the Code of the Town of Wappinger and the Schedule of Fines found at Article V of Chapter 122 of the Code of the Town of Wappinger.

Section II: Amendments to Schedule of Fees found in Article IV of Chapter 122

The provisions of Article IV of Chapter 122 of the Town Code of the Town of Wappinger are hereby amended to read as follows:

Article IV
Schedule of Fees

§ 122-16 Fee Schedule.

The fee schedule shall be as follows:

A. Chapter **1**, General Provisions.

(1) § **1-9**, sale of the Code Book: \$125.

B. Chapter **50**, Records.

(1) § **50-7A**, Copies:

(a) For paper records up to nine inches by 14 inches:

[1] Twenty-five cents; or

[2] The amount authorized by Public Officers Law § 87(1)(b)(iii), whichever is greater.

(b) For paper records in excess of nine inches by 14 inches and records not in a paper medium:

[1] Twenty-five cents; or

[2] The actual cost of reproducing the record, in accordance with Public Officers Law § 87(1)(c), whichever is greater.

(2) § 50-7 B, Certification of Records:

- (a) To prepare and certify a copy of any record or paper on file: \$1.25 per page, with a minimum fee of \$10.
- (b) To certify a prepared copy of any record or paper on file: \$1 per page, with a minimum fee of \$10.

C. Chapter 68, Dog Control Law

(1) § 68-8, License Fees for Dogs:

- (a) Town fee for a license for a spayed or neutered dog: \$5.00 per license year;
- (b) Town fee for a license for an unsprayed or unneutered dog: \$13.00 per license year;
- (c) In the event the Town Board mandates a dog census, an additional fee of \$5.00 will be assessed to all dog owners whose dogs are found to be unlicensed at the time the dog enumeration is conducted; this fee is in addition to the license fees set forth above.

(2) § 68-12(B) Redemption Fees:

- (a) For first occasion: \$50.00;
- (b) For second occasion within five years: \$100.00;
- (c) For third and subsequent occasion(s) within five years: \$200.00;
- (d) In addition to the above redemption fees, the redeeming party shall also pay all costs incurred for kenneling, impoundment and veterinary care including such items as required shots.

(3) § 68-14(A) Adoption: \$50.00.”

D. Chapter 71, Assemblies, Mass Public.

(1) §§ 71-4B and 71-9, permit application fee: \$35 per day.

E. Chapter 80, Blasting.

(1) § 80-8J, blasting permit application fee: \$500.

(2) § 80-11D, inspection fee for blasting: \$50 per blast.

(3) Blasting permits for quarry operations: \$1,000 per year.

E.1. Chapter 85, Building Code Administration.

(1) § 85-12, vacating of stop-work order:

(a) Residential: \$250.

(b) Commercial: \$500 first offense, \$1,000 second offense within five years.

(2) § 85-18 Building Permit Fees

(a) Construction:

[1] Residential:

[a] New construction and additions: permit application fee of \$150 plus:

[i] One- and two-family homes, and modular dwelling: \$0.75 per square foot of living space.

[ii] Manufactured homes: \$0.50 per square foot of living space.

[iii] Carports/garages (use square footage of ground floor only for two-story garages): \$0.50 per square foot.

[iv] Porches/Decks:

[A] Covered, screened, and/or enclosed, without heat: \$0.50 per square foot. Porches or decks which are enclosed with heat may be considered to be living space subject to the applicable charge for living space.

[B] Open deck: \$0.25 per square foot, or the minimum fee of \$100, whichever is greater.

[v] One-story non-habitable accessory building without utilities (except garages):

[A] Not greater than 72 square feet of floor area: \$50.

[B] Greater than 72 square feet and not greater than 200 square feet of floor area: \$100.

[C] Greater than 200 square feet of floor area: \$100 plus \$0.40 per square foot.

[vi] Other new construction:

[A] Pools.

{1} Aboveground pool: \$175.

{2} In-ground pool: \$250.

[B] Hot tub: \$150.

[C] Electric Vehicle Charging Station \$150

[b] Renovations:

[i] One-half of "new construction and additions" costs in Subsection N(6)(a)[1][a] above.

[2] Commercial, including, among other things, apartment buildings and multifamily homes, except two-family homes, which are addressed in "residential," above.

[a] New construction: permit application of \$250 plus \$1.50 per square foot up to and including 5,000 square feet, plus \$1.00 per square foot over 5,000 square feet.

[b] Renovations:

[i] One-half of new construction costs in Subsection N(6)(a)[2][a] above.

(b) Demolition: \$100 minimum fee up to 2,000 square feet, plus \$0.10 per square foot over 2,000 square feet.

(c) Alterations and structural repairs (Building Department has discretion to determine whether an applicant's project is an alteration, a structural repair or a renovation.): \$50 per inspection/visit; Building Department will estimate number of visits based on the nature of the permit.

(d) Certificate of occupancy (includes new C/O and a C/O for change in use or for change in occupant): \$250.

(e) Other building permit fees:

[1] Fireplace/stove/chimney: \$150.

[2] Replacement of furnace/boiler (includes hot water/heat/plumbing alterations and central air conditioning systems): \$150.

- [3] Electrical upgrades (includes change of electrical service, any extensions of electric facilities, adding new outlets/switches/fixtures): Residential \$50, Commercial \$250.
- [4] Tent (temporary permit for erection on commercial site): \$250.
- [5] Compliance fee for structure or use for which no permit or C/O was obtained:
 - [a] Residential: \$250, plus cost of building permit for structure/use
 - [b] Commercial: \$500, plus cost of building permit for structure/use
- [6] Reinspection fee for prior noncompliance (third and subsequent visits): \$100 per visit.
- [8] Outdoor seating fee per year: \$150 for the first six seats or portion thereof, plus \$25 for each additional seat. (up to 16 seats maximum).
- [9] Portable storage unit: \$100.
- [10] Standby generator: \$150.
- [11] Inspections outside business hours: \$250.
- [12] Amend building permit: \$50.
- [13] Tank removal:
 - [a] Residential: \$150.
 - [b] Commercial: \$250.
- [14] Tank installation above ground:
 - [a] Residential: \$150.
 - [b] Commercial: \$250.
- [15] Building Permit Renewal:
 - [a] Base Permit Fee plus 10% of estimated project cost for first renewal.
 - [b] Base Permit Fee plus 25% of estimated project cost for second renewal.
 - [c] Base Permit Fee plus 50% of estimated project cost for third renewal.
- [16] Electrical vehicle charging station on commercial property: \$250 for first charging station plus \$50 for each additional charging station.

[17] Installation or Replacement of Cellular Equipment on Existing Tower \$500.

[18] Engineering Review Fee \$300

(f) Uniform Solar Permit. Application fee: \$150.

[a] Residential: \$250.

[b] Commercial: \$500.

(g) Commercial roof truss assembly inspection. \$50.

(2) C/O and/or municipal violation search.

[a] Residential municipal search: \$250.

[b] Commercial municipal search:

[i] \$325 Single Occupancy up to 5,000 square feet.

[ii] \$500 Single Occupancy over 5,000 square feet.

[iii] More than one occupancy – base fee plus \$100 per occupant.

[c] Update municipal search (after 30 days new search fee.)

[i] Residential search update \$50.

[ii] Commercial search update \$100.

(3) Operating Permit Fees

[a] Annual fee for operating Permits for areas of public assembly and nonresidential uses requiring operating permits:

1 to 999 square feet	\$100
1,000 to 2,999 square feet	\$150
3,000 to 5,999 square feet	\$250
6,000 to 11,999 square feet	\$300
12,000 to 24,000 square feet	\$500
Above 24,000 square feet	\$500 plus \$25 for each 1,000 square feet above 24,000.
Common Area of Building	\$175

[b] Multiple dwellings:

[i] Three to 10 units: \$200 per year.

[ii] Eleven to 50 units: \$275 per year.

- [iii] More than 50 units: \$350 per year.
 - [iv] Multiple dwelling common area: \$175 per year.
 - [c] Alarm for nonresidential occupancies: \$150 per year.
 - [d] Inspection of hospitals, nursing homes and health-care facilities: \$250.
 - [e] Special events (per occurrence), outdoor assemblies, outdoor sales, commercial tents and membrane structures, carnivals and fairs, concerts, etc.: \$250 each.
 - [f] Firework sales:
 - [i] Application fee: \$250.
 - [ii] Inspection fee: \$250.
 - [g] Fire protection equipment:
 - [i] Sprinklers and fire suppression systems: \$300 for each new installation. (Note: A building permit will also be required.)
 - [ii] Renovations or modifications to existing systems: \$250. (Note: A building permit will also be required.)
- (4) §85-13 Change of Non-Residential Occupant \$250.

E.2. Chapter **99**, Collateral Loan Broker.

- (1) § **99-4B**, application fee: \$250.

F. Chapter **133**, Flood Damage Prevention.

- (1) § **133-11B**, floodplain development permit fee: \$150.
- (2) § **133-11B**, escrow fund: \$250 or a greater amount as determined by the Zoning Administrator.

F.1. Chapter **137**, Freshwater Wetland, Waterbody and Watercourse Protection.

- (1) § **137-10B (4)**, escrow fund: \$1,000.
- (2) § **137-7B (6)**, freshwater wetland, waterbody and watercourse protection permit fee: \$150.
- (3) Inspection outside of business hours: \$250.

G. Chapter **143**, Garage and Yard Sales.

(1) § **143-4K**, garage/yard sale permit: no fee.

H. Chapter **153**, Junkyards.

(1) § **153-5A**, license fee: \$200 per year.

(2) § **153-5A**, subsequent inspections for failure to comply: \$50 per inspection.

H.1. Chapter **166**, Noise.

(1) § **166-13B (6)**, special waiver application fee: \$500.

I. Chapter **175**, Peddling and Soliciting.

(1) § **175-7B** and **175-9A**, application/license fee: \$200 per year, plus \$50 for each addition to the original license per year.

(2) § **175-9B**, weekend-only permit: \$35.

(3) § **175-10B**, replacement fee for lost or stolen license: \$25.

I.1. Chapter **192**, Service Pipes, Sewer and Water.

(1) § **192-2A**, permit for installing lateral water lines: \$250.

(2) § **192-2A**, permit for installing lateral sewer lines: \$250.

J. Chapter **206**, Soil Erosion and Sediment Control.

(1) § **206-17**, grading permit and inspection fees:

(a) For projects less than one acre: \$250.

(b) For projects of one to five acres: \$750.

(c) For projects exceeding five acres: \$1,000.

(2) § **206-17**, inspection fees:

(a) For projects of three acres or less: \$100.

(b) For projects exceeding three acres, use the formula: 20 (slope) X 5 (total area in acres) or 20 M X 5A.

K. Chapter **214**, Streets and Sidewalks.

(1) § **214-7**, permit fee for excavating in or under highway: \$50.

(2) § 214-18, driveway permit fee: \$150.

L. Chapter 217, Subdivision of Land.

(1) Subdivision application fee: \$1,500, plus \$250 per lot.

(2) Lot line realignment application fee: \$500.

(3) Lot consolidation application fee: \$500.

(4) Recreation fee:

(a) For one to nine lots: \$5,000 per lot.

(b) For 10 or more lots, the Planning Board shall determine whether to require the reservation of land, or payment of \$5,000 per lot.

M. Chapter 234, Water.

(1) § 234-44B, permit fee to open streets, lanes, etc. to install mains, services, etc.: \$150.

(2) § 234-45, fee for turning water on and/or off at owner's request: \$50 per request.

N. Chapter 240, Zoning.

(1) § 240-35B(1)(e), architectural approval fees:

(a) Application fee: \$250.

(b) Escrow funds: No escrow for minor, \$2,000 for Major.

(1.1) § 240-48, new special use permit application fee:

(a) \$1,000 per residential application without site plan.

(b) \$1,500 commercial with site plan.

(c) amended special use permit application fee: \$500 for residential application.
\$750 for commercial application.

(1.2) § 240-27.1, permit fee for temporary sales trailer or construction trailer: \$250.

(2) § 240-59, permit fee for temporary outdoor use and/or sales (including sign): \$250.

(3) § 240-84, site plan fees:

(a) Site plan application fee: \$1,500, plus \$250 per 1,000 square feet of gross floor area of the building, plus \$20 per parking space.

- (b) Amended site plan application fee: \$750, plus \$250 per 1,000 square feet of gross floor area, plus \$20 per parking space.
- (c) Recreation fee: \$5,000 per dwelling unit on the original site plan containing residential units. (Note: Such fee shall be payable by the applicant only upon the granting by the Planning Board of site plan approval and a finding by the Planning Board that the granting of the application will create a need for additional parkland in the Town and that a suitable park or parks cannot be located on the site.)

(4) Conceptual review fee (subdivision, site plan, special permit): \$250 per application..

(5) § 240-107, fees for applications to Zoning Board of Appeals:

- (a) (Resident) Area/use variance fee: \$375 per application. (Note: Applicant also is responsible for payment to third parties of associated fees and costs, including, e.g., publishing of public notice.)
- (b) (Commercial) Area/use variance fee: \$1,000 per application. (Note: Applicant also is responsible for payment to third parties of associated fees, including, e.g., publishing of public notice.)
- (c) Interpretations.

[1] Residential interpretation fee: \$150.

[2] Commercial interpretation fee: \$500.

(6) § 240-108, building permit fees: See Chapter 85.

(7) § 240-110, Escrow funds:

- (a) For subdivision application review, the applicant shall deposit and maintain a sum calculated as follows:

Number of Lots	Amount
Lot line or consolidation	\$2,500
0 to 2	\$5,000
3 to 10	\$10,000
11 to 35	\$22,500
More than 35	\$52,500

- (b) For site plan application, special use permit application, and rezoning application review, the applicant shall deposit and maintain a sum calculated as follows:

Square Footage	Amount
0 to 3,000	\$5,000
3,001 to 20,000	\$10,000
20,001 to 50,000	\$22,500
Greater than 50,000	\$52,500

- (c) For minor applications (includes professional office or studio uses in a residence; home occupations involving on-site clients, visitors, customers or patrons; lot line changes and land transfers which result in conforming lots and which involve less than 10% of the minimum lot area of each involved lot; and subdivisions in which no new building lots are created), the applicant shall deposit and maintain a sum calculated as follows: \$2,500.
- (d) For variance application review, the applicant shall deposit and maintain a sum determined by the Zoning Board of Appeals.
- (e) For construction inspection for a subdivision or site development plan involving a performance bond, the applicant shall deposit and maintain a sum equal to 3% of the construction costs as estimated by the Town Engineer.

[1] In addition, for post approval construction review for a subdivision or site development plan involving a performance bond, the applicant shall deposit and maintain a separate sum calculated as follows:

For Subdivisions No of Lots	For Site Plans Square Footage	Amount
0 to 2	0 to 3,000	\$5,000
3 to 10	3,001 to 20,000	\$10,000
11 to 35	20,001 to 50,000	\$16,875
More than 35	Greater than 50,000	\$26,250

[2] Notwithstanding the above, the Building Inspector, in consultation with the Town Engineer, Town Attorney and/or Town Planner, may modify or waive the post approval review escrow deposit above, based upon the amount of post approval

review costs, if any, the Town is expected to incur in connection with a specific project. However, a full or partial escrow deposit may be required at any time by the Building Inspector depending upon the actual need for professional post approval review services.

(f) Post approval review not involving a performance bond.

[1] For post approval review and construction inspection for a subdivision or site development plan not involving a performance bond, the applicant shall deposit and maintain a sum calculated as follows:

For Subdivisions No of Lots	For Site Plans Square Footage	Amount
0 to 2	0 to 3,000	\$5,000
3 to 10	3,001 to 20,000	\$10,000
11 to 35	20,001 to 50,000	\$16,875
More than 35	Greater than 50,000	\$26,250

[2] Notwithstanding the above, the Building Inspector, in consultation with the Town Engineer, Town Attorney and/or Town Planner, may modify or waive the post approval review and construction inspection escrow deposit above, based upon the amount of post approval review and construction inspection costs, if any, the Town is expected to incur in connection with a specific project. However, a full or partial escrow deposit may be required at any time by the Building Inspector depending upon the actual need for professional post approval review or construction inspection services.

(g) For grading permit inspections, the applicant shall deposit and maintain the following sums:

[1] For projects less than one acre: \$250.

[2] For projects of one to five acres: \$750.

[3] For projects exceeding five acres: \$2,500.

(8) § 240-112A (2), application/petition fee for rezoning: \$1,000.

(9) § 240-53, accessory apartments:

(a) § 240-53D (5), application review fee: \$750 per application.

(b) § 240-53F, nonfamilial renewal inspection fee: \$150 per year.

(10) § 240-29(1) Sign permit application fee (for the construction of a new sign or the alteration of an existing sign): \$3.50 per square foot. (Note: Construction of a new sign will also require a building permit and payment of the associated fee.)

O. Miscellaneous fees.

(1) Garbage tickets:

(a) For seniors (60 and over): \$2 per ticket.

(b) For all others: \$4 per ticket.

(2) Returned check fee: \$20.

(3) Plans and specs (refers to plans and specs to be obtained from the Town of Wappinger by bidders for Town projects): \$50 to \$100.

(4) Agricultural burning permits: \$150.

§ 122-17 **Periodic review.**

The Town Board may periodically review the fee schedule set forth in this article and may, by local law, after a public hearing for which notice shall be given 10 days prior, amend the fees set forth herein.

Section III: Amendments to Schedule of Fines found in Article V of Chapter 122

Chapter 122, Article V §122-20(B) of the Town Code of the Town of Wappinger is hereby amended to read as follows:

“B. Chapter 85, Building Code Administration.

(1) § 85-14A (1), fine:

(a) Minimum: \$250.

(b) Maximum: \$2,000.

(2) § 85-14A (2), fine:

(a) Minimum: \$500.

(b) Maximum: \$4,000.

(3) § 85-14A (3), fine:

(a) Minimum: \$1,000.

(b) Maximum: \$8,000.”

Chapter 122, Article V §122-20(D) of the Town Code of the Town of Wappinger is hereby amended to read as follows:

“D, Chapter 68, Dog Control Law

(1) § 68-12(A) Fine:

Minimum: \$50.

Maximum: \$250.

(2) § 68-12(B) Civil Penalty:

(a) First offense:

[1] Minimum: \$100.

[2] Maximum: \$300.

(b) Second and subsequent offenses:

[1] Minimum: \$200.

[2] Maximum: \$600.”

Chapter 122, Article V §122-20(GG) of the Town Code of the Town of Wappinger is hereby amended to read as follows:

“GG. Chapter 240, Zoning.

(1) § 240-106.1(C), fine:

(a) First offense:

[1] Minimum: \$250

[2] Maximum: \$2,000.

(b) Second offense:

[1] Minimum: \$500.

[2] Maximum: \$4,000.

(c) Third and subsequent offenses:

[1] Minimum: \$1,000

[2] Maximum: \$8,000."

Section IV. Numbering for Codification.

It is the intention of the Town of Wappinger and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Wappinger; that the sections and sub-sections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section V. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

Section VI. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.