

**CITY OF POUGHKEEPSIE, NEW YORK
COMMON COUNCIL
PUBLIC HEARINGS
MONDAY, NOVEMBER 4, 2024**

NOTICE IS HEREBY GIVEN that pursuant to the Charter and Codes of the City of Poughkeepsie, one Common Council Public Hearing will be held on **Monday, November 4, 2024 at 5:30 pm** respectively, in the Common Council Chambers, 3rd Floor, City Hall, 62 Civic Center Plaza, Poughkeepsie, NY for the purpose of receiving comments on:

1. A Local Law to Amend Chapter 14, Article VII “Off-Road Vehicles,” to Regulate the Fueling of Off-Road Vehicles Within the City

When: Monday, November 4, 2024, at 5:30 PM (EST)

Location: Common Council Chambers, 3rd FL, City Hall, 62 Civic Center Plaza, Poughkeepsie, NY 12601

Dated: October 16, 2024

Respectfully submitted,

Jamar M. Cummings
City Chamberlain



PUBLIC HEARING MEETING AGENDA

Monday, November 4, 2024

5:30 PM

Common Council Chambers

City of Poughkeepsie Common Council Public Hearing;

NOTICE IS HEREBY GIVEN that pursuant to the Charter and Codes of the City of Poughkeepsie, one Common Council Public Hearing will be held on Monday, November 4, 2024 at 5:30 pm respectively, in the Common Council Chambers, 3rd Floor, City Hall, 62 Civic Center Plaza, Poughkeepsie, NY for the purpose of receiving Comments on a Local Law to Amend Chapter 14, Article VII “Off-Road Vehicles”.

- I.** Welcome
- II.** Roll Call
- III.** Public Participation
- IV.** Adjournment:

**RESOLUTION
(R-24-74)**

**RESOLUTION INTRODUCING A LOCAL LAW TO AMEND CHAPTER 14, ARTICLE
VII “OFF-ROAD VEHICLES,” TO REGULATE THE FUELING OF OFF-ROAD
VEHICLES WITHIN THE CITY**

**INTRODUCED BY COUNCILMEMBER WILSON, SHOOK, PATTERSON-
THOMPSON, HENRY, MENIST, BROWN, JAMES, GRANT AND DEICHLER:**

BE IT RESOLVED that an introductory Local Law entitled, “**A LOCAL LAW TO
AMEND CHAPTER 14, ARTICLE VII “OFF-ROAD VEHICLES,” TO REGULATE
THE FUELING OF OFF-ROAD VEHICLES WITHIN THE CITY**” be and hereby is
introduced before the Common Council of the City of Poughkeepsie in the County of Dutchess
and State of New York; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law are laid
upon the desk of each member of the Council; and

BE IT FURTHER RESOLVED that the Council shall hold a public hearing on said
proposed local law to receive comment from the public on Tuesday, _____ at _____
pm in the Common Council Chambers, Third Floor, City Hall, 62 Civic Center Plaza,
Poughkeepsie, New York;

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public
notice in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5)
days prior thereto.

SECONDED BY COUNCILMEMBER _____ .

**A LOCAL LAW TO AMEND CHAPTER 14, ARTICLE VII “OFF-ROAD VEHICLES,”
TO REGULATE THE FUELING OF OFF-ROAD VEHICLES WITHIN THE CITY**

**INTRODUCED BY COUNCILMEMBER WILSON, SHOOK, PATTERSON-
THOMPSON, HENRY, MENIST, BROWN, JAMES, GRANT AND DEICHLER:**

BE IT ENACTED, by the Common Council of the City of Poughkeepsie of the County of Dutchess as follows:

Section 1. Section 14-73 “Definitions” is amended to add the following:

RETAIL GAS STATION: A filling station where gasoline or diesel fuel is stored, primarily for sale by delivery directly into the ordinary fuel tank connected with the engine of a motor vehicle to be consumed in the operation of such motor vehicle.

Section 2. Section 14-74 is amended to add a new subsection (c) as follows:

c. Regulations regarding the fueling of off-road vehicles

- i. It shall be prohibited for an individual to fill an Off-Road Vehicle with gasoline at a retail gas station unless such Off-Road Vehicle is being towed or trailed by another vehicle.
- ii. Every retail gas station shall post a sign in a clear and conspicuous manner within sixty (60) days of the adoption of this local law indicating to customers that any Off-Road Vehicle (a/k/a “ATV”) must be on a tow or trailer when being filled with gas.

Section 3. Section 14 -75 “Penalties for Offense; impoundment and redemption” is amended as follows:

(a) Any person who ~~operates an off-road vehicle in violation of~~violates Section **14-74** of this chapter shall be guilty of an offense punishable by a fine not to exceed \$250.

(b) In addition to the penalties set forth in Subsection (a) of this section, a police officer may immediately impound an off-road vehicle that has been operated in violation of Section **14-74** of this chapter. Such impounded off-road vehicle shall be stored by the Police Department or enforcement agency pending the identification of the owner of such off-road vehicle as registered with the New York State Department of Motor Vehicles. Such title owner shall be sent notice of such impoundment, at the address on file with the New York State Department of Motor Vehicles, by certified mail within 10 days after the impoundment, if such titled owner can be identified. Neither the City of Poughkeepsie, nor any agent or employee thereof, shall be liable for any

damages arising out of the provision of any erroneous name or address of such owner. The owner of the off-road vehicle operated in violation of Section **14-74** of this chapter may redeem such off-road vehicle upon satisfactory proof of ownership and payment of a redemption fee of \$1,000. An off-road vehicle impounded under this subsection shall only be released to the owner of such off-road vehicle, or to such owner's agent as evidenced by a written, notarized proof of agency, or duly executed power of attorney. After 60 days, any and all unclaimed off-road vehicles impounded as a result of a violation of this article shall be destroyed in accordance with ~~all applicable laws~~Vehicle and Traffic Law Section 1224.

Section 4. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

SECONDED BY COUNCILMEMBER _____.