

TITLE III: ADMINISTRATION

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CHAPTER 30: COUNTY BOARD OF SUPERVISORS

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ACTIONS BY THE COUNTY BOARD OF SUPERVISORS

§ 30.01 AFFORDABLE HOUSING GRANT PROGRAMS.

(A) *Title.* This Local Law shall be known as “A Local Law Authorizing Participation by Warren County in Affordable Housing Grant Programs”.

(B) *Purpose.* The governing Board of the County of Warren supports efforts to meet the housing needs of residents of low and moderate income through programs which preserve the existing housing stock and the construction of new affordable housing. This will promote the stabilization and preservation of neighborhoods in local communities and thus serves a public purpose. Further, Warren County finds that participation in affordable housing grant programs is an effective way for the County to meet the current

and long term housing needs of its residents, particularly those of low or moderate income.

(C) *Definitions.* When using this Local Law, the following terms shall have the following meanings:

AFFORDABLE HOUSING. Housing available to individuals and households meeting certain income guidelines, based upon either Area Median Income (AMI) as published by the U.S. Department of Housing and Urban Development or other benchmark guidelines established for eligibility for participation in applicable grant programs.

AFFORDABLE HOUSING GRANT PROGRAMS. Federal, State or Public Benefit Corporation grant programs or funding awards which have as their primary purpose the preservation or construction of affordable housing and for which Warren County is an eligible applicant or participant.

LOW AND MODERATE INCOME. The level of annualized household income that is used to determine eligibility for participation in applicable affordable housing grant programs.

(D) *Enactment authority.* This Local Law is enacted under the authority of N.Y. Mun. Home Rule Law § 10.

(E) *Authorization to participate in affordable housing grant programs.* Warren County is authorized to apply for, accept, and expend funds made available through affordable housing grant programs for persons of low and moderate income within Warren County in order to administer, conduct or participate in, through its Planning and Community Development Department, said affordable housing grant programs. Warren County is further authorized to appropriate

and expend such funds as are required to administer, conduct or participate in affordable housing grant programs and may perform any and all acts necessary to effectuate the purposes of such affordable housing grant programs. Agreements authorized and executed in accordance with this Local Law must have the prior approval of the Warren County Board of Supervisors. (Local Law 4 of 2010, passed 7-16-2010)

§ 30.02 PUBLICATION OF LOCAL LAWS.

(A) *Legislative intent.* N.Y. County Law § 214(2), generally requires that a true copy of each Local Law be published in the official newspapers at least once per week for two successive weeks after the Local Law has been adopted. In order to reduce costs, the Board of Supervisors desires that the publication of the full text of each law be generally discontinued (reserving the right to publish the full text if a particular Local Law sets the same forth as a requirement) and instead require a Notice of Adoption and abstract to be published containing sufficient detail to provide the public with notice of the adopted Local Law and its effective date.

(B) *State law superseded and authority.* N.Y. County Law § 214(2) is, in part, superseded by this Local Law. This Local Law is adopted pursuant to Article 9 of the Constitution of the State of New York and N.Y. Mun. Home Rule Law § 10. Authority is found in these laws as interpreted in the 92 Opinions of the Attorney General 1, and elsewhere.

(C) *Publication requirements.* Except in those instances where the Board of Supervisors shall direct publication of the full text of a Local Law as a requirement set forth in said Local Law, upon adoption of each Local Law of the County of Warren, the Clerk of the Board of Supervisors shall cause a Notice of Adoption and abstract of each Local Law to be published in official newspaper(s) at least once per week for two successive weeks, the first publication of which shall be had within ten days after such Local Law has become effective; provided, however, that any Notice of Adoption and abstract that is prepared for any Local Law which is subject to a permissive referendum shall be published in such official newspaper(s) at least once per week for two

successive weeks, the first publication of which shall be had within ten days after such Local Law is adopted. The Notice and abstract shall be considered sufficient provided that the same sets forth the title of the Local Law, the number and year of the Local Law, information that would be sufficient for a Notice of Public Hearing (the type of public hearing provided for under N.Y. Mun. Home Rule Law § 20, the effective date of the Local Law, and a statement that a complete copy of the Local Law may be obtained by contacting the Clerk of the Board of Supervisors at the Warren County Municipal Center, 1340 State Route 9, Lake George, New York 12845 or by calling a telephone number to be provided by the Clerk in such notice or abstract.

(Local Law 2 of 2010, passed 6-18-2010)

§ 30.03 REQUIRING JAIL INMATES TO PAY FOR MEDICAL AND DENTAL SERVICES.

(A) *Title.* This Law shall be entitled “A Local Law Requiring Inmates of Warren County Jail Facilities To Pay For Medical and Dental Services If Covered By A Health Insurance Policy As Authorized By N.Y. Correct. Law § 500-h”.

(B) *Authority.* The authority for this Local Law is N.Y. Correct. Law § 500-h and the N.Y. Mun. Home Rule Law of the State of New York.

(C) *Reimbursement for inmate health care.* Warren County shall be entitled to reimbursement from any third party health insurance coverage or indemnification carried by any inmate of a Warren County jail facility, for the costs of any medical and dental services provided to such inmate, including diagnoses, test, studies or analyses for the diagnosis of a disease or disability, and care and treatment by a hospital as defined in N.Y. Pub. Health Law Article 28, and by a physician or dentist. Such third-party coverage or indemnification shall first be applied against the total cost to the hospital or other provider as established in accordance with the provisions of N.Y. Pub. Health Law § 2807 relating to rates of payment of individual’s care and treatment, as provided herein.

(Local Law 5 of 2008, passed 4-18-2008)

§ 30.04 TOBACCO COMPANIES.

(A) *Legislative intent.* The Board of Supervisors of Warren County hereby finds that:

(1) The County of Warren is entitled to receive payments under the Master Settlement Agreement (hereinafter the “MSA”) and the Consent Decree and Final Judgment of the Supreme Court of the State of New York, County of New York, dated December 23, 1998 (hereinafter as the same may be amended or modified, the “Decree”) in the class action entitled *State of New York et al. v. Phillip Morris Incorporated, et al.* (Index No. 400361/97); and

(2) In order to secure to present generations a portion of the benefits intended to be conferred by the MSA and the Decree it is necessary or desirable for the County to sell all or a portion of its rights, title and interest in, to and under the Decree and in and to moneys payable to the County under the MSA and the Decree (all such rights, title and interest hereinafter collectively referred to as the “Tobacco Settlement Revenues”) to a local development corporation to be created by the County pursuant to the N.Y. Not-For-Profit Corp. Law.

(B) *Authorization to take all actions necessary to effect sale and to benefit from the consideration to be received from such sales.* The County is hereby authorized to sell to the said local development corporation, and to take any and all actions necessary or desirable to effect one or more sales to the said local development corporation of, the County’s rights, title and interest in and to all or a portion of the Tobacco Settlement Revenues and to take any and all actions necessary or desirable to enable the County to benefit from the consideration to be received from any such sale. The Chairman of the Warren County Board of Supervisors or his designee(s) may approve the terms and conditions of any such transaction and the form and substance of any agreement of sale or other document necessary or desirable to effect any such transaction including the power to execute and deliver any such agreement or other document as may be approved by the person executing the same and to take

any and all other actions necessary or desirable to enter into, facilitate or consummate such transaction, including agreeing to pay certain fees and expenses which will be payable regardless of whether or not such transaction is consummated. Except to the extent that a portion of the purchase price is reserved for the County in trust, at the County’s option, the County shall use all of the initial proceeds to be received from said corporation from such sale to finance a certain capital project or certain projects to be identified by resolution(s) adopted by the Warren County Board of Supervisors not later than the first date of sale of all or a portion of the County’s rights, title and interest in the Tobacco Settlement Revenues to the local development corporation as afore described. The resolution(s) shall show an allocation of all the initial proceeds to be received from the local development corporation as aforesaid. The capital projects identified and amounts allocated therefore in the aforesaid resolution(s) may, after the initial adoption and from time to time, be amended provided that all of the said initial proceeds are fully accounted for as all or part of a source of funding for a capital project or projects. It is the intent of this Local Law that a sale by the County of Tobacco Settlement Revenues to the said local development corporation is, and it is hereby deemed to be, a true sale and not a borrowing.

(C) *Local development corporation.*

(1) The Chairman of the Warren County Board of Supervisors or his designee(s) is hereby authorized to take all actions necessary to create a corporation pursuant to the N.Y. Not-for-Profit Corp. Law § 1411 (hereinafter, the “Corporation”). The Corporation shall be granted all powers as may be deemed necessary by the Chairman of the Warren County Board of Supervisors or his designee(s), which powers shall include, but not be limited to, the power to purchase from the County its right, title and interest in and to all or a portion of the Tobacco Settlement Revenues, to issue bonds, notes and other evidence of indebtedness and other securities and to incur other obligations, to create and transfer assets of the Corporation to a trust or other entity, and to take all other actions as may be necessary in connection therewith.

(2) It is the specific intention of the Legislature that the purpose and scope of the Corporation be limited to the transactions contemplated by this Local Law including the purchase of Tobacco Settlement Revenues from the County, the financing of any such purchase and related transactions.

(D) *Covenant and agreement.* The County is hereby authorized to covenant and agree with the Corporation in a transaction contemplated by this Local Law for the benefit of the Corporation and the holders from time to time of any bonds, notes or other obligations or other securities (hereinafter collectively, the "Securities") issued by the Corporation that the County will not limit or alter the rights of the Corporation to fulfill the terms of its agreements with the holders of the Securities or in any way impair the rights and remedies of such holders or the security for the Securities until the Securities, together with the interest due thereon or payable in respect thereof and all costs and expenses in connection with any action or proceeding or on behalf of such holders, are fully met and discharged. The Chairman of the Warren County Board of Supervisors or his designee(s) is granted the power to make such a covenant to and agreement with the Corporation and to take any and all actions necessary or desirable to cause such covenant and agreement to be made or enforced. The Corporation is hereby authorized to assign to or for the benefit of the holders of its Securities any covenant or agreement made by the County pursuant to this Section. (Local Law 9 of 2001, passed 5-18-2001)

§ 30.05 OFF-TRACK BETTING.

(A) This law shall be entitled "An Act to Provide for the Participation of Warren County in the Capital District Regional Off-Track Betting Corporation".

(B) Warren County is hereby authorized to participate in the Capital District Regional Off-Track Betting Corporation, said Corporation to implement an off-track betting system for the Capital District Region

following approval of the addition of Warren County by the State Racing and Wagering Board.

(C) In so far as the provisions of this law are inconsistent with the provisions of any special or Local Laws, the provisions of this Local Law shall be controlling.

(D) This Local Law shall take effect 45 days after adoption or upon approval of a majority of the electors vote, if a petition for a permissive referendum is filed pursuant to the provisions of N.Y. Mun. Home Rule Law § 24. (Local Law 4 of 1976, passed 3-26-1976)

§ 30.06 POWER TO LEASE REAL PROPERTY.

(A) The Board of Supervisors of the County of Warren, New York, shall have the power to lease to persons, firms or corporations for terms in excess of 40 years but not exceeding 99 years any portions of the real property owned by the County of Warren and situated in the Town of Queensbury, known as the Warren County Airport, which shall not be required for the operation of the Warren County Airport as a public airport.

(B) This Local Law will supersede the provisions of the N.Y. Gen. Mun. Law § 352 which limits leases of airport property to a term not exceeding 40 years.

(C) The adoption of this Local Law is subject to referendum on petition as provided by N.Y. Mun. Home Rule Law § 24 and this Local Law shall take effect 45 days after its adoption by the Board of Supervisors unless a petition is filed with the Clerk of the Board of Supervisors signed and authenticated by the required number of qualified electors, as provided by said N.Y. Mun. Home Rule Law § 24, requiring a referendum thereon, in which event this Local Law shall take effect upon its approval by the affirmative vote of the qualified electors of the County of Warren on a proposition for the approval of this Local Law. (Local Law 1 of 1967, passed 4-28-1967)

CHAIRMAN OF THE BOARD OF SUPERVISORS

§ 30.20 ADMINISTRATIVE FUNCTIONS, POWERS AND DUTIES.

(A) There is hereby assigned to the Chairman of the Board of Supervisors the following specified administrative functions, powers and duties on behalf of this Board, in addition to any and all other functions, powers and duties provided for by Law, providing, however, that in the granting of such powers, such Local Law shall not divest such Board of such functions, powers, and duties.

(1) To become familiar with the property, functions, and fiscal affairs of this County.

(2) To become familiar with the statutory and Local Laws, rules, and regulations adopted by the Federal or State agencies and Resolutions of the Board of Supervisors affecting powers, duties, and administration of functions of County officers and report to the Board of Supervisors as to the enforcement and administration thereof by said County officers.

(3) To make recommendations to the Board of Supervisors on legislation, rules, and regulations, and such other matters deemed material and advisable.

(4) To advise department heads and officers and recommend matters helpful in the performance of their duties and have direct supervision over all departments of the County of Warren except those otherwise regulated by law. He shall hold collective meetings of the department heads at least once a month and shall report the results of such meetings at the next regular meeting of the Board of Supervisors.

(5) To transfer employees temporarily from one department, or office, to another, after consultation with the appointing officer or department.

(6) Determine what officer shall perform a particular power or duty not clearly defined by a law.

(7) Upon receipt of written request to attend conferences, conventions, or schools within the State of New York for the betterment of County Government, to determine if said conferences, conventions, or schools are in the interest of the County and who may be authorized to attend. Any conference outside the State of New York must receive prior approval by the adoption of a Resolution of the Board of Supervisors.

(8) Execute and deliver documents and contracts authorized by the Board.

(9) In public emergency, on behalf of this Board, to perform all acts which are necessary for the County health and protection of the citizens of this County and to sign all necessary papers to carry this authorization into effect.

(10) The Chairman of the Board of Supervisors shall be the Budget Officer of the County, unless some other member is duly designated by Resolution of the Board of Supervisors.

(11) In the case of absence, incapacity, or inability of the Chairman to act, for any reason, the Audit and Finance Chairman of the Board shall perform the function, powers, and duties of the Chairman within the limits of the statutes. He shall also be bonded in the same amount as fixed for the Chairman of the Board.

(12) Provide for the proper allocation of gross sales tax receipts as provided by law.

(13) After State equalization rates have been determined, to prepare and report to the Board the equalization table and apportionment of County tax.

(14) To review all claims for, and against, the County and enter into negotiations for settlement thereof with the advice of the County Attorney.

(15) To approve the cancellation and refund of taxes when duly approved by the Supervisor of the Town affected, as well as the County Treasurer and

the Director of Assessments. The Chairman shall file periodic reports with the Board, listing such refunds.

(B) The Chairman is to file such other periodic reports as may be requested by the Board.

(C) This Local Law shall take effect January 1, 1969.

(Local Law 1 of 1968, passed 11-8-1968)

§ 30.21 CONVENTION AND CONFERENCE ATTENDANCE.

(A) Pursuant to N.Y. Gen. Mun. Law § 77-b, as amended, power is hereby delegated to the Chairman of the Board of Supervisors to authorize County officers and employees to attend an official or unofficial convention or conference, meetings of duly constituted committees, or any school conducted for the betterment of municipal government. Such authorization, if the same shall be granted by the Chairman of the Board of Supervisors, shall be in writing and signed by the Chairman of the Board of Supervisors and shall be filed with the Clerk of the Board of Supervisors prior to such attendance thereby authorized.

(B) All actual and necessary expenses of travel, meals and lodging incurred by any person duly authorized to attend a convention, conference, meeting or school shall be a County charge and shall be paid by the County Treasurer upon a duly itemized voucher verified by such officer or employee after the same has been audited and approved by the appropriate committee of the Board of Supervisors.

(Local Law 1 of 1954, passed 1-4-1954)

CHAPTER 31: COUNTY OFFICIALS

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liaison with each other or with the Board of Supervisors, and that the Board of Supervisors must assume a more efficient administrative control over the several boards, agencies, departments and advisory committees which have been or will be established to serve the needs of County Government.

(B) *Establishment of Office of County Administrator.*

§ 31.01 COUNTY ADMINISTRATOR.

(A) *Legislative intent.* The Warren County Board of Supervisors, heretofore having recognized the growing complexities of County Government and the resulting inadequacies of existing management procedures for the purpose of increasing the efficiency of management procedures, adopted Local Law 5 of 1976 establishing the Department of Administrative and Fiscal Services. The management procedures established by said Local Law 5 of 1976 have resulted in an increased efficiency in the governmental operations of Warren County. The County of Warren has continued to experience an increase in County governmental functions, significant annual budgets, significant increase in complex projects and activities undertaken and to be undertaken by the County, and ever more growing of complexities in the Administration and Management of County government. As a result thereof it has become increasingly evident that ever greater direction, control, and coordination of the County governmental functions is necessary for efficient administration of the various departments of County Government greatly increased in number and complexity by the many mandated programs on both the Federal and State level of government. It has become apparent that the several agencies, departments, and committees are in need of increased coordination in providing service to the people of Warren County and more direct

(1) *Office of County Administrator.* The office of County Administrator is hereby established and all books, records and property of the Office of Administrative and Fiscal Services shall be delivered or arranged to be delivered to the Office of the County Administrator pertaining to the functions transferred and assigned to the respective offices pursuant to the Local Law.

(2) *County Administrator.* There shall be a County Administrator who shall be directly responsible to the Board of Supervisors and perform the functions of a chief administrative officer on behalf of the Board of Supervisors with the Board of Supervisors retaining the final administrative authority.

(C) *Appointment; qualifications.* The County Administrator shall be appointed by the Board of Supervisors and shall serve at the pleasure of the Board. At the time of appointment, the County Administrator should possess a Juris Doctorate Degree, Masters in Business Administration or Masters in Public Administration and have at least five years experience as a County Department Head, County Attorney or equivalent experience in Federal, State, local government or private sector comparable position, or may have such other comparable educational training or professional experience or a

combination thereof, and shall be appointed on the basis of these and such other qualifications as may be required for the responsibilities of the office.

(D) *Powers and duties.* Without curtailing, diminishing, or transferring the powers of any elected County official, the County Administrator shall be responsible for the overall administration of County Government and shall provide and coordinate staff services to the Board of Supervisors, Chairman of the Board and its Committees. The County Administrator shall perform all the duties now and hereafter conferred or imposed upon the office by law and directed by the Board of Supervisors and shall have all powers and perform all the duties necessarily implied or incidental thereto. Among such powers and duties, but not by way of limitation, are:

(1) Serve as an advisor to the Board of Supervisors and develop policy and procedural recommendations for consideration of the Board;

(2) Undertake research and submit to the Board of Supervisors reports and recommendations regarding governmental operations and projects or activities undertaken or proposed to be undertaken by the Board as he or she may deem appropriate or the Board of Supervisors may require, and provide such assistance to the Board and its Committees as may be requested by the Board;

(3) Work with the Budget Officer to develop and recommend a budget program that includes both long-range capital budgeting, debt issuance and repayment and annual operating capital budgets under the direction of the Board of Supervisors;

(4) Monitor the report on the impact of Federal and State changes that affect County Finances;

(5) Determine and report to the Board of Supervisors the financial and budgetary impact of proposed County directives, projects and policies;

(6) Execute and enforce all Local Laws, legalizing acts, ordinances, resolutions, programs and policies of the Board of Supervisors, and all other acts required by operation of law;

(7) Promulgate administrative directions and/or procedures implementing the provisions of the acts and resolutions of the Board of Supervisors;

(8) Determine in consultation with the Chairman of the Board, what officer shall perform a particular duty not clearly defined by law;

(9) Serve as liaison between the Board and the boards, commissions, and advisory committees established by the Board of Supervisors;

(10) Maintain liaison and represent the Board in contacts with the Office of County Treasurer, County Clerk, and Sheriff and with political subdivisions, State and Federal officials and agencies;

(11) Make recommendations for appointments by the Board of Supervisors for all non-elected heads of units of County Government;

(12) To the extent not provided for by law, prescribe methods of accounting procedures for the County and its administrative agencies as he or she may deem necessary;

(13) Have oversight of all contracts, purchase orders, and other documents by which the County incurs financial obligations and oversight of whether moneys have been duly appropriated or provided for and allotted to meet such Obligations and will be available when such obligations shall become due and payable;

(14) Prescribe the form of receipts, vouchers, bills or claims to be filed by all administrative agencies, departments, offices or officials, institutions, and other agencies of the County;

(15) Advise Buildings and Insurance Committee relating to placement of all County insurance which shall be deemed necessary with the business and property of the County within appropriations set by the Board of Supervisors;

(16) Provide for the administration of supporting services and facilities for the various units

of County Government, including the supervision of central reproduction, mail room, and telephone and information technology operations;

(17) Lead and/or participate in the conduct of collective negotiations with organized employee representatives;

(18) Appoint such assistants within the office as may be authorized by the Board of Supervisors;

(19) Have oversight, provide direction, evaluate and assess the operations, procedures, goals and objectives of the various County Departments such that their activities and operations are consistent with County general and specific directives, policies and goals and objectives and, from time to time as may be appropriate, report to the Board of Supervisors concerning the same;

(20) Administer County fiscal affairs involving the several departments and agencies of county government, including approving interfund transfers and providing information by appropriate budgetary controls and the efficient and economical management of appropriated funds;

(21) Have oversight and provide direction with County personnel matters and policies; and

(22) Have such other powers and perform such other duties as may now or hereafter be conferred or imposed upon him or her by the Board of Supervisors.

(E) *Divestiture of functions, powers and duties.* Nothing herein contained shall operate to divest the Board of Supervisors or any other elected Officer of any functions, powers and duties.

(F) *Heads of administrative units.* The heads of all administrative units are hereby directed to cooperate with and be accountable to the County Administrator and to provide such assistance and information as the County Administrator may request.

(G) *Salary.* The salary to be paid such County Administrator shall be fixed by resolution of the Warren County Board of Supervisors.

(H) *Acting County Administrator.* The Chairman of the Board of Supervisors shall be the acting County Administrator in the event of the County Administrator's absence from the County or inability to perform and exercise the powers and duties of the office for an extended period. In the event of the Chairman's inability to serve as acting County Administrator, the Board of Supervisors shall appoint an acting County Administrator. In no event may a person serve as acting County Administrator for a period greater than 60 days in any calendar year unless authorized by the Board of Supervisors. The acting County Administrator shall have all the powers and duties of the County Administrator during the period of his designation or until a new County Administrator shall be appointed pursuant to law and shall qualify to assume that office.

(I) *County administrative staff.* The staff of the County Administrator's office shall include such personnel as may be authorized from time to time by the Board of Supervisors, including but not limited to:

(1) The position of Confidential Secretary to the County Administrator, subject to the provisions of applicable N.Y. Civ. Serv. Law, rules and/or regulations. The County Administrator shall appoint such Confidential Secretary, who shall serve at the County Administrator's pleasure.

(2) There shall be an Assistant to the County Administrator who shall be appointed by the County Administrator and serve at the pleasure of the County Administrator. Assistant to the County Administrator shall be chosen on the basis of training and experience in the fields of administration and fiscal management. The person so appointed shall take the prescribed Oath of Office and furnish any required official undertaking. The Assistant to the County Administrator shall have the following powers and duties:

(a) Professional, administrative and managerial functions as directed by the County Administrator;

(b) Coordinating and monitoring of progress of county projects as directed by the County Administrator, which may include working with

County Supervisors, Department Heads, Consultants and Engineers, as necessary;

(c) Assisting in the preparation of the county budget, multi year financial management and capital plans and assisting in the evaluation of County's fiscal position relative to the budget, working with the Budget Officer, County Administrator and Fiscal Assistant to the County Administrator;

(d) Undertake research and analysis of policy issues under consideration by the County and prepares recommendations as directed by the County Administrator;

(e) Assist County Administrator in implementing directives, programs and policies of the Board of Supervisors;

(f) Assist with Collective Bargaining negotiations; and

(g) Performing designated duties assigned to the County Administrator in the absence of the Administrator. Examples include, but are not limited to, managerial functions as directed by the Board of Supervisors, enforcing policies and procedures to ensure smooth operations of all departments, responding to questions, receiving and giving status reports on ongoing issues, and attending a variety of meetings, including Board of Supervisors, committee meetings and department head meetings.

(3) Fiscal Assistant to the County Administrator: the position of Fiscal Assistant to the County Administrator who shall be appointed by the County Administrator. The Fiscal Assistant to the County Administrator shall serve at the pleasure of the County Administrator. The Fiscal Assistant shall be chosen on the basis of training and experience in the field of fiscal management. The person so appointed shall take the prescribed Oath of Office and furnish any required official undertaking. The Fiscal Assistant shall have the powers and duties of a deputy as provided for in N.Y. County Law § 401 and the following duties:

(a) Performing financial functions as directed by the County Administrator;

(b) Coordinating the fiscal affairs of the several departments and agencies of county government, including approving interfund transfers and providing information by appropriate budgetary controls and the efficient and economical management of appropriated funds;

(c) Preparing the county budget, working with the Budget Officer, County Administrator and Assistant to the County Administrator; and

(d) Performing such other duties as may now or hereafter be conferred by the County Administrator.

(J) *Effective date.* This Local Law shall take effect on the first day of the month following the date of adoption and compliance with the requirements of law.

(K) *Prior Local Law repealed.* Local Law 5 of 1976 entitled, "A Local Law establishing a Department of Administrative and Fiscal Services" is hereby repealed.

(Local Law 3 of 2010, passed 6-18-2010; Local Law 7 of 2010, passed 9-17-2010)

§ 31.02 COUNTY CLERK.

(A) The Warren County Clerk shall be elected from the County at large. His term of office shall be for three years, beginning with the first day of January immediately following his election. At the time of his election, and throughout his term of office, he shall be a qualified elector of the County and shall devote his whole time to the duties of his office.

(B) The County Clerk shall appoint such deputies, officers and employees of the department as may be authorized by Resolution of the Board of Supervisors, and shall have and exercise all powers and duties now or hereafter conferred or imposed

upon him by any applicable law. He shall perform such other and related duties as shall be required or delegated to him by the Board of Supervisors.

(C) In addition to the duties set forth in N.Y. County Law § 525, the County Clerk shall direct, supervise, coordinate and operate a records center for all Warren County records and documents. He shall develop and establish operating procedures for the records center and confer with heads of other County departments regarding the scheduling of transfers of records to the records center. He shall direct, supervise and coordinate the microfilming of all County records when required by law.

(D) This Local Law shall be effective January 1, 1970.
(Local Law 3 of 1969, passed 11-14-1969)

§ 31.03 COUNTY CORONER'S PHYSICIANS.

(A) There shall be appointed at least one Coroner's Physician for the County of Warren. The Board of Supervisors of Warren County (the "Board") shall, by Resolution, appoint at least one Coroner's Physician and may appoint additional Coroner's Physicians. This requirement may be satisfied by appointing one or more duly licensed physicians and/or by appointing one or more of the elected Coroners to serve as a Coroner's Physician, provided that any Coroner so appointed is a physician duly licensed to practice medicine in the State of New York. In the event a Coroner is appointed as Coroner's Physician, the status of the elected Coroner as holding a separate elected office shall not be affected and the person holding said office may hold both positions. The Coroner's Physician to the extent available shall be first called upon for the provision of assistance to any elected Coroner who is not a physician.

(B) The salary of Coroner's Physician shall be fixed and established at \$10,000 and said salary shall be subject to modification, (being increased or decreased), from time to time by subsequent Local Law adopted by the Board with the extent of services and availability to be agreed upon with the Board of Supervisors. The salary for Coroner's Physician shall

be in addition to any other remuneration that may be received by the appointee, including that received by a Coroner, if applicable.

(C) The Coroner's Physician shall serve at the pleasure of the Board and said appointment may be revoked at any time by resolution of the Board.

(D) If there shall be more than one Coroner's Physician appointed by the Board, the duties and responsibilities of Coroner's Physicians shall be shared equally in accordance with procedures and/or methods developed by the Coroner's Physicians.
(Local Law 6 of 2001, passed 4-13-2001)

§ 31.04 COUNTY DISTRICT ATTORNEY.

(A) Effective January 1, 1986, the office of the Warren County district attorney shall be a full-time position.

(B) The full-time district attorney shall give his whole time to his duties and shall not engage in the practice of law, act as an arbitrator, referee or compensated mediator in any action or proceeding or matter, or engage in the conduct of any other profession or business which interferes with the performance of his duties as district attorney.
(Local Law 2 of 1985, passed 5-17-1985)

§ 31.05 COUNTY PUBLIC DEFENDER.

(A) *Title.* This Local Law shall be known as "Establishing the Office of Public Defender for Warren County".

(B) *Legislative intent and purpose.* The governing body of each county is required to have in place in operation throughout the county a plan for providing counsel to persons charged with a crime or who are entitled to counsel pursuant to § 262 or § 1120 of the Family Court Act or N.Y. Surr. Ct. Proc. Act § 407 or N.Y. Correct. Law Article 6-c and who are financially unable to obtain counsel. Among the plans authorized to meet the requirements set forth in N.Y. County Law Article 18-b are the Assigned Counsel Plan as well as the use of a Public Defender.

Warren County is currently utilizing the Assigned Counsel Plan. However, upon review and study, the Board of Supervisors has determined that the establishment of the office of Public Defender both satisfies the requirements of New York State Law and is the most appropriate and beneficial plan for Warren County.

(C) *Authority.* This Local Law is enacted under the authority of N.Y. County Law Article 18-a and N.Y. Mun. Home Rule Law § 10.

(D) *Establishment of the office of Public Defender.* There is hereby created in Warren County the office of Public Defender. The Board of Supervisors shall designate an attorney-at-law as Public Defender and shall fix his term and compensation. The Public Defender shall be appointed by majority vote of all members of the Board of Supervisors, for a term not greater than the term for which the membership of such Board making the appointment was elected. Subject to the approval of such Board, the Public Defender may appoint as many assistant attorneys, clerks, investigators, stenographers and other employees as he may deem necessary and as shall be authorized by such Board. The Public Defender shall fix the compensation of such aides and assistants within the amounts such Board may appropriate for such purposes.

(E) *Public Defender's duties.*

(1) The Public Defender shall represent, without charge, at the request of the defendant, or by order of the court with the consent of the defendant, each indigent defendant who is charged with a crime as defined in N.Y. County Law § 722-a in the county in which such Public Defender serves. When representing an indigent defendant, the Public Defender shall counsel and represent him at every stage of the proceedings following arrest, shall initiate such proceedings as in his judgment are necessary to protect the rights of the accused, and may, in his discretion, prosecute any appeal, if in his judgment the facts and circumstances warrant such appeal.

(2) The Public Defender shall also represent, without charge, in a proceeding in Family

Court or Surrogate's Court in the county where such Public Defender serves, any person entitled to counsel pursuant to § 262 or § 1120 of the Family Court Act or any person entitled to counsel pursuant to N.Y. Correct. Law Article 6-c or N.Y. Surr. Ct. Proc. Act § 407, who is financially unable to obtain counsel. When representing such person, the Public Defender shall counsel and represent him at every stage of the proceedings, shall initiate such proceedings as in the judgment of the Public Defender are necessary to protect the rights of such person, and may prosecute any appeal when, in his judgment the facts and circumstances warrant such appeal.

(3) The Public Defender, or any representative of his office, shall also be a member of the Warren County Felony Drug Court Team as established through Warren County Court as well as a member of the Family Treatment Team as established through Warren County Family Court. As members of the team, the Public Defender appears on behalf of any Defendant or Respondent who is not actively represented by other counsel. In addition, the Public Defender shall be a member of the team of the Glens Falls Domestic Violence Court; Glens Falls City Drug Treatment Court and any future specialty court created in Warren County.

(4) The Public Defender shall also represent any person in County Court or Supreme Court entitled to counsel in any action brought pursuant to N.Y. Pub. Health Law §§ 2100 et al. dealing with isolation or quarantine issues.

(F) *Public Defender's expenses.* Expenses incidental to individual cases shall be paid by the county for which the services were rendered. All expenses chargeable to a county hereunder shall be a county charge to be paid out of an appropriation made for such purposes in the manner currently established in the county.

(G) *Annual report.* The Public Defender shall make an annual report to the Board of Supervisors covering all cases handled by his office during the preceding year.

(Local Law 6 of 2003, passed 11-14-2003; Local Law 5 of 2006, passed 5-12-2006)

§ 31.06 COUNTY SHERIFF.

(A) (1) *Title.* This Local Law shall be known as the Local Law Establishing Residency Requirements for Warren County Deputy Sheriffs.

(2) *Purpose.* The purpose of this Local Law is to establish the residency requirements for the appointed Warren County Deputy Sheriffs.

(3) *Residency requirements for a Warren County Deputy Sheriff.*

(a) 1. A person appointed as deputy sheriff by the Sheriff of Warren County shall at the time of his or her appointment be a resident of:

a. The State of New York;

and

b. The County of Warren or of a county contiguous to the County of Warren.

2. As allowed or provided under the N.Y. Civ. Serv. Law, preference in appointment may be given by Warren County Civil Service and the appointing officer to those candidates who reside in Warren County.

(b) A deputy sheriff who ceases to be a resident of New York State and Warren County or of a county contiguous to Warren County shall be deemed to have resigned his or her employment and vacated the position.

(4) *Public Officers Law; superseded and/or amended.* This Local Law is intended to supersede and/or amend the provision of N.Y. Pub. Off. Law § 3(1) concerning residency requirements for local officers as the same concerns or affects the position of deputy sheriff in Warren County. The provision of N.Y. Pub. Off. Law § 3 requiring a person to be a resident of the political subdivision for which he or she shall be chosen shall not prevent a person from holding the office of deputy sheriff of the County of Warren provided that such person resides in the

County of Warren or an adjoining or contiguous county within the State of New York.

(B) (1) All employees assigned to the Warren County Sheriff's office and department under the Comprehensive Employment and Training Act of 1973, being 29 U.S.C. §§ 801 et seq., as amended, (CETA Employees) shall be included in any classification survey conducted by the New York State Department of Civil Service.

(2) Notwithstanding the foregoing provisions, all CETA employees in the Sheriff's office or department who have been so employed as of September 30, 1979, in their respective positions prior to the effective date of this Local Law shall be covered in their respective position without an examination.

(3) Those CETA employees included in the classification survey shall have an effective cover-in date of October 1, 1979.

(C) (1) All officers and positions of employment in the Warren County Sheriff's office and department, except the Sheriff, Undersheriff and Civil Deputies, are hereby placed in the classified service pursuant to the N.Y. Civ. Serv. Law.

(2) Such officers and positions shall be held and filled according to the provisions of the N.Y. Civ. Serv. Law and the rules and regulations of the Department of Civil Service and the Civil Service Commission, and shall be governed and controlled and shall be subject to such N.Y. Civ. Serv. Law and such rules and regulations.

(3) Notwithstanding the foregoing provisions, all employees in the Sheriff's office or department who have been so employed for a period of one year or longer in their respective positions prior to the effective date of this Local Law shall be covered in their respective positions without an examination.

(Local Law 6 of 1978, passed 7-14-1978; Local Law 2 of 1980, passed 3-14-1980; Res. 304 of 1996, passed - -1996; Local Law 4 of 1996, passed 4-12-1996)

§ 31.07 COUNTY TREASURER.

(A) The Warren County Treasurer shall be elected from the County at large. His term of office shall be for three years, beginning with the first day of January immediately following his election. At the time of his election, and throughout his term of office, he shall be a qualified elector of the County and shall devote his whole time to the duties of his office.

(B) The County Treasurer shall have all the powers and perform all the duties as are now or hereafter provided by law and he shall perform such additional and related duties as shall be required or delegated to him by the Board of Supervisors.

(C) This Local Law shall take effect January 1, 1970.

(Local Law 4 of 1969, passed 11-14-1969)

CHAPTER 32: COUNTY ORGANIZATIONS

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**DEPARTMENT OF FIRE PREVENTION AND
BUILDING CODE ENFORCEMENT****§ 32.001 DEPARTMENT ESTABLISHED.**

Effective January 1, 1984, there is hereby created and established a Department of Fire Prevention and Building Code Enforcement in Warren County under the direction of an Administrator for the purpose of implementation and enforcement of the New York State Uniform Fire Prevention and Building Code. (Local Law 4 of 1983, passed 12-16-1983; Local Law 3 of 1990, passed 4-12-1990; Local Law 10 of 2007, passed 9-21-2007)

§ 32.002 DEPARTMENT PERSONNEL.

The Department shall consist of an Administrator who shall be the head of the Department, and the positions of secretary, Fire and Building Code Enforcement Officer and such other positions as the Board of Supervisors may appoint by resolution from time to time. It shall be permissible for one officer or employee of the Department to hold more than one position provided there is no prohibition under State

Law or by resolution of the Warren County Board of Supervisors.

(Local Law 4 of 1983, passed 12-16-1983; Local Law 3 of 1990, passed 4-12-1990; Res. 700 of 1996, passed - -1996; Local Law 11 of 1996, passed 12-13-1996; Local Law 11 of 2007, passed 9-21-2007)

§ 32.003 ADMINISTRATOR.

The Administrator shall be appointed by the Board of Supervisors on the basis of his professional experience in the fire prevention and building code enforcement sector and such other qualifications as shall be necessary to carry out the duties and responsibilities of his Office. The Administrator shall serve at the pleasure of the Board of Supervisors.

(Local Law 4 of 1983, passed 12-16-1983; Local Law 3 of 1990, passed 4-12-1990; Local Law 10 of 2007, passed 9-21-2007)

§ 32.004 RESPONSIBILITY.

The secretary, fire and building code enforcement officers and other staff members of the Department shall be responsible directly to the Administrator of the Department.

(Local Law 4 of 1983, passed 12-16-1983; Local Law 3 of 1990, passed 4-12-1990; Local Law 10 of 2007, passed 9-21-2007)

§ 32.005 DEPARTMENT HEAD.

The Administrator shall have the power to appoint such assistants and employees of his Department as shall be authorized by the Board of Supervisors. All persons so appointed shall be directly responsible to the Administrator, except where otherwise provided hereunder or applicable to law.

(Local Law 4 of 1983, passed 12-16-1983; Local Law 3 of 1990, passed 4-12-1990)

§ 32.006 BUILDING CODE ENFORCEMENT.

Warren County, through its designated Department, shall administer and enforce the New York State Uniform Fire Prevention and Building Code pursuant to, and in accordance with, N.Y. Exec. Law Article 18 and rules and regulations promulgated by the Secretary of State for implementation and enforcement thereof as they shall apply to Warren County and as the same from time to time may be amended.

(Local Law 4 of 1983, passed 12-16-1983; Local Law 3 of 1990, passed 4-12-1990)

§ 32.007 ADDITIONAL RULES AND REGULATIONS.

The Board of Supervisors shall adopt by Resolution or Local Law such additional rules and regulations for administration and enforcement of the Uniform Fire Prevention and Building Code as shall be necessary.

(Local Law 4 of 1983, passed 12-16-1983; Local Law 3 of 1990, passed 4-12-1990)

§ 32.008 APPLICABILITY - DEFINITIONS.

(A) *Applicability.* This Local Law shall provide the basis method for administration and enforcement of the New York State Uniform Fire Prevention and Building Code:

(1) Within the boundaries of all local governments that do not have in force Local Laws providing for the enforcement and administration of the New York State Uniform Fire Prevention and Building Code; and

(2) For all County-owned buildings and structures.

(B) *Definition.* For the purpose of this Local Law, the following definition shall apply unless the

context clearly indicates or requires a different meaning.

CODE ENFORCEMENT OFFICIAL OR OFFICER. As used in this Local Law shall be read generally or generically and shall be read as the context of a Section may require to include the positions of Administrator, Building Inspector, Fire Coordinator, Fire and Building Code Enforcement Officer, Deputies in the Department of Fire Prevention and Building Code Enforcement and other positions in the Department charged with fire prevention and building code enforcement. (Local Law 3 of 1990, passed 4-12-1990; Res. 700 of 1996, passed - -1996; Local Law 11 of 1996, passed 12-13-1996)

§ 32.009 PERMITS.

(A) *Permit required.* Except as hereinafter provided, no person, firm, corporation, association or partnership shall commence the construction, enlargement, alteration, improvement, removal or demolition of any building or structure or any portion thereof, or install heating equipment, air conditioning equipment, or alter means of egress without first having obtained a permit from the Code Enforcement Official.

(B) *No permit required.* No permit shall be required for:

(1) Necessary repairs which do not materially affect structural features;

(2) Alterations to existing buildings, provided that the alterations:

(a) Do not materially affect structural features;

(b) Do not affect fire safety features such as smoke detectors, sprinklers, required fire separations and exits;

(c) Do not involve the installations extension of electrical systems; and

(d) Do not include the installation of solid fuel burning heating appliances and associated chimneys and flues.

(3) Small non-commercial structures having less than 80 square feet of area and not intended for use by one or more persons as quarters for living, sleeping, eating or cooking, for example, a small storage building; and

(4) Nonresidential farm buildings, including barns, sheds, poultry houses and other buildings used directly and solely for agricultural purposes.

(C) *Application for permit.* The application for a building permit, and its accompanying documents, shall contain sufficient information to permit a determination that the intended work is in accordance with the requirements of the Uniform Code.

(D) *Form of permit and application.* The form of the permit and application for the permit shall be prescribed by the Code Enforcement Official. The application shall be signed by the owner (or his authorized agent) of the building or work and shall contain at least the following:

(1) Name and address of the owner;

(2) Identification and/or description of the land on which the work is to be done;

(3) Description of use or occupancy of the land and existing or proposed building;

(4) Description of the proposed work;

(5) Estimated cost of the proposed work, with appropriate substantiation;

(6) Statement that the work shall be performed in compliance with the Uniform Code and applicable State and Local Laws, ordinances and regulations; and

(7) Required fee, payable to the County of Warren.

(E) *Accompanying documentation.* Such application shall be accompanied by such documents, drawings, plans (including plot plan) and specifications as the application shall deem adequate and appropriate for compliance with the Local Law, or as the Code Enforcement Official may require as being necessary or appropriate. Applicant may confer with the Enforcement Office in advance of submitting his applications to discuss the Code Enforcement Official's requirements for same.

(F) *Seal of licensed professional required.* As required by N.Y. Educ. Law § 7209, the seal and signature of a licensed architect or professional engineer shall be affixed to all plans submitted except plans for alterations to any building or structure costing \$10,000 or less, which do not involve changes affecting the structural safety or public safety, thereof, nor to farm buildings including barns, sheds, poultry houses and other buildings used directly and solely for agricultural purposes; nor to residential buildings of gross floor area of 1,500 square feet or less, not including garages, carports, porches, cellars, or uninhabitable basements or attics.

(G) *Changes and issuance of permit.* The applicant shall notify the Code Enforcement Official of any changes in the information contained in the application during the period for which the permit is in effect. A permit will be issued when the application has been determined to be complete and when the proposed work is determined to conform to the requirements of the Uniform Code. The authority conferred by such permit may be limited by conditions, if any, contained therein.

(H) *Prominent display of permit.* A building permit issued pursuant to these Rules and Regulations shall be prominently displayed on the property or premises to which it pertains.

(I) *Suspension or revocation.* A building permit issued pursuant to this Local Law may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in conformance with the Uniform Code or with any condition attached to such permit, or if there has been a misrepresentation or

falsification of a material fact in connection with the application for the permit.

(Local Law 3 of 1990, passed 4-12-1990)

§ 32.010 CERTIFICATES OF OCCUPANCY.

(A) *Certificate of occupancy required.* No building hereafter erected which requires the issuance of a building permit shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the Code Enforcement Official.

(B) *No occupancy or use for more than 30 days without certificate of occupancy.* No building hereafter enlarged, extended or altered, or upon which work has been performed which required the issuance of a building permit shall be occupied or used for more than 30 days after the completion of the alterations or work unless a certificate of occupancy shall have been issued.

(C) *No changes without certificate of occupancy.* No change shall be made in the occupancy of an existing building unless a certificate of occupancy authorizing such change shall have been issued.

(D) *Issuance of certificate of occupancy when completed.* When, after final inspection, it is found that the proposed work has been completed in accordance with the Uniform Code; all applicable laws, ordinances, rules or regulations; and in accordance with the application, the Code Enforcement Official shall issue a certificate of occupancy. If it is found that the proposed work has not been properly completed, the Code Enforcement Official shall not issue a certificate of occupancy.

(E) *Application for issuance.* A certificate of occupancy shall be issued, where appropriate, within 30 days after written application for such certificate is made.

(F) *Contents of certificate of occupancy.* The certificate of occupancy shall acknowledge that the work has been completed, and that the proposed use and occupancy is in conformity with the provisions of

the applicable laws, ordinances, rules and regulations, and shall specify the use or uses and the extent to which the building or structure or its several parts may be put to use.

(G) *Temporary certificate of occupancy.* Upon request, the Code Enforcement Official may issue a temporary certificate of occupancy for the building or structure, or part thereof, before the entire work covered by the building permit shall have been completed, provided such portions as have been completed may be occupied safely without endangering life or the public health and welfare. A temporary certificate of occupancy shall remain effective for a period not exceeding three months from its date of issuance. For good causes, the Code Enforcement Official may allow a maximum of two extensions for periods not exceeding three months each.

(Local Law 3 of 1990, passed 4-12-1990)

§ 32.011 INSPECTIONS.

(A) *Inspection procedure.* Work for which a building permit has been issued under this Local Law shall be inspected for approval prior to enclosing or covering any portion thereof and upon completion of each stage of construction including, but not limited to, building location, site preparation, excavation, foundation, framing, superstructure, electrical, plumbing, and heating and air conditioning. It shall be the responsibility of the owner, applicant, or his agent, to inform the Code Enforcement Officer that the work is ready for inspection and to schedule such inspection.

(B) *Annual fire safety inspections.* Fire safety inspections of areas of public assembly as defined in Part 606 of Title 9 of the Official Compilation of Codes, Rules and Regulations (NYCRR) as it exists, or as may be amended, shall be made or cause to be made by the Code Enforcement Officer at least annually.

(C) *Multiple dwelling inspections.* Fire safety inspections of all multiple dwellings, and all nonresidential occupancies shall be made at intervals of not less than 24 months.

(D) *Inspections following complaints.* Inspections shall be made or cause to be made by the Code Enforcement Official in response to bona fide complaints regarding conditions or activities allegedly failing to comply with the Uniform Code. [19 NYCRR 444.3(d)].

(Local Law 3 of 1990, passed 4-12-1990)

§ 32.012 RECORDS.

(A) *Records maintenance.* The Code Enforcement Official shall keep permanent official records of all transactions and activities conducted by him or her including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated by the County, and notices and orders issued. All such reports shall be public information open to public inspection during normal business hours.

(B) *Annual report to Board.* The Code Enforcement Official shall annually submit to the Board of Supervisors a written report of all business conducted.

(Local Law 3 of 1990, passed 4-12-1990)

§ 32.013 FEES.

The County Legislature shall establish a schedule of fees which shall be paid by applicants to secure the necessary permits or approvals as required by the New York State Uniform Fire Prevention and Building Code, this Local Law and rules and regulations promulgated thereunder.

(Local Law 3 of 1990, passed 4-12-1990)

§ 32.014 VIOLATIONS.

(A) *Violation of code, Local Law or rules.* It shall be a violation for any person, to construct, alter, repair, move, equip, use or occupy any building or structure or portion thereof, in violation of any provision of the New York State Uniform Fire Prevention and Building Code, or any amendment

hereafter made thereto, this Local Law, or any rule or regulation promulgated by the County of Warren.

(B) *Violation by failure to comply with written orders.* It shall be a violation for any person to fail to comply with a written order of the Code Enforcement Official or any owner, builder, architect, tenant, contractor, or any person taking part or assisting in the construction or use of the building, who violates any of the applicable provisions of law, or any lawful order, notice, directive, permit or certificate of the Code Enforcement Officer made thereunder. (Local Law 3 of 1990, passed 4-12-1990; Res. 700 of 1996, passed - -1996; Local Law 11 of 1996, passed 12-13-1996)

§ 32.015 STOP ORDERS AND ORDER TO REMEDY.

(A) *Stop orders.* Whenever the Code Enforcement Official has reasonable grounds to believe that work on any building or structure is being performed in violation of the provisions of the New York State Uniform Fire Prevention and Building Code or this Local Law or not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner’s agent, to suspend all work. Such persons shall immediately stop such work and suspend all building activities until stop orders have been rescinded. All stop orders and notices shall be in writing and shall state the conditions under which work may be resumed. A stop order shall be served upon a person to whom it is directed either by delivering it personally, or by posting the same upon a conspicuous portion of the building where the work is being performed and sending a copy of the same to the person, firm or corporation by certified mail.

(B) *Order to remedy.* Upon determination by the Building and Fire Safety Inspector that a violation of the Uniform Code or this Local Law exists in, on, or about any building or premises, the Building and Fire Safety Inspector shall order in writing the remedying of the condition. Such order shall state the specific provision of the Uniform Code which the particular

condition violates and shall grant such time as may be reasonably necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served personally or by registered mail.

(Local Law 3 of 1990, passed 4-12-1990; Res. 700 of 1996, passed - -1996; Local Law 11 of 1996, passed 12-13-1996)

§ 32.016 REMEDIES AND ENFORCEMENT.

(A) *Penalties for violations.* A violation of the New York State Uniform Fire Prevention and Building Code, this Local Law, rules or regulations adopted pursuant to this Local Law, or an order issued by the Code Enforcement Official shall be subject to the penalties and/or remedies prescribed by N.Y. Exec. Law Article 18, § 382 as it exists or as it is amended, including as specified therein a fine of not more than \$1,000 per day of violation or imprisonment not exceeding one year or both.

(B) *Violation/appearance tickets and proceedings on violations in local court.* The Administrator and those persons in the employ of the Department of Fire Prevention and Building Code Enforcement of Warren County who he shall designate, which shall include but not be limited to the Fire and Building Code Enforcement Officers shall have the authority to and may issue appearance tickets for violations of the New York State Uniform Fire Prevention and Building Code and/or this Local Law and otherwise, file complaints concerning violations and take all other necessary steps to undertake proceedings of enforcement in local town, village or city courts or justice courts.

(C) *Civil action or proceeding by county.* An action or proceeding in the name of the County of Warren may be commenced in any court of competent jurisdiction to prevent, correct, enforce, compel compliance with or restrain by injunction the violation of any provision of the Uniform Code, this Local Law, any rules or regulations adopted pursuant to this Local Law, or a violation order, or to vacate the occupancy of a building in the case of imminent danger to life or property. Such remedy shall be in addition to penalties otherwise prescribed by law and

shall be exercised or utilized at the direction and in the discretion of the Administrator who is authorized to execute, file and/or pursue legal action in an appropriate court of law on behalf of the County. An action or proceeding in New York State Supreme Court or any Federal Court shall not be commenced without authorization of the Warren County Board of Supervisors as evidenced by a resolution adopted by majority vote. The Board of Supervisors resolution may provide blanket authority for specific types of circumstances or may authorize any specific action or proceeding as the Board shall deem appropriate.

(Local Law 3 of 1990, passed 4-12-1990; Res. 700 of 1996, passed - -1996; Local Law 11 of 1996, passed 12-13-1996)

§ 32.017 STATE REVIEW BOARD.

Issuance of variances: a Board of Review has been established by the State of New York, and is administered by the State of New York, for the purpose of granting variances where enforcement of any provision or requirement of the New York State Uniform Fire Prevention and Building Code results in practical difficulties or unnecessary hardships. Said Review Board is authorized to grant variances to this Local Law or any regulations or rules adopted by the County of Warren hereunder.

(Local Law 3 of 1990, passed 4-12-1990)

DEPARTMENT OF HUMAN RESOURCES AND DEPARTMENT OF CIVIL SERVICE ADMINISTRATION

§ 32.030 TITLE.

This Local Law shall be entitled "A Local Law Establishing a Department of Human Resources and a Department of Civil Service Administration in the County of Warren and Repealing and Replacing Local Law 1 of 2014.

(Local Law 5 of 2015, passed 6-19-2015)

§ 32.031 PURPOSE.

The purpose of this Local Law is to repeal and replace Local Law 1 of 2014, to discontinue the Department of Human Resources and Civil Service Administration and create a Department of Human Resources and a Department of Civil Service Administration. Local Law 1 of 2014 was adopted as Local Law 2 of 2014 but was renumbered to Local Law 1 of 2014 upon filing with the Secretary of State. (Local Law 5 of 2015, passed 6-19-2015)

§ 32.032 PERSONNEL OFFICER FORM OF CIVIL SERVICE ADMINISTRATION.

Effective January 1, 1973 the office of Personnel Officer in and for the County of Warren was created and established. The term of office of the Personnel Officer is six years unless otherwise required by law. The County of Warren hereby continues to elect that the provisions of the N.Y. Civ. Serv. Law be administered in the County of Warren under and by a Personnel Officer as provided in N.Y. Civ. Serv. Law § 15(1)(b). The Personnel Officer shall be appointed by the Warren County Board of Supervisors.

(Local Law 5 of 2015, passed 6-19-2015)

§ 32.033 DEPARTMENT OF HUMAN RESOURCES AND CIVIL SERVICE ADMINISTRATION IS DISCONTINUED.

The Department of Human Resources and Civil Service Administration as established by Local Law 5 of 2012 and as amended by Local Law 1 of 2014 is hereby discontinued.

(Local Law 5 of 2015, passed 6-19-2015)

§ 32.034 ESTABLISHMENT OF A DEPARTMENT OF HUMAN RESOURCES AND A DEPARTMENT OF CIVIL SERVICE ADMINISTRATION.

There is hereby established a Department of Human Resources and a Department of Civil Service

Administration. The two departments shall be separate and distinct departments within Warren County and shall be located in the same suite. The two Departments shall independently administer their defined functions and duties as prescribed herein but shall work collaboratively to promote, administer and provide efficient and effective human resource and personnel services to Warren County, its Departments and employees.

(Local Law 5 of 2015, passed 6-19-2015)

§ 32.035 DEPARTMENT OF CIVIL SERVICE ADMINISTRATION.

There shall be a Department of Civil Service Administration under the oversight and direction of the Personnel Officer, who shall be appointed by the Board of Supervisors.

(Local Law 5 of 2015, passed 6-19-2015)

§ 32.036 POWERS AND DUTIES OF THE PERSONNEL OFFICER.

Except as may otherwise be provided in this Local Law the Personnel Officer shall:

(A) Have all of the powers and perform all of the duties of a municipal civil service commission and Personnel Officer as prescribed by the Civil Service Law, Rules and/or Regulations;

(B) As provided for under law and/or County personnel rule or regulation, perform the following typical work activities for the County of Warren and any other school, municipality, board, authority or organization provided for under the New York Civil Service Law, Rules and/or Regulations:

(1) Administration of classification of employees including determination of appropriate titles based on new position duties statement or job classification questionnaire and drafting or amending job descriptions;

(2) Enforcement, interpretation and application of New York State Civil Service Law and Warren County Civil Service rules and regulations in the formation of policies and procedures;

(3) Oversight of all aspects of the process of Warren County Civil Service Administration;

(4) Oversight of the announcing and filling of all Warren County vacancies for classified positions through the administration of a Warren County Vacancy Review Process;

(5) Maintenance of all Civil Service records, including a detailed employment history of each employee;

(6) Maintaining close working relationships with public agencies in Warren County, and acting as a consultant on Civil Service issues for municipalities as well as Warren County Departments;

(7) Certifying payrolls for classified positions in Warren County government and municipal public agencies under the jurisdiction of Warren County at such intervals as are required by applicable law and regulations;

(8) Prescribing amendments to Civil Service laws, rules and regulations for Warren County;

(9) Reporting annually to the State Civil Service Commission regarding local administration of the Civil Service law, rules and regulations;

(10) Preparing resolutions for New York State Civil Service requesting amendments to County Civil Service Rules and appendices (including which titles are competitive, non-competitive, labor class, exempt, etc.);

(11) Administering the Civil Service examination process for all civil divisions within Warren County including Warren County, school districts, municipalities and special districts.

Administration includes ordering exams, publicizing and sending out notices, entering all applicants into a database, checking qualifications, monitoring (being present for the exams), grading some of the exams (most are graded by the State), data entry of testing results, notification to test takers of results, as well as appropriate county, department heads, school or municipal officials, establishing and maintaining eligible lists and conducting canvasses when necessary.

(12) Serving as a Civil Service resource to county officials, school districts, municipalities, special districts, employees and residents in Warren County.

(C) Perform such other and related duties and tasks as may be required by law or the Board of Supervisors and/or the Warren County Administrator. (Local Law 5 of 2015, passed 6-19-2015)

§ 32.037 DEPARTMENT OF HUMAN RESOURCES.

There shall be a Department of Human Resources under the oversight and direction of the County Human Resources Director, who shall be appointed by the Board of Supervisors. The County Human Resources Director shall be appointed on the basis of qualifications and experience determined appropriate for the responsibilities of the office as may be, from time to time, amended by the Board of Supervisors by resolution. The County Human Resources Director shall report to the County Administrator and to the Board of Supervisors.

(Local Law 5 of 2015, passed 6-19-2015)

§ 32.038 POWERS AND DUTIES OF THE COUNTY HUMAN RESOURCES DIRECTOR.

Except as may otherwise be provided for in this Local Law, the County Human Resources Director shall have the responsibility for managing the core areas of human resource management, labor relations, and health benefits administration. The County Human

Resources Director duties shall include program and policy development, and strategic planning and organizational development. The County Human Resources Director shall direct and supervise the Department of Human Resources and assigned staff. The County Human Resources Director shall perform related work as required by the County Board of Supervisors and/or County Administrator including the provision of services for other Warren County local governments if directed by resolution of the Board of Supervisors. The work of the County Human Resources Director shall be performed in accordance with policies formulated by the County Board of Supervisors, union labor contracts, and all applicable federal and state labor laws. Typical work activities include the following:

(A) Provide new employee orientation programs as well as exit interviews;

(B) Serve as a core team member for the development and maintenance of the County's computerized human resources/payroll/financial management/time and attendance computer system;

(C) Ensure compliance with all applicable laws, such as Human Rights Law, Equal Opportunity, Right to Know, Workplace Violence, etc. and work to implement changes that may be necessary to ensure County compliance;

(D) Provide technical support and assistance to Department Heads and employees;

(E) Enforce position control based on approved budgets and Board authorization;

(F) Initiate discussions of new policies and exploration of benefits that he/she has identified as being of service to County;

(G) Develop and implements annual employee evaluations;

(H) Work closely with the Personnel Officer, the Deputy Treasurer and the Payroll Department in the areas of employee benefits;

(I) Provide advice and guidance to employees regarding problems in the workplace;

(J) Develop and implement a robust recruitment and hiring program to fill county job vacancies;

(K) Process background checks as appropriate for job description;

(L) Standardizing county employment practices (ex: standard work rules, policies, performance evaluations);

(M) Provide for management and employee continuing training and education programs that promote best human resource practices, compliance with laws and County policy and generally improve efficiency and service;

(N) Handle/process employee complaints/grievances;

(O) Handle and maintain employee financial disclosure statements in cooperation with the County Attorney's Office;

(P) Administer post-employment process, including but not limited to, unemployment claims, reference inquiries, retirement inquiries, post-employment benefits, etc.;

(Q) Generally be the point of known contact for public, departments, employees and new employees regarding personnel/employee questions and concerns;

(R) Actively represent management's positions, as directed, in mediation, fact-finding and legislative show-cause hearings and in unfair labor practice proceedings;

(S) Provide technical guidance and/or negotiate outcomes in the resolution of specific and/or controversial personnel issues;

(T) Analyze precedents and existing employment, wage and salary practices in the area in order to assist management in the development of

management's position prior to contract negotiation and generally assist in and/or handle collective bargaining negotiations as determined by the County Administrator;

(U) Develop and maintain county policies including reference files including but not limited to existing contracts, existing rules, regulations and personnel practices, PERB and court decisions and information on negotiations, mediation and arbitration;

(V) Provide advisory service to management on various aspects of labor management practices and procedures including contract administration and conduct disciplinary and/or complaint investigations and works with the County Attorney or those matters which require legal advice and/or services;

(W) Responsible for oversight of the County's health benefits programs, managing and acting as liaison to the County's health insurance broker and service provider, as well as carrier representatives; and

(X) Perform other Human Resource projects or related work as directed by the County Board of Supervisors or the County Administrator. (Local Law 5 of 2015, passed 6-19-2015)

§ 32.039 COOPERATION BY DEPARTMENT HEADS.

It shall be the duty of each department head to furnish the County Human Resources Director and/or Personnel Officer with such information and aid as may be necessary for the performance of their respective duties. (Local Law 5 of 2015, passed 6-19-2015)

§ 32.040 IMPACT OF THIS LOCAL LAW ON OTHER LOCAL LAWS (REPEAL OF LOCAL LAW 1 of 2014).

Insofar as the provisions of this Local Law supercede or are inconsistent with the provisions of

any previously enacted Local Law, including Local Law 3 of 1971 as originally adopted, and as amended by Local Law 5 of 2012, and Local Law 1 of 2014, this Local Law 5 of 2015 shall be controlling. Local Law 1 of 2014 is hereby repealed in entirety. Nothing in this Local Law shall be deemed to modify or expand the appointed term of the Personnel Officer prior to the enactment of this Local Law.
(Local Law 5 of 2015, passed 6-19-2015)

OFFICE OF EMERGENCY SERVICES

§ 32.050 TITLE.

This Local Law shall be known as “A Local Law Establishing the Office of Emergency Services for Warren County”.
(Local Law 6 of 2007, passed 7-20-2007)

§ 32.051 LEGISLATIVE INTENT AND PURPOSE.

The Warren County Board of Supervisors seeks to restructure the organization of the various functions and positions involved in emergency services within the County. The Warren County Board of Supervisors has determined that such a consolidation of responsibilities under one office offers the most economical, appropriate and beneficial plan for the provision of emergency services to the residents of Warren County.
(Local Law 6 of 2007, passed 7-20-2007)

§ 32.052 ENACTMENT AUTHORITY.

This Local Law is enacted under the authority of N.Y. Mun. Home Rule Law § 10.
(Local Law 6 of 2007, passed 7-20-2007)

§ 32.053 ESTABLISHMENT OF THE OFFICE OF EMERGENCY SERVICES.

There is hereby created in Warren County the Office of Emergency Services, which shall contain the following County functions: Natural Disaster and Civil Defense, Fire Coordination, and Emergency Medical Services Coordination.
(Local Law 6 of 2007, passed 7-20-2007; Local Law 5 of 2009, passed 11-20-2009)

§ 32.054 FIRE COORDINATOR.

The administrative head of the Office of Emergency Services shall be the Fire Coordinator for Warren County, who shall be appointed by the Board of Supervisors in accordance with any requirements of the Civil Service Law or rule or any other State or Federal Laws or rules that may apply. The Fire Coordinator shall be appointed by a majority of all members of the Warren County Board of Supervisors and shall serve at the pleasure of the Board of Supervisors.
(Local Law 6 of 2007, passed 7-20-2007)

§ 32.055 FIRE COORDINATOR’S DUTIES AND POWERS.

The Fire Coordinator:

(A) Shall be responsible for the administration and provision for services for all functions of the Office of Emergency Services;

(B) Shall have all the powers and perform the duties conferred or imposed by law upon a head of Natural Disaster and Civil Defense, except that nothing contained herein shall prevent or limit the right of the Fire Coordinator to delegate and/or assign such duties and responsibilities as herein provided or contemplated unless prohibited by Federal or State Law, rule or regulation;

(C) Shall have all the powers and perform the duties conferred or imposed by law upon a Fire Coordinator, pursuant to N.Y. County Law § 225-a;

(D) Shall oversee the Warren County Cause and Origin Team;

(E) May act as Chairperson of the Local Emergency Planning Council [LEPC]. If selected, activities as Chairperson will be considered as performing a service for the benefit of the County and therefore a County purpose;

(F) Shall have the power of appointment for the positions created by the Board of Supervisors; and

(G) Shall have such other duties as the Warren County Board of Supervisors may prescribe. (Local Law 6 of 2007, passed 7-20-2007; Local Law 5 of 2009, passed 11-20-2009)

EMS Coordinator and the Deputy Emergency Services Coordinators. The Fire Coordinator shall have such additional staff and personnel as the Board of Supervisors shall, from time to time determine. (Local Law 6 of 2007, passed 7-20-2007; Local Law 5 of 2009, passed 11-20-2009)

OFFICE FOR THE AGING

§ 32.070 OFFICE FOR THE AGING.

There is hereby established in Warren County the Office for the Aging. (Local Law 1 of 1973, passed 12-16-1973)

§ 32.056 EMERGENCY SERVICES COORDINATOR.

There is hereby established a position of Emergency Services Coordinator, who shall be appointed by the Fire Coordinator, with the approval of the Warren County Board of Supervisors and shall be acting administrative head of the Office of Emergency Services in the event of the absence of the Fire Coordinator or the inability of the Fire Coordinator to perform and exercise the powers and duties of the office, with the exception of the duties set forth in § 32.055(C) herein, which shall be handled by the designated Deputy Fire Coordinator. The Emergency Services Coordinator shall have such duties and powers as the Fire Coordinator may assign and/or delegate. (Local Law 6 of 2007, passed 7-20-2007; Local Law 5 of 2009, passed 11-20-2009)

§ 32.057 OFFICE PERSONNEL.

Personnel assigned to Office of Emergency Services shall include Deputy Fire Coordinators, the

§ 32.071 DIRECTOR.

The administrative head of the Office for the Aging shall be the Director of the Office for the Aging who shall be appointed by the Board of Supervisors. The Director shall be exempt from Civil Service classification and shall serve at the pleasure of the Board of Supervisors. The qualifications of such Directors shall be defined and determined by the County Officers Committee of the Board of Supervisors with experience in community organization, administrative and supervisory skills. (Local Law 1 of 1973, passed 12-16-1973)

§ 32.072 POWERS AND DUTIES OF THE DIRECTOR.

(A) To plan, develop and coordinate programs, activities and policies with respect to the needs of older citizens;

(B) To cooperate with and assist the State and Federal agencies in program development for the aging;

(C) To cooperate with and assist political subdivisions in Warren County in the development of local programs for the aging;

(D) To operate programs and services that are appropriate to the purposes of this office; and

(E) To make periodic reports at least annually to the Board of Supervisors concerning the activities of the office.

(Local Law 1 of 1973, passed 12-16-1973)

§ 32.073 STAFF.

In addition to the Director, the Office for the Aging shall have such additional staff and personnel as the Board of Supervisors shall from time to time determine.

(Local Law 1 of 1973, passed 12-16-1973)

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

§ 32.085 ESTABLISHED.

There is hereby established in Warren County the Department of Planning and Community Development.

(Local Law 4 of 1979, passed 12-14-1979)

§ 32.086 DIRECTOR OF PLANNING.

The head of the Department of Planning and Community Development shall be the Director of Planning and Community Development, which office is hereby established. The Director shall be appointed by the Board of Supervisors and shall serve at the pleasure of the Board of Supervisors. The Director shall be exempt from Civil Service classification. The qualifications of such Director shall be defined and determined by the Personnel Committee of the Board of Supervisors, with experience in planning, community development, administrative and supervisory skills.

(Local Law 4 of 1979, passed 12-14-1979)

§ 32.087 POWERS AND DUTIES OF THE DIRECTOR.

(A) To plan, develop and coordinate County planning and community development programs in Warren County as submitted to the department from time to time by the Board of Supervisors;

(B) To cooperate with and assist the State and Federal agencies in implementing Planning and Community Development programs in Warren County;

(C) To cooperate with political subdivisions in Warren County in the development of local planning and community development programs; and

(D) To make periodic reports at least annually to the Board of Supervisors concerning the activities of the department.

(Local Law 4 of 1979, passed 12-14-1979)

§ 32.088 STAFF.

In addition to the Director, the department shall have such additional staff and personnel as the Board of Supervisors shall from time to time determine.

(Local Law 4 of 1979, passed 12-14-1979)

§ 32.089 TO ACT AS ADMINISTRATOR FOR CERTAIN GRANT PROGRAMS.

(A) *Title.* This Local Law shall be known as “A Local Law Authorizing the Warren County Planning and Community Development Department to Act as Administrator for Certain Grant Programs”.

(B) *Purpose.* The governing board of the County of Warren finds that County support of its needy residents with housing needs protects and enhances the safety, health and well-being of persons and property in the County, and thus serves a public purpose. Further, the County finds that the provision of grant administrative services by the Warren County Planning and Community Development Department for grant programs which target low income housing repair, construction or modification opportunities and foster safe and sanitary living conditions is an effective way for the County to meet this need and support its low income residents.

(C) *Definition.* When used in this Local Law, the following term shall mean:

LOW INCOME. Individuals or households who qualify under the applicable Federal Housing and Urban Development Section 8 income limits.

(D) *Enactment authority.* This Local Law is enacted under the authority of N.Y. Mun. Home Rule Law § 10.

(E) *Grant administration authorization.* Warren County is authorized to enter into agreements with the

Warren County Local Development Corporation for the provision of grant administration services by the Warren County Planning and Community Development Department for grant programs whose targeted population are low income residents in need of housing repair, handicap access, energy upgrades and/or other housing construction or modifications which help to establish safe and sanitary living conditions for eligible residents. Agreements authorized and executed in accordance with this Local Law must have the prior approval of the Warren County Board of Supervisors.

(Local Law 4 of 2007, passed 3-16-2007)

§ 32.090 AUTHORITY FOR REVIEW OF PLANNING AND ZONING MATTERS.

(A) *Title.* This Local Law shall be known as “A Local Law Granting the Warren County Department of Planning and Community Development Authority for Review of Zoning and Planning Matters Referred by Municipal Referring Bodies within Warren County Pursuant to N.Y. Gen. Mun. Law §§ 239-L and 239-M”.

(B) *Purpose.* The purpose of this Local Law is to authorize the Warren County Department of Planning and Community Development (“Department”) to serve as the “County planning agency” of Warren County as that term is defined in N.Y. Gen. Mun. Law § 239-L(1)(a). Under this Local Law, the Department is vested with the complete authority to review and act upon zoning and planning matters referred by municipal referring bodies within Warren County pursuant to the provisions set forth in N.Y. Gen. Mun. Law §§ 239-L and 239-M.

(C) *Enactment authority.* This Local Law is enacted under the authority of N.Y. Mun. Home Rule Law § 10(1)(i).

(D) *Authority of Warren County Department of Planning and Community Development within this Local Law.*

(1) Upon the effective date of this Local Law, the Department shall be the “County planning agency” of Warren County within the meaning of

N.Y. Gen. Mun. Law § 239-L and shall have all of the authority and responsibility provided to a County planning agency prescribed in N.Y. Gen. Mun. Law §§ 239-L and 239-M. Therefore, the Department is authorized to review and act upon “proposed actions” of a “referring body” in accordance with the specific authority granted to a County planning agency under N.Y. Gen. Mun. Law §§ 239-L and 239-M.

(2) Consistent with N.Y. Gen. Mun. Law § 239-M(1)(b), the term **REFERRING BODY** shall mean any board or body of a city, town or village within Warren County responsible for final determination on a proposed action.

(3) In order to be subject to referral under this Local Law a proposed action must apply to real property within 500 feet of the existing or proposed boundaries or existing or proposed rights-of-way described in N.Y. Gen. Mun. Law §§ 239-M(3)(b)(i) through 239-M(3)(b)(vi).

(4) Pursuant to N.Y. Gen. Mun. Law § 239-M(3)(a) the proposed actions which are subject to referral by a referring body to the Department are as follows:

- (a) The adoption or amendment of a comprehensive plan for a municipality;
- (b) The adoption or amendment of a zoning ordinance or zoning Local Law;
- (c) The issuance of special use permits;
- (d) Approval of site plans;
- (e) Granting of use or area variances;

and

(f) Other authorizations which referring body may issue under the provisions of any zoning ordinance or zoning Local Law.

(5) The Department shall review any proposed action referred for inter-community or

County-wide considerations including, but not limited to, those considerations identified in N.Y. Gen. Mun. Law § 239-L. The Department shall recommend to the referring body approval, modification or disapproval, of the proposed action, or report that the proposed action has no significant inter-community or County-wide impact and shall otherwise process and act upon the referrals of the proposed actions in accordance with the provisions of N.Y. Gen. Mun. Law §§ 239-L and 239-M.

(E) *Agreements between the Department and referring bodies.* In accordance with provisions of N.Y. Gen. Mun. Law § 239-M(3)(c), the Department is authorized to enter into agreements with referring bodies or other duly authorized bodies of a city, town or village, to specify that certain proposed actions identified within the agreement are of local concern, and not of inter-community or County-wide concern, and, as a result, are not subject to referral to the Department. Any such agreements or similar agreements which pre-date the effective date of this Local Law that were entered into between Warren County and/or the Warren County Department of Planning and Community Development and a referring body or the authorized board of a city, town or village, which, upon the effective date of this Local Law have not expired or been rescinded are hereby deemed to remain in full force and effect, and the Department is hereby authorized, in it’s discretion, to rescind, replace or amend any such agreement without the need for review or approval by the Warren County Board of Supervisors.

(Local Law 3 of 2012, passed 2-17-2012)

DEPARTMENT OF PUBLIC WORKS

§ 32.105 TITLE.

This law shall be entitled “A Local Law Establishing a Department of Public Works for the County of Warren, State of New York”. (Local Law 2 of 1971, passed 11-22-1971; Local Law 3 of 2004, passed 6-18-2004)

§ 32.106 DEPARTMENT OF PUBLIC WORKS.

There is hereby created a Department of Public Works of the County of Warren, State of New York, which shall be under the direction of a Superintendent of Public Works. The Department of Public Works shall contain the following Divisions:

- (A) Division of Highways;
- (B) Division of Parks, Recreation and Railroad;
- (C) Division of the Airport;
- (D) Division of Buildings and Grounds; and

(E) Division of Engineering, Permitting, Utilities, Waste Management and Environmental Compliance.

(Local Law 2 of 1971, passed 11-22-1971; Local Law 3 of 2004, passed 6-18-2004; Local Law 7 of 2007, passed 7-20-2007)

§ 32.107 DEPARTMENT OF PUBLIC WORKS DIVISIONS.

(A) All Divisions shall be under the administrative direction and superintendence of the Superintendent of Public Works.

(B) Each Division shall be under the direction of a Division Head who shall be appointed by the Superintendent of Public Works in accordance with any requirements of the N.Y. Civ. Serv. Law or rule or any other State or Federal Laws or rules that may apply. The Division Heads may be titled Director, Manager, Superintendent or any other title as determined by past practice or by the Superintendent of the Department of Public Works to be reflective of such Division's duties, authority and responsibilities, except that any title designation must be in accordance with any applicable N.Y. Civ. Serv. Law or rule or any other State or Federal Laws or rules.

(C) Subject to the Superintendent's authority to combine or consolidate functions common to the

various divisions as herein provided, a general description of the duties and responsibilities of each Division shall be as follows:

(1) Division of Highways - shall be responsible for:

(a) Construction, maintenance, supervision, repair, alteration, demolition and custodial care of all highways, bridges, parking fields, drives and related facilities owned and/or operated by the County;

(b) Construction, maintenance, supervision, repair, alteration, demolition and custodial care of highways, bridges, parking fields, drives and related facilities owned by others to the extent that the County has contractually agreed to provide such services;

(c) Department vehicle and equipment repair and maintenance.

(2) Division of Parks, Recreation and Railroad - shall be responsible for the construction, maintenance, supervision, repair, alteration, demolition and custodial care of all County owned and operated parks and recreational facilities, preserves, walks, railroads, bikeways, nature centers and other facilities in the nature of public works within County jurisdiction or where contractually or otherwise appropriate and lawful.

(3) Division of the Airport - shall be responsible for the construction, maintenance, supervision, repair, alteration, demolition and custodial care of all County owned and operated airports and facilities.

(4) Division of Buildings and Grounds - shall be responsible for the construction, maintenance, supervision, repair, alteration, demolition and custodial care of all County owned and operated buildings and facilities and supporting facilities such as parking lots, lighting and walkways, except those buildings and facilities under the administration of the Division of Parks, Recreation and Railroads, Division

of the Airport and/or County Departments (other than the Department of Public Works) where the Division of Buildings and Grounds shall only provide assistance with County wide key lock systems, phone systems, industrial electrical and other major tasks or work as may be requested by the said Divisions or County Departments provided, however, that such requested work shall not include buildings and grounds routine maintenance, janitorial or minor repairs unless authorized and directed by the Superintendent of the Department of Public Works in the case of the Divisions or by resolution of the Board of Supervisors in the case of the County Department.

(5) Division of Engineering, Permitting, Utilities, Waste Management and Environmental Compliance - shall be responsible for:

(a) The supervision and custodial care of all County owned and operated utilities such as wastewater disposal facilities;

(b) Providing professional engineering, surveying and related authorized professional support services for all divisions and County Departments;

(c) Providing professional oversight services for all department divisions and County Departments;

(d) Processing, filing, administrating all department administrated grants, permits, projects, programs, reporting requirements;

(e) Departmental planning;

(f) Planning, developing and administrating and coordinating County recycling and waste management programs in Warren County; and

(g) Making periodic reports at least annually to the Board of Supervisors concerning the activities of the Department.

(Local Law 2 of 1971, passed 11-22-1971; Local Law 3 of 2004, passed 6-18-2004; Local Law 7 of 2007, passed 7-20-2007)

§ 32.108 SUPERINTENDENT OF PUBLIC WORKS; QUALIFICATIONS; APPOINTMENT; TERM; SALARY.

The Department of Public Works of the County of Warren shall be under the administrative direction and superintendence of a Superintendent of Public Works.

(A) The Superintendent of Public Works shall be a professional engineer licensed by the State of New York.

(B) The Superintendent of Public Works shall be appointed by the Board of Supervisors and shall be appointed on the basis of professional experience and other qualifications for the responsibilities of the office. The Superintendent of Public Works shall be directly responsible to the Board of Supervisors.

(C) The Superintendent of Public Works shall be appointed for a term of four years.

(D) The salary of the Superintendent of Public Works shall be fixed by the Board of Supervisors by Resolution at the time of appointment and shall not be altered, except the same may be increased pursuant to the terms of the N.Y. Mun. Home Rule Law, during term of office.

(Local Law 2 of 1971, passed 11-22-1971; Local Law 3 of 2004, passed 6-18-2004)

§ 32.109 POWERS AND DUTIES OF THE SUPERINTENDENT OF PUBLIC WORKS.

Except as may otherwise be provided in relevant State Law or Local Law hereinafter enacted or as set forth herein, the Superintendent of Public Works:

(A) Shall be responsible for the Administration and Superintendence of all divisions and operations of the Department of Public Works;

(B) Shall have all the powers and perform all the duties conferred or imposed by law upon a Superintendent of Public Works, a County Engineer,

a County Superintendent of Highways, and perform such other and related duties required by the Board of Supervisors except that nothing contained herein shall prevent or limit the right of the Superintendent of Public Works to delegate and/or assign such duties and responsibilities as herein provided or contemplated unless prohibited by Federal or State law, rule or regulation;

(C) Shall have the authority to consolidate or combine functions common to the various divisions so that human, equipment and financial resources of the Department may be utilized in an effective manner among the divisions in the department. The Superintendent of the Department of Public Works may also, temporarily and as determined needed from time to time, assign Division Heads to assist, co-manage and/or direct Divisions other than those the Division Head is assigned or the Superintendent may temporarily assume the management of the division and direct the activities of the division in the absence of the Division Head or whenever the Superintendent shall determine that assumption of management of the Division is in the best interest of the Division, Department of Public Works and the County. Any assignments or assumption of management by the Superintendent, as herein authorized, shall, at the option of the Department of Public Works Committee or the Board of Supervisors, be subject to review and confirmed, revoked and/or modified;

(D) May within the appropriations provided therefor employ such special engineering, architectural or other consultants and incur such expenses as may be necessary for the performance of any of the duties set forth in this Local Law and relevant State and Local Law, except that professional fees and other compensation shall not exceed rates approved by the Board of Supervisors;

(E) May contract, subject to the approval of the Board of Supervisors, with any public corporation, public authority or any combination of the same for public works services;

(F) Shall assist in the advertising and calling for bids on the construction of any capital project of the

County government when such advertising and calling for bids is required, and further assist in the preparation of specifications;

(G) Shall assist all administrative units of County government in the preparation of and development of information for their respective capital project requests, when such assistance is requested;

(H) May authorize the rental, with or without operator, of the public works machinery, tools, equipment and implements by any local government or any public corporation, public authority or any combination of the same upon such terms as may be agreed upon, but with the payment to the County government of not less than the hourly rate as fixed by the New York State Commissioner of Transportation for the rental or hiring of such machinery, tools, equipment or implements by the County government. All sums obtained pursuant to any terms agreed upon shall be deposited in the County Road Machinery Fund;

(I) May authorize the rental of machinery from any person, company, public or private corporation, public authority or any combination of the same, and such rental shall be payable from the County Road Fund;

(J) Shall perform or arrange for the performance of professional engineering, surveying and related engineering services for the County and supervise the design and construction of all capital projects when any of such capital projects are designed and constructed by the County government or by any other governmental unit or private contractor under contract to the County government, or any combination of the same;

(K) May delegate by written designation one or more persons, within the Department and/or any of the Divisions, any of the specific powers and duties which the Superintendent of Public Works has by virtue of this or any other law to the extent allowed under law. Such designations, setting forth the specific powers and duties granted, shall be filed with the Clerk of the Board of Supervisors and the County

Clerk. If the powers or duties so designated or revoked are those which the Superintendent of Public Works has as County Superintendent of Highways, a duplicate of such written designation or revocation shall be filed with the New York State Commissioner of Transportation. The acts performed by such persons pursuant to such designations shall have the same effect in law as if performed by the Superintendent of Public Works;

(L) Shall have the sole power to appoint such Deputy Superintendents of Public Works, managers, assistants and employees as shall be authorized by the Board of Supervisors. All persons so appointed shall be directly responsible to the Superintendent of Public Works, except where otherwise provided hereunder or by applicable law.
(Local Law 2 of 1971, passed 11-22-1971; Local Law 3 of 2004, passed 6-18-2004; Local Law 4 of 2016, passed 7-15-2016)

§ 32.110 DEPUTY SUPERINTENDENT OF PUBLIC WORKS.

(A) *Establishment.* There is hereby established the positions of Deputy Superintendent of Public Works. The Superintendent shall designate in writing, from the Deputies in order of succession, Deputy Superintendent of Public Works who shall be the acting Superintendent of Public Works in the event of the absence of Superintendent of Public Works from the County or the inability of the Superintendent of Public Works to perform and exercise the powers and duties of the office. Such designation shall be filed with the County Clerk and the Clerk of the Board of Supervisors and may be revoked at any time by the Superintendent filing a new written designation and order of succession. The designated Deputy shall be the Acting Superintendent of Public Works and shall have all the powers and perform all the duties of the Superintendent.

(B) *Residency requirements.* The provisions of N.Y. Pub. Off. Law § 3 requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he or she shall be

chosen, or within which his or her official functions are required to be exercised, shall not prohibit a person from being appointed to the office of Deputy Superintendent of the Warren County Department of Public Works, provided that such person becomes a resident of Warren County within 18 months of the date of appointment.

(Local Law 2 of 1971, passed 11-22-1971; Local Law 3 of 2004, passed 6-18-2004; Local Law 5 of 2010, passed 9-17-2010; Local Law 8 of 2011, passed 9-16-2011; Local Law 4 of 2016, passed 7-15-2016)

§ 32.111 BOND OF THE SUPERINTENDENT OF PUBLIC WORKS.

If required by the Board of Supervisors or by law, the Superintendent of Public Works and such deputies, officers and employees as the Board of Supervisors shall require shall give a surety bond to the County government in a sum fixed by the Board of Supervisors conditioned for the faithful performance of the duties of the office. To the extent allowed by law, the Board of Supervisors may obtain blanket bonding through appropriate sources such as Insurance Companies in lieu of requiring individual or officer or employee specific bonds. When individual or officer or employee specific bonds are required, such bond shall be approved as to form by the County Attorney and as to the sufficiency of surety by the Board of Supervisors and filed with the County Clerk. The cost of such bond shall be a charge on the County.

(Local Law 2 of 1971, passed 11-22-1971; Local Law 3 of 2004, passed 6-18-2004)

PURCHASING DEPARTMENT

§ 32.125 ESTABLISHMENT.

That there is hereby created the county purchasing department which shall be headed by a purchasing agent and such other personnel as the Board of Supervisors shall from time to time deem

necessary for the proper conduct of the business of said department. The purchasing agent shall be appointed by the majority vote of all the members of the Board of Supervisors for a term coterminous with the term for which the membership of such board making such appointment were elected.
(Local Law 2 of 1969, passed 11-14-1969)

§ 32.126 PURCHASES AND CONTRACTS.

The purchasing agent shall make all purchases and contracts for supplies for the various county offices, departments, buildings, institutions and grounds of the county and shall let to public advertisement and bid all purchases when so required by and in accordance with law. He shall further prescribe the form of requisitions and the form of receipts for supplies delivered without requisition, subject, however, to section three hereof. He shall be the custodian of all vouchers, requisitions, receipts and other papers pertaining thereto which shall be opened to public inspection. He shall upon dates to be fixed by the Board of Supervisors and covering periods to be specified by it furnish to the county treasurer, the clerk of the Board of Supervisors and the finance committee of said Board of Supervisors verified statements of all purchases together with the quantity and price and shall furnish to the Board of Supervisors and the finance committee such additional statements as the board may direct. No claim shall be audited and paid without the requisition or delivery receipt being attached thereto. He shall perform such additional and related duties as may be prescribed by law and/or directed by the Board of Supervisors.
(Local Law 2 of 1969, passed 11-14-1969)

§ 32.127 RULES AND REGULATIONS.

The purchasing agent shall prepare rules, regulations and procedures for the conduct of such department. Such rules, regulations and procedures shall be reviewed and may be amended or revised by the Board of Supervisors and shall become operable when confirmed by resolution of the Board of

Supervisors. Any changes in said forms shall be approved by the Board of Supervisors.
(Local Law 2 of 1969, passed 11-14-1969)

§ 32.128 COMPENSATION.

The Board of Supervisors shall fix the compensation of the purchasing agent. The purchasing agent shall appoint such necessary personnel for said purchasing department as shall be authorized by said board at a compensation for such positions as may be authorized by the Board of Supervisors.
(Local Law 2 of 1969, passed 11-14-1969)

§ 32.129 RIGHTS, DUTIES AND OBLIGATIONS.

The purchasing agent shall have all the rights, duties and obligations of a purchasing agent as are set forth in N.Y. County Law § 625, which are not in conflict with or inconsistent with this Local Law.
(Local Law 2 of 1969, passed 11-14-1969)

WESTMOUNT HEALTH FACILITY

§ 32.140 TITLE.

This Local Law shall be entitled "A Local Law Establishing a Department of Westmount Infirmary and Health Related Facility for the County of Warren, State of New York".
(Local Law 5 of 1979, passed 12-14-1979)

§ 32.141 ESTABLISHMENT.

There is hereby created a Department of Westmount Infirmary and Health Related Facility for the County of Warren, New York, which shall be under the direction of an Administrator appointed by the Board of Supervisors.
(Local Law 5 of 1979, passed 12-14-1979)

**§ 32.142 ADMINISTRATOR:
QUALIFICATIONS, APPOINTMENT, TERM,
SALARY.**

The Department shall be under the direction of an Administrator and he shall have the following qualifications:

(A) The Administrator shall be licensed by the State of New York and meet or exceed all applicable standard established pursuant to law;

(B) The Administrator shall be appointed by the Board of Supervisors on the basis of his professional experience and other qualifications for the responsibilities of the office. The Administrator shall be directly responsible to the Board of Supervisors and shall serve at the pleasure of the Board.

(C) The Administrator shall be exempt from Civil Service classification.

(D) The salary of the Administrator shall be fixed by the Board of Supervisors by Resolution at the time of his appointment.
(Local Law 5 of 1979, passed 12-14-1979)

§ 32.143 POWERS AND DUTIES.

The Administrator shall:

(A) Be the Chief Executive Officer of the Westmount Infirmery and Health Related Facility (Infirmery);

(B) Comply with all laws, rules and regulations pertaining to the operation of said Westmount Infirmery and Health Related Facility, and perform all of the functions, powers and duties imposed by law upon the Administrator of an Infirmery and Health Related Facility;

(C) Before entering upon the discharge of his duties, be eligible for bonding, and a bond in such sum as the Board of Supervisors may determine shall be provided by the Board of Supervisors to secure the faithful performance of his duties;

(D) Equip the Infirmery and Health Related Facility with all necessary furniture, appliances, fixtures and other needed facilities for the care of patients and for the use of officers and employees thereof, and shall purchase all necessary supplies;

(E) Have general supervision and control of the records, accounts and buildings of the Infirmery and Health Related Facility and all internal affairs, and maintain discipline therein and enforce compliance with and obedience to all by-laws, rules and regulations adopted by the Board of Supervisors for the government, discipline and management of said Westmount Infirmery and Health Related Facility and the employees and patients thereof; and shall make such further rules, regulations and orders as he may deem necessary, not inconsistent with law, or with the rules, regulations and directions of the Board of Supervisors;

(F) Appoint such resident officers and such employees as are authorized by the Board of Supervisors for the efficient performance of the business of the Infirmery and Health Related Facility, and prescribe their duties; and for cause stated in writing after an opportunity to be heard, discharge any such officer or employee at his discretion;

(G) Cause proper accounts and records of the business and operation of the Infirmery and Health Related Facility to be kept regularly from day to day, in books and records provided for that purpose; and shall see that such accounts and records are correctly made up for the annual report to the Board of Supervisors;

(H) Receive into the Infirmery any person who is entitled to admission thereto under the by-laws, rules and regulations governing said Infirmery and Health Related Facility; in the following order of priority:

(1) The applicant was a former resident of Westmount Health Facility who lost his/her bed reservation.

(2) The applicant was once a resident but was discharged from the Facility back into the community.

(3) The applicant is a current resident of Warren County.

(4) The applicant is a former resident of Warren County who may have lived in Warren County most of their adult life and moved from the County.

(5) The applicant has social ties and desires to identify a Health Care Agent or designated representative with residency in Warren County.

(6) In the event that special circumstances arise or are found to exist concerning an applicant for admission which are not addressed by this policy or for which this policy is ambiguous, such matters shall be referred to the Westmount Health Facility Committee. The Committee shall have the authority to make determinations concerning a particular admission with the understanding that recurring situations or instances where revised guidelines are needed will be brought to the Board of Supervisors for a further resolution;

and shall cause to be kept proper accounts and records of the admission of all patients, their name, age, sex, race, marital conditions, residence, occupation and place of last employment;

(I) Cause a record to be kept of the conditions of each patient when admitted and from time to time thereafter;

(J) Discharge from said Infirmary and Health Related Facility any patient who shall willfully or habitually violate the rules thereof; or who is found not to need further care or treatment and to have recovered therefrom; or who for any other reason is no longer a suitable patient for treatment therein; and shall make a full report thereof at the next meeting of the Board of Supervisors;

(K) Collect and receive all moneys due the Infirmary and Health Related Facility, keep an accurate account of the same, and transmit same to the

Treasurer of the County as the Board of Supervisors shall direct.

(Local Law 5 of 1979, passed 12-14-1979; Res. 531 of 1998, passed - -1998; Local Law 6 of 1998, passed 8-14-1998)

§ 32.144 ADMINISTRATOR; RESIDENCY REQUIREMENTS.

(A) *Title.* This Local Law shall be known as “A Local Law Modifying Residency Requirements for Administrator of Westmount Health Facility”.

(B) *Purpose/Public Officers Law - superceded and/or amended.* The purpose of this Local Law is to modify the residency requirements of the N.Y. Pub. Off. Law for County officials insofar as the same requires residency in Warren County at the time of appointment. This Local Law is intended to supercede and/or amend the provision of N.Y. Pub. Off. Law § 3(1), concerning residency requirements for local officers as the same concerns or affects the position of Administrator of Westmount Health Facility.

(C) *Residency requirements.* The provisions of N.Y. Pub. Off. Law § 3 requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he or she shall be chosen, or within which his or her official functions are required to be exercised, shall not prohibit a person from being appointed to the office of Administrator of Westmount Health Facility, Warren County, provided that such person becomes a resident of the County within 12 months of the date of appointment.

(Local Law 5 of 2007, passed 3-16-2007; Local Law 9 of 2007, passed 8-17-2007)

§ 32.145 EFFECTIVE DATE.

This Local Law shall take effect January 1, 1980.
(Local Law 5 of 1979, passed 12-14-1979)

HAZARDOUS MATERIALS/WEAPONS OF MASS DESTRUCTION ADVISORY BOARD

§ 32.160 TITLE.

This Local Law shall be known as, “A Local Law Establishing A Hazardous Materials/Weapons of Mass Destruction Advisory Board”.
(Local Law 2 of 2003, passed 5-16-2003)

§ 32.161 LEGISLATIVE INTENT AND PURPOSE.

The Federal Government is providing and/or making available to the County of Warren (hereinafter referred to as the “County”) certain equipment to be used in conjunction with responding to incidents involving hazardous materials/weapons of mass destruction. The County is working with the City of Glens Falls (hereinafter referred to as the “City”) to establish a Hazardous Materials/Weapons of Mass Destruction Response Team whereby the City of Glens Falls Fire Department would be the County’s primary response unit in the event of a hazardous materials and/or weapons of mass destruction incident. The Warren County Fire Coordinator (hereinafter referred to as the “Fire Coordinator”) has recommended that in addition to providing for a response team, the County should also establish a Hazardous Materials/Weapons of Mass Destruction Advisory Board. It is envisioned that the members of said Advisory Board would bring diverse knowledge, information and/or expertise from their respective areas or professions and, in an advisory capacity, would be helpful to the hazardous Materials/Weapons of Mass Destruction Response Team and/or incident commander in addressing and/or managing an incident.
(Local Law 2 of 2003, passed 5-16-2003)

§ 32.162 AUTHORITY.

This Local Law is enacted under the authority of N.Y. Mun. Home Rule Law § 10.
(Local Law 2 of 2003, passed 5-16-2003)

§ 32.163 ESTABLISHMENT.

(A) It is hereby established in the County, a Hazardous Materials/Weapons of Mass Destruction Advisory Board (hereinafter referred to as the “Advisory Board”). The Fire Coordinator shall serve as Administrator for the Advisory Board. All members of the Advisory Board shall be ex-officio. Membership of the Advisory Board shall consist of active and adjunct members. Active members are anticipated to be available for all meetings and when called upon, to be available for any hazardous materials/weapons of mass destruction incident. Adjunct Members shall be those officials who may be consulted by the Advisory Board and who may, but are not required to attend any Advisory Board meeting or incident response by the members of the Advisory Board. When present, said Adjunct Members may participate in the discussions of and/or involving the Advisory Board but shall not have voting privileges. In addition, Adjunct Members may authorize Deputies or other designees to attend and participate in Advisory Board meetings on their behalf.

(B) The following shall be active officio members: Fire Coordinator, LEPC (Local Emergency Planning Committee) Chairman, EMS Coordinator, Warren County Sheriff, Glens Falls City Fire Department representative, President of the Warren County Chiefs and Officers Association, Chairman of the Warren County Fire Advisory Board.

(C) The following shall be adjunct ex-officio members to the Committee: Chairman of the Warren County Board of Supervisors, Mayor of the City of Glens Falls, Warren County Attorney.
(Local Law 2 of 2003, passed 5-16-2003)

§ 32.164 ADVISORY BOARD MEETINGS/DUTIES.

The Advisory Board shall meet as follows:

(A) Upon call by the Fire Coordinator or designee provided the Fire Coordinator shall cause notice to be given to each member by telephone or

mail at least two days in advance of the day, hour and place of such meeting.

(B) On emergency call upon such notice as may be reasonably given to members of the Advisory Board by the Warren County Emergency Communications Center in accordance with protocols developed and/or agreed to by the Advisory Board.

(C) Upon call, the Advisory Board shall meet at a Command Center established to respond to the incident or at such other locations as may be determined appropriate by the Fire Coordinator or designee. Upon assembling, the Advisory Board will be available for any input and/or consultation desired by the incident commander and/or the Hazardous Materials/Weapons of Mass Destruction Response Team. It is anticipated that the Advisory Board will freely offer information concerning operations, logistics, finance and all other issues that may be of concern in addressing and/or managing an incident. (Local Law 2 of 2003, passed 5-16-2003)

§ 32.165 BOARD AND MEMBER EXPENSES.

The members of the Advisory Board shall receive no salary or compensation for their services as members of the Advisory Board but may be reimbursed for authorized actual and necessary travel and expenditures. No expenditures, however, shall be made by the Advisory Board or any individual member thereof including that for authorized actual and necessary travel and expenditures unless the Warren County Board of Supervisors, in its discretion, shall have by Resolution appropriated and made money available for such expenses. (Local Law 2 of 2003, passed 5-16-2003)

COUNTY TRAFFIC SAFETY BOARD

§ 32.180 CREATION.

A County Traffic Safety Board is hereby created pursuant to the provisions of N.Y. Veh & Traf. Law

Article 43 and the N.Y. Mun. Home Rule Law of the State of New York.

(Local Law 2 of 1976, passed 10-15-1976)

§ 32.181 COMPOSITION.

The Board shall be composed of 12 persons, each of whom shall be appointed by the Board of Supervisors for a three-year term with the initial appointments to be made in accordance with N.Y. Veh & Traf. Law § 1673(c) and upon expiration of the term of office of a member, his successor shall be appointed for a term of three years.

(Local Law 2 of 1976, passed 10-15-1976)

§ 32.182 POWERS, DUTIES AND FUNCTIONS.

The Board shall have all of the powers, duties and functions set forth in N.Y. Veh & Traf. Law Article 43, as the same shall be amended, from time to time.

(Local Law 2 of 1976, passed 10-15-1976)

COUNTY COMMUNITY SERVICES BOARD

§ 32.195 ESTABLISHMENT.

There shall be established in the County of Warren a County Community Services Board pursuant to N.Y. Mental Hyg. Law § 41.05(b).

(Local Law 2 of 1954, passed 10-11-1954; Local Law 2 of 1978, passed 1-13-1978; Local Law 5 of 1978, passed 5-12-1978)

§ 32.196 COMPOSITION.

Pursuant to N.Y. Mental Hyg. Law § 41.11(a), effective immediately, the Warren County Community Services Board shall consist of nine members appointed by the Board of Supervisors. The qualifications for membership on said Board, the

terms thereof, reimbursement expenses and removal shall be as set forth in N.Y. Mental Hyg. Law § 41.11.

(Local Law 2 of 1978, passed 1-13-1978; Local Law 5 of 1978, passed 5-12-1978; Local Law 11 of 2001, passed 12-19-2001)

§ 32.197 TERMS.

(A) Pursuant to N.Y. Mental Hyg. Law § 41.11(d), a person appointed as a member of the Community Services Board or of a subcommittee or as an officer or Chairman of such Board or subcommittee may be appointed for more than two consecutive terms.

(B) All terms shall begin to run from the first day of the year of the appointment and the term of each member shall be for a term of four years, except that vacancies shall be filled for unexpired terms.

(Local Law 3 of 1983, passed 3-18-1983)

§ 32.198 DUTIES.

The Chairman of the Board of Supervisors shall appoint a County Community Services Board as provided by N.Y. Mental Hyg. Law § 190-b and such County Mental Health Board shall have all powers and duties now or hereafter provided by law.

(Local Law 2 of 1954, passed 10-11-1954)

CHAPTER 33: EMPLOYEE BENEFITS

Section

Self Insurance Plan

33.01 Self insurance plan

Retirement Incentive Program

33.15 Retirement incentive program

Volunteer Medical Expense Reimbursement

- 33.30 Title
- 33.31 Legislative intent and purpose
- 33.32 Authority
- 33.33 Definitions
- 33.34 Volunteer medical expense reimbursement authorization and funding
- 33.35 Qualifications, conditions and limitations of volunteer medical expense reimbursement

SELF INSURANCE PLAN

§ 33.01 SELF INSURANCE PLAN.

(A) *Title.* This Local Law shall be entitled “A Local Law Amending and Consolidating Local Law No. 4 of 2013 - Rules and Regulations for the Administration of the Warren County Self-Insurance Plan”.

(B) *Purpose.* Pursuant to authority in N.Y. Work. Comp. Law Article 5, and specifically N.Y. Work. Comp. Law Article 5, § 65 “Rules and regulations” thereof, and as most recently enacted through Local Law No. 4 of 2013, the purpose of this

Local Law is to continue to establish rules and regulations for the fair and equitable administration and operation of the Warren County Self-Insurance Plan (“Plan”). The further purpose of this Local Law is to consolidate Local Law No. 4 of 2013 into Local Law No. 3 of 2014, and to amend division (C)(3) thereof “Apportionment of Costs and Payments” as provided for herein.

(C) *Rules and regulations of the Plan.* The following constitute the rules and regulations for the administration of the Plan:

(1) *Participation.* In addition to the County, participation in the Plan shall be available to the city, towns, villages and fire districts in the County of Warren, the Warren County Soil and Water Conservation district, SUNY Adirondack and all volunteer fire companies and volunteer ambulance workers having their principal office in Warren County, and organized and operating in a town in Warren County currently participating in the Warren County Self-Insurance Plan; and all school districts organized and existing within Warren County and Cornell Cooperative Extension of Warren County and any public library improvement district existing within Warren County and Civil Defense Volunteers of the Radio Amateur Civil Emergency Service and Municipal Housing Authorities which are located in Warren County and created pursuant to the public housing laws of New York State. Any of the foregoing are eligible to become a “participant” in the Plan.

(2) *Plan entry and withdrawal - payment of outstanding liabilities.*

(a) Any municipality or public entity eligible to participate in the Plan as set forth in

division (C)(1) herein and electing to become a participant shall file a certified copy of the resolution of its governing body electing to become a participant. Membership of a participant in the Plan shall be effective upon approval of the Warren County Self-Insurance Plan Insurance Administrator (“Administrator”). Any participant may withdraw from the Plan effective January 1 by filing a written notice with the Administrator by the preceding July 1. The notice of withdrawal from the Plan must be in the form of a certified copy of a resolution of the governing body of the participant electing to withdraw. As a condition of withdrawal from the Plan, the participant must enter into a withdrawal agreement with Warren County and must agree to pay in a lump sum or installments, an equitable share of the outstanding liabilities of the Plan as of the date of withdrawal. If payment of the equitable share of the outstanding liabilities of the Plan is to be made in installments, an installment payment plan and other necessary terms and conditions shall be set forth in the withdrawal agreement. For purposes of this division (C)(2), the phrase “equitable share of outstanding liabilities of the Plan” shall mean all of those current and open compensation cases originating from the participant and included in the Plan on or before effective January 1 of the participants withdrawal from the Plan and all those compensation cases originating from the participant which are closed as of the date of withdrawal but, which in the judgment of the Administrator are likely to be re-opened after the January 1 withdrawal date. In the alternative, as a requirement of withdrawal from the Plan, the participant may agree to transfer all existing claims to another workers’ compensation administrator as approved by the New York State Workers’ Compensation Board and through written agreement with Warren County. In accordance with the provisions of N.Y. Work. Comp. Law § 63, in the event the withdrawing participant is a town, city or village and there is a volunteer fire department(s) or volunteer ambulance workers organized and operating within the withdrawing town, city or village who is also a participant in the Plan, the volunteer fire department(s) or volunteer ambulance workers must also withdraw from the Plan at the same time as the town, city or village withdraws from the Plan.

(b) Upon receipt of a notice of withdrawal from a participating town, city or village as provided for herein, the Administrator shall within 30 days of receipt of such notice provide written notification to each participating volunteer fire department(s) or volunteer ambulance workers operating within the town, city or village that it must withdraw from the Plan and the requirements and obligations of withdrawal as set forth herein. Payment by lump sum or in installments of the equitable share of the outstanding liability of such volunteer fire department(s) or volunteer ambulance workers organized and operating within the withdrawing town, city or village must be made in accordance with the provision set forth herein above. All withdrawal agreements shall be subject to the approval of the Warren County Board of Supervisors.

(3) *Apportionment of costs and payments.*

(a) Each participant shall be liable to pay its proportionate share of the cost of participation in the Plan, including administrative costs and expenses as determined using the following experience based formula:

1. Volunteer Ambulance Squads (for Volunteers) collectively will be charged 7% of the total Administrative Expenses. This cost will be allocated based upon the actual number of times a squad is dispatched by the Warren County Sheriffs Department during the last full year.

2. Volunteer Fire Departments (for Volunteers) collectively will be charged 11 % of the total Administrative Expenses. This cost will be allocated based upon the actual number of times a Department is dispatched by the Warren County Sheriffs Department during the last full year.

3. All participants with payroll will share the balance of the Administrative Expenses (82%) based upon the participants actual gross payroll for the last full year.

(b) Claims Expenses will be allocated among all Plan Participants based upon actual claims

paid for the eight full calendar years prior to the last January 1. Each individual claim with a total paid for the sum of eight years exceeding \$50,000 will be charged \$50,000.

(4) *Reserve.*

(a) There is hereby established for the Plan a Reserve Fund in an amount not to exceed \$4,000,000. Such amount shall be accumulated by including in the annual estimate of expenses a sum not to exceed \$50,000 and such additional amounts as the Warren County Board of Supervisors shall determine.

(b) When the amount of the reserve is at the maximum, any amount expended therefrom shall be restored by including in the subsequent annual estimates a sum not to exceed \$50,000.

(c) The Administrator may at any time at their discretion expend monies in such reserve to pay any liability of the Plan.

(5) *Excess insurance.* The Administrator, upon authorization by the governing committee of the Warren County Board of Supervisors, may purchase excess or catastrophe insurance in such limits as deemed appropriate, the cost thereof to be paid from the funds of the Plan.

(6) *Safety programs.* Each participant shall develop and enforce a safety program or programs designed for the reasonable and adequate protection of the lives, health and safety of employees; and shall provide for use by employees of appliances and devices designed to minimize the possibility of injury or impairment of health.

(7) *Cooperation of participants.* Participants in the Plan shall cooperate with the Administrator by filing all required reports, by aiding in the investigation of claims, and by developing and enforcing safety programs and by furnishing any additional aid or information that may be required to carry out the provisions of the intent of the N.Y. State Work. Comp. Law.

(8) *Penalties.* The Warren County Board of Supervisors may by Resolution expel a participant for failure to observe the rules and regulations adopted, or for any violation of the provisions of the N.Y. Work. Comp. Law; provided, however, that a participant shall be notified in writing, at least 30 days prior to the effective date of expulsion; and further provided, that expulsion shall not relieve a participant from paying its share of the outstanding liabilities of the Plan at the date of expulsion.

(D) *Binding effect.* Upon the effective date of this Local Law the rules and regulations for the administration of the Plan shall be applicable to and binding upon all then existing participants in the Plan and to all future participants upon admission to the Plan.

(Local Law 3 of 1981, passed 3-13-1981; Local Law 7 of 1981, passed 10-16-1981; Local Law 7 of 2011, passed 9-16-2011; Local Law 2 of 2013, passed 1-18-2013; Res. 373 of 2014, passed - -2014; Local Law 3 of 2014, passed 7-18-2014)

RETIREMENT INCENTIVE PROGRAM

§ 33.15 RETIREMENT INCENTIVE PROGRAM.

(A) The County of Warren hereby elects to provide all of its eligible employees with a retirement incentive program authorized by Chapter 70, Laws of 1999.

(B) The commencement date of the retirement incentive program shall be October 4, 1999.

(C) The open period during which eligible employees may retire and receive the additional retirement benefit, shall be 89 days in length.

(D) The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this Local Law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement

System, and it shall be paid by the County of Warren for each employee who receives the retirement benefits payable under this Local Law.

(Res. 397 of 1997, passed - -1997; Local Law 4 of 1997, passed 8-28-1997; Res. 530 of 1998, passed - -1998; Local Law 5 of 1998, passed 8-14-1998; Res. 458 of 1999, passed - -1999; Local Law 3 of 1999, passed 8-13-1999)

***VOLUNTEER MEDICAL EXPENSE
REIMBURSEMENT***

§ 33.30 TITLE.

This Local Law shall be known as, “A Local Law Establishing and Providing for Implementation of Volunteer Medical Expense Reimbursement”.
(Local Law 4 of 2005, passed 10-14-2005)

§ 33.31 LEGISLATIVE INTENT AND PURPOSE.

(A) The purpose of this legislation is to provide some assistance with the payment of medical bills incurred by Volunteers as a result of injuries sustained by reason of accidents while Volunteers are on property owned by a third party. The County provides this benefit not out of concern for County liability but rather as an incentive to Volunteers and third party property owners where Volunteers sometime perform their work in furtherance of County sponsored programs. There have been occurrences where a Volunteer has been injured while on property owned by a third party and the payment of medical bills have become a concern for the property owner and the Volunteer, especially when more then one incident occurs and the injuries are not the fault of the property owner. The Volunteer, particularly one without full health insurance coverage, must go through the process of attempting to seek payment from the property owner while the property owner must turn the bills over to its insurance carrier causing not only administrative work but insurance coverage concerns as well.

(B) It is believed that this legislation will be beneficial in retaining volunteers and participation of third party property owners and thereby further the purposes of the various County sponsored programs that are authorized under state statute and which benefit the general health and welfare of the residents of Warren County.

(Local Law 4 of 2005, passed 10-14-2005)

§ 33.32 AUTHORITY.

The authority for this Local Law is N.Y. Mun. Home Rule Law § 10.

(Local Law 4 of 2005, passed 10-14-2005)

§ 33.33 DEFINITIONS.

For the purpose of this Local Law, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BODILY INJURY. Unintentional injury to one’s physical self.

MEDICAL EXPENSES. Reasonable charges for medical, surgical, x-ray, dental, ambulance, hospital, professional nursing and prosthetic devises.
(Local Law 4 of 2005, passed 10-14-2005)

§ 33.34 VOLUNTEER MEDICAL EXPENSE REIMBURSEMENT AUTHORIZATION AND FUNDING.

The County Board of Supervisors may appropriate sums as part of the County budget for a fund to be used for the payment of medical expenses of Volunteers payable only as herein set forth. In the event the County Board of Supervisors shall fail to appropriate such amounts or in the event that appropriations should lapse or become depleted, the benefits provided under this Local Law shall likewise lapse and cease to be available to Volunteers. In the event that appropriations do not exist, the County and/or its boards, officers and or employees shall be

under no obligation to provide reimbursement to Volunteers as provided under this Local Law. (Local Law 4 of 2005, passed 10-14-2005)

§ 33.35 QUALIFICATIONS, CONDITIONS AND LIMITATIONS OF VOLUNTEER MEDICAL EXPENSE REIMBURSEMENT.

(A) Subject to the provisions of § 33.32 hereof, upon compliance with the provisions hereof and upon the conditions set forth herein, a volunteer who, as a result of an accident, sustains bodily injury while in the service of the County or a program sponsored by the County and seeks professional medical treatment within seven days thereof, shall, upon request, be reimbursed by the County for necessary medical expenses not covered by a third party and actually incurred and paid by the Volunteer or Volunteer’s legal representative up to a maximum amount of \$500 for any single accident and related injury provide:

(1) The injury occurs while the Volunteer is:

(a) On real property not owned or leased by the Volunteer, the County or an agency thereof and does not occur as a result of any incident involving a motor vehicle for which insurance coverage is to be provided under New York State law;

(b) Actually performing a volunteer service for the County on the Volunteer’s personal or private time; and

(c) In the act of carrying food, materials, equipment or other items in furtherance of work being performed for the County or an agency thereof as a volunteer.

(2) The Volunteer actually pays for all or a portion of the necessary medical expenses and payment or coverage for the amount paid is not payable upon request from personal health insurance coverage, workers compensation, disability or auto insurance coverage available to the Volunteer.

(3) Requests for reimbursement of an amount paid in connection with necessary medical

expenses are submitted in writing using a form substantially conforming to that set forth below within one year of the date of the accident giving rise to the claim for a payment of the benefit hereby provided. The County shall not pay nor have any obligation to pay for:

(a) Any amounts by reason of this policy for expenses incurred after one year from the date of the accident; or

(b) Requests not submitted within one year from the date of the accident; or

(c) Amounts in excess of \$500 for any single injury or accident.

(B) In order to receive payment from the County, the Volunteer shall submit to the Department of _____.

(1) A payment request form in substantially the following form:

<p>I, <u>(Name)</u>, hereby seek payment from the County Of Warren for <u>\$(Amount)</u> incurred and paid by me for medical bills as a result of an injury I sustained on <u>(Date of injury)</u> at <u>(Place of Injury)</u>. I sustained the injury while volunteering for the County and was at the <u>(Task being Performed at the Time)</u> time. My health insurance will not pay the amount that I request the County to pay and I have not sought nor do I anticipate receiving payment from any other source. If I do receive payment from any other source I understand that I must pay these funds back to the County.</p> <p>I swear, upon information and belief, that statements made above are true and correct to the best of my knowledge.</p> <p><u>(Notary Public)</u> Sworn to before me this <u>(Day Month and)</u> of <u>(Year)</u></p>
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(2) A completed County Voucher; and

(3) Proof of payment by Volunteer of the medical bill for which reimbursement is requested (cancelled check, receipted bill, paid receipt etc.). (Local Law 4 of 2005, passed 10-14-2005)

CHAPTER 34: ELECTIONS; WEIGHTED VOTE

Section

Elections

- 34.01 Purpose
- 34.02 Authority
- 34.03 Appointment of Board member as Election Commissioner

State of New York which includes recommendation by the affected political party. (Res. 472 of 1998, passed - -1998; Local Law 4 of 1998, passed 7-29-1998)

Weighted Vote

- 34.15 Reapportionment
- 34.16 Determined by federal census
- 34.17 Members and apportionment
- 34.18 Number of votes

§ 34.02 AUTHORITY.

This Local Law is adopted in accordance with authority provided in N.Y. Mun. Home Rule Law § 10(1)(ii)a(1). (Res. 472 of 1998, passed - -1998; Local Law 4 of 1998, passed 7-29-1998)

ELECTIONS

§ 34.03 APPOINTMENT OF BOARD MEMBER AS ELECTION COMMISSIONER.

§ 34.01 PURPOSE.

This Local Law is intended to address the Common Law Rule that, as described in a New York State Attorney General’s Opinion “...a body having the power of appointment may not appoint one of its own members in the absence of precise statutory authority so to do” (citations omitted) (1961 Op Atty Gen (inf) 103), and also address Opinions issued in other reported New York State Attorney General Opinions which indicate that resignation of the member just prior to the appointment does not, in and of itself, resolve the matter. In cases of election commissioners, application of the Common Law Rule as extended by the Opinions of the Attorney General does not seem appropriate in view of the selection process provided for under the Election Law of the

Whenever a vacancy shall occur or exist in the Office of Election Commissioner in the Board of Elections for Warren County, a person, otherwise qualified who is a member of the Warren County Board of Supervisors at the time the vacancy occurs may be appointed to fill the vacancy provided that said person shall have resigned prior to such appointment. (Res. 472 of 1998, passed - -1998; Local Law 4 of 1998, passed 7-29-1998)

WEIGHTED VOTE

§ 34.15 REAPPORTIONMENT.

On and after the first day of January, 2012, the local legislative body of the County of Warren shall

continue to be known and designated as the Board of Supervisors, but the election of the members thereof and their respective votes as such members thereof shall, on and after the first day of January, 2012, be determined and fixed in accordance with the provisions of this Local Law to accomplish the reapportionment of the local legislative body of the County of Warren in accordance with the 2010 Federal Census and the members thereof shall be designated as County Supervisors.

(Local Law 12 of 2011, passed 11-18-2011)

§ 34.16 DETERMINED BY FEDERAL CENSUS.

The number and apportionment of the members of the Board of Supervisors shall be determined by the 2010 Federal Census. Until the 2020 Federal Decennial Census, unless an official County census is made before 2020, each town and city ward in the County of Warren shall be entitled to at least one County Supervisor. Each town and city ward shall be entitled to one additional County Supervisor for each 5,580 population as determined by the 2010 Federal Census.

(Local Law 12 of 2011, passed 11-18-2011)

§ 34.17 MEMBERS AND APPORTIONMENT.

(A) Based on the 2010 Federal Census of the County of Warren, on and after the first day of January, 2012, there shall be 20 members of the Board of Supervisors of the County of Warren apportioned as follows:

Town of Bolton	1
Town of Chester	1
Town of Hague	1
Town of Horicon	1
Town of Johnsbury	1
Town of Lake George	1
Town of Lake Luzerne	1
Town of Queensbury	5
Town of Stony Creek	1

Town of Thurman	1
Town of Warrensburg	1
City of Glens Falls:	
First Ward	1
Second Ward	1
Third Ward	1
Fourth Ward	1
Fifth Ward	1

(B) Such Supervisors shall be elected at the general election of 2011 and shall hold office for terms of two years commencing on the first day of January following such election unless a municipality shall have elected as provided under State Law for its supervisor to hold a four year term in which case the county supervisor shall hold office for a four year term. In all towns having one County Supervisor, the County Supervisor shall be the Town Supervisor. In towns having more than one County Supervisor, the Town Supervisor shall be one County Supervisor and the remaining County Supervisors shall be elected at large in the town. A vacancy in the Office of County Supervisor in a town, other than the Town Supervisor, shall be filled by a majority of the votes of the members of the town board. In a city ward having more than one County Supervisor, all County Supervisors shall be elected at large in the ward. A vacancy in the Office of the County Supervisor in a city ward shall be filled by a majority vote of the common council of the city.

(Local Law 12 of 2011, passed 11-18-2011)

§ 34.18 NUMBER OF VOTES.

(A) On and after the first day of January, 2012, and continuing until the next Decennial Federal Census, unless an official County census shall be made sooner, each town and ward shall be entitled to the following number of votes on any resolution,

Local Law, motion or proposal to be voted on by the Board of Supervisors, to wit:

Town of Bolton	35
Town of Chester	51
Town of Hague	11
Town of Horicon	21
Town of Johnsburg	36
Town of Lake George	53
Town of Lake Luzerne	51
Town of Queensbury:	
Town Supervisor	85
County Supervisor	85
County Supervisor	85
County Supervisor	85
County Supervisor	85
Town of Stony Creek	12
Town of Thurman	19
Town of Warrensburg	62
City of Glens Falls:	
First Ward	38
Second Ward	57
Third Ward	57
Fourth Ward	30
Fifth Ward	42

(B) A total of 501 affirmative votes shall be required for the adoption of any resolution, Local Law, motion or proposal requiring a majority vote and a total of 667 affirmative votes shall be required for the adoption of any resolution requiring a two-thirds vote. On any committee of the Board of Supervisors, each County Supervisor shall have one vote. (Local Law 12 of 2011, passed 11-18-2011)

CHAPTER 35: TAXATION, FINANCES AND PURCHASING

Section

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§ 35.001 TITLE AND STATEMENT OF INTEREST.

This local law shall be entitled “A Local Law Amending The Warren County Occupancy Tax as Authorized by Act of the New York State Legislature (Chapter 422 of the Laws of 2003)”. The intent of this Local Law is to continue an occupancy tax authorized by act of the New York State Legislature (Chapter 422 of the Laws of 2003) and originally imposed by Warren County Local Law 4 of 2003 entitled “A Local Law to Enact an Occupancy Tax as Authorized by Act of the New York State Legislature (Chapter 422 of the Laws of 2003)” in addition to incorporating all of the amendments made to this Local Law since its original enactment as set forth above(the previous amendments being Local Law 3 of 2006; Local Law 10 of 2006; Local Law 13 of 2011). The provisions of this Local Law are intended to incorporate all of the prior amendments in addition to the following amendments applicable to room remarketers:

Procedure to Claim Against Real Property Fire Insurance Proceeds

- 35.125 Title
- 35.126 Purpose
- 35.127 Grant of authorization and power to County Treasurer

(A) Section 3, paragraphs (d), (e), (f), (i) and (n), which definitions include language regarding “room remarketers” in N.Y. Tax Law Article 28, in order to include room remarketers as being obligated to file returns and remit occupancy taxes on the full amount charged by said room remarketers;

Delinquent Taxes

- 35.140 Authorizing collection
- 35.141 Authorizing payment of certain delinquent taxes in installments

(B) Section 4, paragraphs (a), (b), (c)(1), (c)(2) and (c)(3) clarifying the room remarketers obligations as to the filing and remitting of occupancy tax monies in accordance with New York State Tax Law;

Redemption Period for Residential and Farm Real Property

- 35.155 Purpose
- 35.156 Redemption period
- 35.157 Filing with State Board
- 35.158 Effective date

(C) Section 5, paragraphs (a) and (b) to set the specific effective date for the modifications made to this Local Law;

Purchases

- 35.170 Title
- 35.171 Legislative intent

(D) Section 8, paragraphs (a), (c) and (d) setting forth the registration requirements for room remarketers;

(E) Section 11, paragraph (a) clarifying the filing dates for occupancy tax returns for room remarketers; and

(F) Section 15, paragraphs (a)(1) and (a)(2), setting forth the procedures a room remarketer is to use for accessing refunds and/or credits, if appropriate.

(G) The revenues derived from said tax, after deducting the amount provided for administering the tax, shall be allocated for tourism promotion and tourist and convention development by using revenues to enhance the general economy of the County of Warren, and its city, towns and villages, through the promotion of tourist activities, conventions, trade shows, special events and other directly related and supporting activities.

(Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 10 of 2006, passed 11-17-2006; Local Law 13 of 2011, passed 12-16-2011; Local Law 6 of 2015, passed 7-17-2015)

§ 35.002 AUTHORITY.

The authority for this Local Law is Chapter 422 of the Laws of 2003 of New York State. The authority to amend same exists by virtue of N.Y. Tax Law § 1202-u and the Municipal Home Rule Law of the State of New York.

(Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 13 of 2011, passed 12-16-2011; Local Law 6 of 2015, passed 7-17-2015)

§ 35.003 DEFINITIONS.

When used in this Local Law, the following terms shall mean:

COUNTY. Warren County, New York.

EFFECTIVE DATE. The date set forth in § 35.028 of this Local Law.

HOTEL or MOTEL. Any facility providing lodging on an overnight basis and shall include those facilities designated and commonly known as “bed and breakfast”, “inn”, “housekeeping cottages with four or more units” and “tourist” facilities.

OCCUPANCY. The use or possession, or the right to the use or possession, of any room in a hotel or motel. The right to the use or possession includes the right of a “room remarketer” as described below in this section.

OCCUPANT. A person who, for a charge or any consideration, uses, possesses, or has the right to use or possess, any room in a hotel or motel under any lease, concession, permit, right, license, agreement, or otherwise. The right to use or possess includes the right of a “room remarketer” as described below in this section.

OPERATOR. The owner of the hotel or motel room occupied or if the owner is not operating the hotel or motel and not being paid the rent or charge for the room occupied, then any other person entitled to be paid the rent or charge for the hotel or motel room occupied, including but not limited to the proprietor, lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such hotel or motel. Such term shall also include a “room remarketer” as such “room remarketer” shall be deemed to operate a hotel or motel, or portion thereof, thereby conferring the same rights and obligations of a hotel or motel operator on a “room remarketer.”

PERMANENT RESIDENT. Any person occupying any room or rooms in a hotel or motel for at least 30 consecutive days.

PERSON. An individual, partnership, society, association, joint stock company, corporation, limited liability company, general or limited liability partnership, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court

or otherwise, and/or any combination of the foregoing.

RENT. The charge and/or consideration received for occupancy, including any and all service or charge or amount required to be paid as a condition for occupancy, valued in money, whether received in money or otherwise and whether received by the operator, including a “room remarketer,” or another person on behalf of either of them.

RETURN. Any document filed or required to be filed as herein provided.

ROOM. Any room or rooms of any kind in any part or portion of a hotel or motel, which is available for, rented or otherwise let out for the lodging of guests.

ROOM REMARKETER. A person who reserves, arranges for, conveys or furnishes occupancy, whether directly or indirectly, to an occupant for rent in an amount to be determined by the **ROOM REMARKETER**, directly or indirectly, whether pursuant to written or other agreement, such person’s ability or authority to reserve, arrange for, convey or furnish occupancy, whether directly or indirectly, and to determine the rent therefor, shall be “the rights of the room remarketer.” A **ROOM REMARKETER** is not a permanent resident with respect to a room for which such person has the rights of a **ROOM REMARKETER**.

TAX IMPOSITION DATE. The date set forth in § 35.004 of this Local Law.

TREASURER. The Warren County Treasurer, or such other fiscal officer(s) as may be designated by the Board of Supervisors.

(Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 6 of 2015, passed 7-17-2015)

§ 35.004 IMPOSITION OF TAX.

(A) On and after January 1, 2007, and in addition to any other tax previously authorized and

imposed pursuant to N.Y. Tax Law Article 28 or 29 or any other law, there is imposed and there shall be paid a tax of 4% upon the rent for every occupancy of a room or rooms in a hotel or motel located within the county, except that such tax shall not be imposed upon:

(1) A permanent resident of a hotel or motel; or

(2) Housekeeping cottages having less than four rentable units and the tax herein imposed upon the rent received by a room remarketer shall hereby be imposed and paid on or after the first day of September, 2015.

(B) When occupancy is provided, for a single consideration, with property, services, amusement charges or other items, the separate sale of which is not subject to tax under this local law, the entire consideration shall be treated as rent subject to tax under division (A) of this section; provided, however, that where the amount of the rent for occupancy is stated separately from the price of such property, services, amusement charges or other items, on any sales slip, invoice, receipt, or other statement given to the occupant, and such rent is reasonable in relation to the value of such property, services, amusement charges or other items, only such separately stated rent will be subject to tax under division (A) of this section.

(C) (1) In regards to the collection of tax on occupancies by room remarketer, when occupancy is provided for a single consideration with property, services, amusement charges or any other items, whether or not such items are taxable, the rent portion of the consideration for such transaction shall be computed as follows: either the total consideration received by the room remarketer multiplied by a fraction, the numerator of which shall be the consideration payable for the occupancy by the room remarketer and the denominator of which shall be such consideration payable for the occupancy, plus the consideration payable by the remarketer for the other items being sold, or by any other method as may be authorized by the Commissioner of the New York State Department of Taxation and Finance for the tax

imposed by N.Y. Tax Law § 1105(c), or by any other method as may be authorized by the County Treasurer. If the room remarketer fails to separately state the tax on the rent so computed on a sales slip, invoice, receipt or other statement given to the occupant in the manner prescribed in division (C)(2) of this section or fails to maintain records of all prices of all components of a transaction covered by this division (C)(1), the entire consideration shall be treated as rent subject to tax under division (A) of this section. Nothing herein shall be construed to subject to tax or exempt from tax any service or property or amusement charge or other items otherwise subject to tax or exempt from tax pursuant to N.Y. Tax Law Articles 28 or 29. A room remarketer's records of the consideration payable for all components of a transaction covered by this division (C)(1) are the records required to be maintained by § 35.010 of this Local Law.

(2) In regard to the collection of tax on occupancies by room remarketers, including a transaction described in division (C)(1) of this section, the requirements of division (B) of this section shall be deemed satisfied if the remarketer gives the customer a sales slip, invoice receipt, or other statement of the price prior to the customer's completion of his or her occupancy, on which the amount of tax due under this local law is stated. The room remarketer must keep a copy of this invoice as required by § 35.010 of this Local Law, or electronic records that accurately reflect the information that is on the invoice provided to the customer.

(3) In regards to the reporting and payment to the County Treasurer by room remarketers of tax due on occupancies, a room remarketer shall report such tax due, including transaction(s) described in division (C)(1) of this section, on the return due date for the filing period in which the occupancy ends, and at the time of filing such return to pay to the County Treasurer the total amount due.

(Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 6 of 2015, passed 7-17-2015)

§ 35.005 TRANSITIONAL PROVISIONS.

(A) Except as provided in division (B) herein the tax imposed by this Local Law shall be paid upon any occupancy on and after the date set forth in § 35.004 hereof, although such occupancy is pursuant to a prior contract, lease, or other arrangement. Except as provided in division (B) herein, where rent is paid on a weekly or other term basis, the rent shall be subject to the tax imposed by this Local Law to the extent that it covers any period on and after the date set forth in § 35.004.

(B) The tax imposed by this Local Law upon the rent received by a room remarketer shall be paid upon any occupancy on and after the first day of September, 2015 although such occupancy may be pursuant to a prior contract, lease or other arrangement. Where rent is paid to a room remarketer on a weekly, monthly or other term basis, the rent shall be subject to the tax imposed by this local law to the extent it covers any period on or after the first day of September, 2015.

(Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 6 of 2015, passed 7-17-2015)

§ 35.006 EXEMPT ORGANIZATIONS.

Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this Local Law:

(A) The State of New York, any public corporation (including those created pursuant to agreement or compact with another state or the Dominion of Canada), improvement district or other political subdivision of the State;

(B) The United States of America, insofar as it is immune from taxation; and

(C) Any corporation or association, or trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty

to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this division (C) shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this division (C). (Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 6 of 2015, passed 7-17-2015)

§ 35.007 TERRITORIAL LIMITATIONS.

The tax imposed by this Local Law shall apply only within the territorial limits of Warren County. (Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 6 of 2015, passed 7-17-2015)

§ 35.008 REGISTRATION.

(A) Unless an operator is already registered with the Treasurer under the previous Local Law, within 20 days after the effective date of this Local Law, or in the case of an operator commencing business after such effective date within three days after such commencement or opening, or in the case of a room remarketer conducting business on or after the first day of September, 2015, within 20 days after such commencement, every operator shall file with the Treasurer a registration application in a form prescribed by the Treasurer.

(B) The Treasurer shall, within five days after receipt of a registration application, issue without charge to the operator a certificate of authority empowering such operator to collect the tax from the occupant for each additional hotel or motel of such operators.

(C) Each certificate shall state the hotel or motel or room remarketer for which it is applicable.

(D) Each certificate of authority shall be prominently displayed by the operators who are not room remarketers in such manner that it may be seen and brought to the notice of all occupants and persons seeking occupancy.

(E) Certificates shall not be assignable or transferable, and shall be surrendered immediately to the Treasurer upon the cessation of business at, or upon the sale or conveyance of the operator's business named in such certificate(s). (Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 6 of 2015, passed 7-17-2015)

§ 35.009 ADMINISTRATION AND COLLECTION.

(A) The tax imposed by this Local Law shall be administered and collected by the Treasurer, or such other employees of the county as the Treasurer may designate, by such means and in such manner as other taxes which are now collected and administered or as is otherwise provided by this Local Law.

(B) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the county, and the operator shall be liable for the collection thereof and payment of the tax.

(C) The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this Local Law, and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant as if the tax were part of the rent for the occupancy payable at the time such rent shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien

that he may have in the event of non-payment of rent by the occupant; provided, however, that the Treasurer shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.

(D) The Treasurer may, whenever he deems it necessary for the proper enforcement of this local law, provide by order that the occupant shall file returns and pay directly to the Treasurer the tax herein imposed, at such times as returns are required to be filed and payment made by the operator.

(E) The tax imposed by this local law shall be paid upon any occupancy on and after the tax imposition date, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date; and where rent is paid, charged, billed or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after the tax imposition date.

(F) Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Treasurer may by order provide for credit and/or refund of the amount of such tax upon application therefor as provided in Section 15 of this local law.

(G) For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator, except that, where, by the directive pursuant to division (D) of this section, an occupant is required to file returns and pay directly to the Treasurer the tax imposed, the burden of proving that a rent for occupancy if not taxable, shall be upon the occupant.

(H) Where an occupant claims exemption(s) from the tax under the provisions of § 35.006 of this Local Law, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption.

(1) A copy of a certificate issued by the Treasurer certifying that the organization named therein is exempt from the tax pursuant to § 35.006 of this Local Law, together with a certificate duly executed by the exempt organization setting forth the occupant's name and certifying that:

(a) The occupant is a duly authorized agent, representative or employee of the exempt organization;

(b) The occupant's occupancy is paid or to be paid by such exempt organization; and

(c) The occupant's occupancy is necessary or required in the course and furtherance of, and/or in connection with, the affairs of said exempt organization; or

(2) A properly completed, executed and certified exemption certificate from taxes imposed pursuant to Articles 28 and 29 of the New York State Tax Law, such certificate to be in the form and to contain the content approved and required by the New York State Department of Taxation.

(Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 6 of 2015, passed 7-17-2015)

§ 35.010 RECORDS TO BE KEPT.

(A) Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the Treasurer may by regulation or order require.

(B) All records shall be available for inspection and examination at any time upon demand by the Treasurer, or the Treasurer's duly authorized agent or employee, and shall be preserved for a period of not less than three years, except that the Treasurer may consent in writing to their destruction within that period or may in writing require that such records be

kept and maintained for a specified period in excess of three years.

(Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 6 of 2015, passed 7-17-2015)

§ 35.011 RETURNS.

(A) After the date set forth in § 35.004 of this Local Law, and except as provided in division (B) of this section, every operator and occupant, directed by the Treasurer, shall file with the Treasurer a return of occupancy and of rents, and of the taxes payable thereon, for the same quarterly periods and on the same dates as returns for New York State Sales and Use Taxes are filed or to be filed, except for room remarketers the return for the month of September, 2015 shall be filed with the quarterly period filing which follows September, 2015.

(B) Notwithstanding the provisions of division (A) of this section, the Treasurer may by order require returns to be made and filed for shorter periods than those prescribed pursuant to division (A) of this section, on such dates as the Treasurer may specify in such rule or order, where the Treasurer deems it necessary in order to ensure the payment of the tax imposed by this Local Law.

(C) All returns shall be filed with the Treasurer within 20 days from the expiration of the period covered thereby.

(D) The forms of returns shall be prescribed by the Treasurer and shall contain such information as the Treasurer may deem necessary for the proper administration of this Local Law.

(E) The Treasurer may require amended returns to be filed within 20 days after notice and to contain the information specified in the notice.

(F) If a return required by this Local Law is not filed, or if a return when filed is incorrect or insufficient on its face or otherwise, the Treasurer shall take the necessary steps to enforce the filing of

a properly completed and sufficient return or of a corrected return.

(Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 10 of 2006, passed 11-17-2006; Local Law 6 of 2015, passed 7-17-2015)

§ 35.012 PAYMENT OF TAX.

(A) Any tax imposed by this Local Law shall be paid by the occupant to the operator of the hotel or motel room occupied for and on account of the County, and such operator or person entitled to be paid the rent or charge shall be liable for the collection and payment of tax to the County.

(B) The operator of the hotel or motel room shall have the same right in respect to collecting the tax from the occupant, or in respect to non-payment of the tax by the occupant, as if the tax were a part of the rent or charge and payable at the same time as the rent or charge. In any action or proceeding brought by an owner or a person entitled to be paid the rent or charge for the purpose of collecting the rent or charge, or the tax imposed by this Local Law, the Treasurer shall be joined as a party.

(C) At the time of filing a return of occupancy and of rents, each operator shall pay to the Treasurer the taxes imposed by this Local Law upon the rents required to be included in such return, as well as all other moneys collected by the operator acting or purporting to act under the provisions of this Local Law.

(D) All taxes and other moneys required to be paid under and pursuant to this Local Law shall be due from the operator and paid to the Treasurer on the date limited for the filing of the return for such period, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and taxes due thereon.

(E) Notwithstanding divisions (A) and (B) of this section, the occupant shall pay the tax imposed by this Local Law directly to the Treasurer if so ordered by

the Treasurer, in which case the operator shall be relieved of the responsibility and no right to collect the same until so authorized by the Treasurer.

(Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 6 of 2015, passed 7-17-2015)

§ 35.013 BONDS AND SECURITY FOR PAYMENT OF TAX.

(A) Where the Treasurer, in the exercise of the Treasurer's discretion, deems it necessary to protect revenues to be obtained under this Local Law, the Treasurer may by rule or order require any operator required to collect the tax imposed by this Local Law to file with the Treasurer a bond to secure the payment of any tax and/or penalties and interest due or which may become due from such operator.

(B) Any bond so required by the Treasurer shall be issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the Treasurer may fix.

(C) In the event the Treasurer determines that an operator is to file such bond he shall give notice to such operator to that effect specifying the amount of the bond required.

(D) The operator shall file such bond within five days after the issuance of such notice, unless within such five days the operator shall serve upon and deliver to the Treasurer a written request for a hearing before the Treasurer at which the necessity, propriety and amount of the bond shall be determined by the Treasurer. Any determination by the Treasurer upon such hearing shall be final and shall be complied with by the operator within five days after the giving of notices thereof.

(E) In lieu of a bond the Treasurer, in the Treasurer's sole discretion, may accept or require:

(1) Securities approved by the Treasurer in such amount as the Treasurer may prescribe, with

such securities to be kept in the custody of the Treasurer; and/or

(2) Cash in such amount as the Treasurer may prescribe, with such cash to be deposited and kept in the custody of the Treasurer.

(F) The Treasurer shall have the right at any time without notice to the operator to apply all or any portion of the bond(s), securities and/or cash to the payment of any tax and/or interest or penalties due, and for such purpose the Treasurer may exercise all rights under the bond(s) and/or may sell the securities at public or private sale without notice to the depositors thereof.

(Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 6 of 2015, passed 7-17-2015)

§ 35.014 DETERMINATION OF TAX.

(A) Upon the filing of a return, the Treasurer shall determine the amount of tax due under and pursuant to this Local Law.

(B) If a return required by this Local Law is not filed, or if a return when filed is incorrect or insufficient as to the amount of tax due, the amount of tax due under and pursuant to this Local Law shall be determined by the Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors.

(C) Notice of a determination under division (B) of this section shall be furnished in writing to the affected operator or occupant (if the occupant has been directed to pay the occupancy to the Treasurer).

(D) Any determination by the Treasurer under division (B) of this section shall finally and irrevocably fix the tax, unless:

(1) Within 30 days after the issuance of the notice of such determination the operator or person

against whom it is assessed shall apply in writing to the Treasurer for a hearing; or

(2) The Treasurer shall, in the Treasurer's sole discretion, reconsider and re-determine the amount of tax due.

(E) Within 15 days after the conclusion of a hearing conducted pursuant to division (D)(1) of this section, the Treasurer shall give written notice of the Treasurer's determination to the person against whom the tax is assessed.

(F) Except in the case of a wilfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return; provided, however, that where no return has been filed as provided by this Local Law the tax may be assessed at any time.

(Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 6 of 2015, passed 7-17-2015)

§ 35.015 REFUNDS.

(A) (1) In the manner provided in this section the Treasurer shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid provided that written application for such refund shall be made to the Treasurer within one year from the payment thereof. Such application shall be in a form as the County Treasurer may prescribe.

(2) Subject to the conditions and limitations provided in this section, a room remarketer shall be allowed a refund or credit against the amount of tax collected and required to be remitted under § 35.004 of this Local Law in the amount of the tax it had previously paid to an operator or a hotel. Provided, however, that in order to qualify for a refund or credit under this section for any occupancy tax quarterly period, the room remarketer must for that quarter:

(a) Be registered for occupancy tax purposes under § 35.008 of this Local Law;

(b) Collect the taxes imposed by § 35.004 of this Local Law; and furnish the certificate of authority number to the operator to whom the applicant paid the tax in its application for refund or credit if required on that form or upon request.

(3) Provided, however, that if the room remarketer requests the operator's certificate of authority number and is not provided with that number, the room remarketer may satisfy this requirement by providing the operator's name, business address, telephone number, and the address of the hotel where the occupancy took place. An application for a refund or credit under this paragraph must be filed with the County Treasurer within the time provided by division (a)(1) of this section. Where an application for credit has been properly filed, the applicant may immediately take the credit on the return due coincident with or immediately subsequent to the time the applicant files the application for credit. However, the taking of the credit on the return is deemed to be part of the application for credit. The procedure for granting or denying the application for a credit or refund and review of these determinations shall be as provided in this section. An operator, including a room remarketer, who is paid tax by a room remarketer must upon request provide the other room remarketer with its certificate of authority number, provided that the operator's failure to do so does not change the requirement set forth in division (C) herein.

(B) An application for refund or credit may be made only by the occupant, operator, or other person who has actually paid the tax.

(C) An application for a refund or credit made as herein provided shall not be complete unless the same includes copies of all documentation and evidence upon which the applicant relies in support thereof, but nothing shall prohibit or prevent the Treasurer from receiving any other evidence with respect thereto.

(D) No application for a refund or credit shall be accepted or considered unless such application has been actually received by the Treasurer within one year of the payment of the tax.

(E) The determination to deny or allow a refund or credit shall be made by the Treasurer in writing, stating the reason(s) therefor, and the Treasurer shall give notice of such determination to the applicant.

(F) No refund shall be made to an operator who has collected and paid over such tax to the Treasurer unless and until such operator shall first establish, to the satisfaction of the Treasurer under such regulations as the Treasurer may prescribe, that such operator has repaid to the occupant(s) the amount of tax for which a refund is sought.

(G) The Treasurer may, in the Treasurer's discretion and in lieu of the payment of any refund determined to be due, allow credit therefor on and against payments due from the applicant.
(Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 6 of 2015, passed 7-17-2015)

§ 35.016 DISPOSITION OF REVENUES.

All revenues resulting from the imposition of the tax under this local law shall be paid into the Treasury of the County of Warren and shall be credited to and deposited in the General Fund of the county, thereafter to be allocated only for tourism promotion and tourist and convention development; provided, however, that a portion of such revenue may be specifically allocated to the expense of the county in administering such tax. The revenues derived from such tax, after deducting the amount provided for administering such tax, shall be allocated to enhance the general economy of the County of Warren, and its city, towns and villages through the promotion of tourist activities, conventions, trade shows, special events and other directly-related and supported activities. The amount retained by Warren County with respect to administering said tax shall not exceed 3% of the revenues collected from the imposition of this tax.

(Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 13 of 2011, passed 12-16-2011; Local Law 6 of 2015, passed 7-17-2015)

§ 35.017 RESERVES.

Whenever the occupant or operator has applied for a refund and has instituted a proceeding under N.Y. Civ. Prac. L. & R. Article 78 to review a determination adverse to such occupant or operator on such application for refund, the Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

(Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 6 of 2015, passed 7-17-2015)

§ 35.018 REMEDIES EXCLUSIVE.

The remedies provided by §§ 35.014 and 35.015 of this Local Law shall be exclusive remedies available to any person for the review of tax liability imposed by this Local Law; and no determination or proposed determination of tax or determination on any application for refund or credit shall be enjoined, contested or reviewed by any action or proceeding, except by a proceeding under N.Y. Civ. Prac. L. & R. Article 78 pursuant to § 35.024 of this Local Law.
(Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 6 of 2015, passed 7-17-2015)

§ 35.019 PROCEEDINGS TO RECOVER TAX.

(A) Whenever any operator or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this Local Law as herein provided, or whenever any occupant shall fail to pay any such tax, penalty or interest, the County Attorney shall, upon the request of the County Treasurer, bring or cause to be brought an action to enforce the payment of the same on behalf of Warren County in any court of the State of New York or of any other state or of the United States.

(B) Whenever an operator or other person shall make a sale, transfer, or assignment in bulk of any part or the whole of his hotel or motel or of such operator's business assets, other than in the ordinary

course of business, the following provisions shall apply:

(1) The purchaser, transferee or assignee shall at least 20 days before taking possession of the subject of said sale, transfer or assignment, or paying therefor, notify the Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof and whether or not the operator has represented to or informed the purchaser, transferee or assignee that it owes any tax pursuant to this local law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing;

(2) For failure to comply with the provisions of this division, including but not limited to division (1) above, the purchaser, transferee or assignee shall be personally liable for the payment to the county of any such taxes theretofore or thereafter determined to be due to the county from the operator, seller, transferor, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this local law;

(3) Whenever the purchaser, transferee or assignee shall fail to give notice to the Treasurer as required by division (B)(1) of this section, or whenever the Treasurer shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the operator, seller, transferor or assignor to the county, and the purchase transferee or assignee is forbidden to transfer to the operator, seller, transferor or assignor, and shall withhold any such sums of money, property or choses in action, or other consideration, to the extent of the amount of the county's claim;

(4) Within 15 days of receipt of the notice of the sale, transfer or assignment from the purchaser, transferee or assignee, the Treasurer shall give notice

to the purchaser, transferee or assignee and to the operator, seller, transferor or assignor, of the total amount of any tax or taxes, as well as of any penalties or interest due thereon, which the Treasurer claims to be due from the operator, seller, transferor or assignor, to the county;

(5) Whenever the Treasurer shall fail to give the notice required by division (B)(4) of this section, within 15 days from receipt of notice of the sale, transfer and assignment required by division (B)(1) of this section, such failure shall release the purchaser, transferee or assignee from any further obligation to withhold any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the operator, seller, transferor or assignor;

(6) Upon receipt of the Treasurer's notice issued pursuant to division (B)(4) above stating the total amount of the county's claim, the purchaser, transferee or assignee may make payment of such claim to the Treasurer from any sums of money, property, or choses in action withheld in accord with the provisions of division (B)(3) of this section, and upon making such payment the purchaser, transferee or assignee shall be relieved of all liability for such amounts to the operator, seller, transferor or assignor, and such amounts paid to the Treasurer shall be deemed satisfaction of the tax liability of the operator, seller, transferor or assignee to the extent of the amount of such payment.

(C) Whenever the liability of any operator or other person, including that of any purchaser, transferee or assignee, covered by this section has been wholly paid or satisfied or no longer exists, except where the liability is discharged by an order or decree in bankruptcy, the Treasurer shall mail to such operator or other person a notice, addressed to the last known address of such operator or other person, setting forth:

(1) The amount of the tax liability paid or satisfied;

(2) That such liability has been wholly paid or satisfied or no longer exists; and

(3) A statement to the effect that consumer reporting agencies must delete from a credit file any reference to the particular tax lien or claim within 30 days of receipt from such operator or other person of a copy of such notice.

(Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 6 of 2015, passed 7-17-2015)

§ 35.020 GENERAL POWERS OF THE TREASURER.

In addition to the powers granted to the Treasurer by County Law and this Local Law, the Treasurer is hereby authorized and empowered:

(A) To make, adopt and amend rules and regulations, and to issue orders, appropriate to the carrying out of this Local Law and the purposes thereof;

(B) To extend for cause shown the time of filing any return for a period not exceeding 30 days; and for cause shown, to remit or waive penalties but not interest; and to compromise disputed claims in connection with the taxes hereby imposed;

(C) To request information from the Tax Commission of the State of New York or the Treasury Department of the United States relative to any person; and to afford information to such Tax Commission or such Treasury Department relative to any person, any other provision of this Local Law to the contrary notwithstanding;

(D) To delegate his functions hereunder to any employee or employees of the County Treasurer;

(E) To prescribe methods for determining the rents for occupancy and to determine the taxable and non-taxable rents;

(F) To require any operator within the county to keep detailed records of the nature and type of hotel

or motel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this Local Law, and to furnish such information upon request to the County Treasurer;

(G) To assess, determine, revise and readjust the taxes imposed under this Local Law.

(Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 6 of 2015, passed 7-17-2015)

§ 35.021 ADMINISTRATION OF OATHS AND COMPELLING TESTIMONY.

(A) The Treasurer, or the Treasurer's duly designated and authorized employee(s) or agent(s), shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the Treasurer's powers and duties under this Local Law.

(B) The Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this Local Law, and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the Treasurer or excused from attendance.

(C) A justice of the supreme court, either in court or at chambers, shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Treasurer under this Local Law.

(D) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Treasurer under this Local Law shall be guilty of a

misdemeanor, punishment for which shall be a fine of not more than \$1,000 or imprisonment for not more than one year, or both such fine and imprisonment.

(E) The officers who serve the summons or subpoena of the Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided.

(F) The County Sheriff, the Sheriff's duly appointed deputies, and any officer or employee of the Treasurer designated to serve process under this Local Law, are hereby authorized and empowered to serve any summons, subpoena, order, notice, document, instrument, or other process to enforce or carry out this Local Law.

(Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 6 of 2015, passed 7-17-2015)

§ 35.022 REFERENCE TO TAX.

Wherever reference is made in placards or advertisements or in any other publications to this tax such reference shall be substantially in the following form: "Tax on occupancy of hotel or motel rooms"; except that in any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator, the word "tax" will suffice.

(Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 6 of 2015, passed 7-17-2015)

§ 35.023 PENALTIES, INTEREST AND VIOLATIONS.

(A) Any person failing to file a return or to pay or pay over any tax to the Treasurer within the time required by this Local Law shall be subject to:

(1) A penalty of 5% of the amount of tax due; plus

(2) Interest at the rate of 1% of the amount of tax due for each month of delay, except that no interest shall be charged for the first 30 days immediately after the date such return was required to be filed or such tax became due.

(B) Notwithstanding the provisions of division (A) of this section, the Treasurer may, if satisfied that the delay was excusable, cancel and remit all or part of such penalty, but may not cancel or remit any portion of the interest.

(C) All penalties and interest shall be paid and disposed of in the same manner as other revenues from this Local Law.

(D) Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this Local Law.

(E) Officers and/or members of an owner or operator corporation, limited liability company, limited liability partnership, or partnership shall be personally liable for the tax collected or required to be collected and paid by such corporation under this Local Law, and shall also be personally liable for the penalties and interest herein imposed.

(F) In addition to the penalties herein or elsewhere prescribed, any person found to have committed any of the following acts shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than \$1,000 or imprisonment for not more than one year, or both such fine and imprisonment:

(1) Failing to file a return required by this Local Law;

(2) Filing or causing to be filed, or making or causing to be made, or giving or causing to be given, any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this Local Law which is wilfully false;

(3) Wilfully failing to file a bond required to be filed pursuant to this Local Law;

(4) Failing to file a registration certificate and such data in connection therewith as the Treasurer may by order, regulation or otherwise require;

(5) Failing to display, or to surrender upon demand of the Treasurer, the certificate of authority as required by this Local Law;

(6) Assigning or transferring such a certificate of authority;

(7) Wilfully failing to charge separately from the rent the tax herein imposed, or wilfully failing to state such tax separately on any evidence of occupancy and on any bill or statement or receipt of rent issued or employed by the operator;

(8) Wilfully failing or refusing to collect any tax imposed by this Local Law from the occupant;

(9) Referring or causing reference to be made to this tax in a form or manner other than that required by this Local Law; or

(10) Failing to keep or maintain the records required by this Local Law.

(G) The certificate of the County Treasurer to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this Local Law, shall be presumptive evidence thereof.

(Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 6 of 2015, passed 7-17-2015)

§ 35.024 JUDICIAL REVIEW.

(A) Any final determination of the amount of any tax payable pursuant to this Local Law, as well as any final determination on an application for refund or credit under § 35.015 of this Local Law, shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under N.Y. Civ. Prac. L. & R. Article 78 if application

therefor is made to the Supreme Court within 30 days after the giving of the notice of such final determination, provided, however, that any such proceeding under N.Y. Civ. Prac. L. & R. Article 78 shall not be instituted unless:

(1) The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by Local Law or regulation shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

(2) At the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

(B) Where any tax imposed pursuant to this section shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the proper fiscal officer or officers, and such officer or officers shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under N.Y. Civ. Prac. L. & R. Article 78, provided, however, that such proceeding is instituted within 30 days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and

charges which may accrue in the prosecution of such proceeding.

(Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 6 of 2015, passed 7-17-2015)

**§ 35.025 RETURNS TO BE KEPT
CONFIDENTIAL.**

(A) Except in accordance with proper judicial order, or as otherwise provided by law:

(1) It shall be unlawful for the Treasurer or any agent, employee or designee of the Treasurer to divulge or make known in any manner the rents or other information relating to the business of an operator contained in any return required under this Local Law; and

(2) The officers charged with the custody of such returns shall not be required to produce any of such returns or evidence of anything contained therein in any action or proceeding in any court, except on behalf of the Treasurer in an action or proceeding under the provisions of this Local Law, or on behalf of any party to any action or proceeding under the provisions of this Local Law when the returns or facts shown thereby are directly involved in such action or proceeding, provided that in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more.

(B) Notwithstanding the provisions of division (A) of this section, nothing herein shall be construed to prohibit:

(1) The delivery to a taxpayer or such taxpayer's duly authorized representative of a copy of any return filed in connection with this Local Law;

(2) The publication of statistics so classified as to prevent the identification of particular returns and items thereof; or

(3) The inspection by the county attorney or other legal representatives of the county, or by the district attorney of any county, of the return(s) of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty.

(C) Returns shall be preserved by the Treasurer for not less than three years or for such longer period of time as the Treasurer determines.

(D) Any violation of division (A) of this section shall be punishable by a fine not exceeding \$1,000, or by imprisonment not exceeding one year, or both, in the discretion of the court, and if the offender be an officer or employee of the county such officer or employee shall be disciplined in accordance with the N.Y. Civ. Serv. Law and/or any applicable collective bargaining agreements.

(Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 6 of 2015, passed 7-17-2015)

§ 35.026 NOTICES AND LIMITATIONS OF TIME.

(A) Any notice authorized or required under the provisions of this Local Law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed pursuant to the provisions of this Local Law, or in any application made by such person, or if no return has been filed or application made then to such address as may be obtainable.

(B) The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed.

(C) Any period of time which is determined according to the provisions of this Local Law by the giving of notice shall commence to run from the date of mailing of such notice.

(D) The provisions of the N.Y. Civ. Prac. L. & R. or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the county to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this Local Law. (Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 6 of 2015, passed 7-17-2015)

§ 35.027 EFFECT OF LOCAL LAW.

This Local Law shall remain in full force and effect until amended, rescinded or repealed by Local Law adopted by the Board of Supervisors. (Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 10 of 2006, passed 11-17-2006; Local Law 6 of 2015, passed 7-17-2015)

§ 35.028 EFFECTIVE DATE.

This Local Law shall take effect upon filing with the Secretary of the State of New York. (Local Law 4 of 2003, passed 10-17-2003; Local Law 3 of 2006, passed 4-13-2006; Local Law 10 of 2006, passed 11-17-2006; Local Law 6 of 2015, passed 7-17-2015)

MOTOR VEHICLE USE TAX

§ 35.040 TITLE.

This Law shall be entitled “A Local Law Imposing a Motor Vehicle Use Tax in Warren County”. (Local Law 1 of 2010, passed 1-15-2010)

§ 35.041 PURPOSE AND INTENT.

The purpose of this law is to authorize Warren County, pursuant to the provisions of N.Y. Tax Law

§§ 1202(a) and 1202(c) and 1201(e), to impose a Motor Vehicle Use Tax.
(Local Law 1 of 2010, passed 1-15-2010)

§ 35.042 DEFINITIONS.

(A) When used in this Local Law, the following terms shall have the following meanings:

BUS. Has the same meaning as defined in N.Y. Veh. & Traf. Law § 104, as amended.

COMMISSIONER. The Commissioner of Motor Vehicles of the State of New York.

COUNTY. The County of Warren.

COUNTY ATTORNEY. The Warren County Attorney.

COUNTY CLERK. The Warren County Clerk.

PASSENGER MOTOR VEHICLE. Any motor vehicle subject to the registration fee as provided for in N.Y. Veh. & Traf. Law § 401(6).

SHERIFF. The Warren County Sheriff.

TREASURER. The Treasurer of the County of Warren.

TRUCK. The same meaning as defined in N.Y. Veh. & Traf. Law § 158, as amended.

(B) Any other term shall have the same meaning as defined in the N.Y. Tax Law or the N.Y. Veh. & Traf. Law.
(Local Law 1 of 2010, passed 1-15-2010)

§ 35.043 IMPOSITION OF TAX.

A motor vehicle use tax, authorized pursuant to N.Y. Tax Law §§ 1202(a) and 1202(c) and 1201(e), is hereby imposed in the following manner:

(A) A tax of \$5 per annum for the use of passenger motor vehicles of a type commonly used for non-commercial purposes owned by residents of the County for each such vehicle weighing 3,500 pounds or less and a tax of \$10 per annum for such vehicles weighing in excess of 3,500 pounds;

(B) A tax of \$10 per annum for the use of trucks, buses and other such commercial vehicles used principally in connection with a business carried on within the County.
(Local Law 1 of 2010, passed 1-15-2010)

§ 35.044 EXEMPTIONS.

The tax imposed by this Local Law shall not be imposed upon:

(A) Any vehicle exempt from the registration fee pursuant to the N.Y. Veh. & Traf. Law;

(B) Nonprofit religious, charitable or educational organizations qualified for exemption with the New York State Department of Taxation and Finance; nor

(C) Upon any vehicle which is owned and used in connection with the operation of a farm by the owner or tenant thereof.
(Local Law 1 of 2010, passed 1-15-2010)

§ 35.045 PAYMENT OF TAX AND EVIDENCE OF TAX PAYMENT.

(A) Every owner of a motor vehicle subject to tax hereunder shall pay the tax thereon to the Commissioner on or before the date upon which he or she registers or renews his or her registration thereof or is required to register or renew his or her registration thereof pursuant to N.Y. Veh. & Traf. Law § 401.

(B) Notwithstanding the provisions of N.Y. Veh. & Traf. Law § 400 to the contrary, the payment of such tax shall be a condition precedent to the registration or renewal thereof of such motor vehicle

and to the issuance of any certificate of registration and plates or removable tag specified in N.Y. Veh. & Traf. Law §§ 401(3) and 403 and 404, and no such certificate of registration, plates or tag shall be issued unless such tax has been paid. The Commissioner shall not issue a registration certificate for any motor vehicle for which the registrant's address is within the County except upon proof in a form approved by the Commissioner that such tax has been paid or is not due with respect to such motor vehicle. The Commissioner, upon application, shall furnish to each taxpayer paying the tax a receipt for such tax and to each such taxpayer or exempt person a statement, document or other form approved by the Commissioner, pursuant to the last sentence, showing that such tax has been paid or is not due with respect to such motor vehicle.

(Local Law 1 of 2010, passed 1-15-2010)

§ 35.046 RETURNS.

(A) At the time the payment of the tax imposed by this Local Law becomes due, every person subject to tax hereunder shall file a return with the Commissioner in such form and containing such information as may be prescribed by such Commissioner. The taxpayer's application for registration or the renewal of registration shall constitute the return required under this Local Law, unless the Commissioner, by regulation, shall otherwise provide.

(B) Returns shall be preserved for three years and thereafter until the Commissioner permits them to be destroyed.

(C) The Commissioner may require amended returns or certificates of facts to be filed within 20 days after notice and to contain the information specified in the notice. Any such certificate shall be deemed to be part of the return required to be filed.

(D) If a return required by this Local Law is not filed or if a return when filed is incorrect or insufficient on its face, the Commissioner or the Treasurer, if designated as his or her agent, shall take

the necessary steps to enforce the filing of such a return or of a corrected return.

(Local Law 1 of 2010, passed 1-15-2010)

§ 35.047 DETERMINATION OF TAX.

If a return required by this Local Law is not filed or if a return when filed is incorrect or insufficient or if a tax or any part thereof due hereunder be not paid when required, the amount of tax due shall be determined by the Commissioner or by the Treasurer, if designated as his or her agent, from such information as may be obtainable, including motor vehicle registration with the Department of Motor Vehicles of the State of New York and/or other factors. Notice of such determination shall be given to the person liable for the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within 30 days after the giving of notice of such determination, shall apply to the Commissioner or to the Treasurer, if designated as his or her agent, for a hearing or unless such commissioner or agent, as the case may be, on his or her own motion shall redetermine the same. After such hearing, the Commissioner, if he or she holds the hearing, or the Treasurer, if the Treasurer holds the hearing, shall give notice of the determination of such application to the person against whom the tax is assessed. Such determination shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under N.Y. Civ. Prac. L. & R. Article 78 if application therefor is made to the Supreme Court within four months after the giving of the notice of such determination. A proceeding under N.Y. Civ. Prac. L. & R. Article 78 shall not be instituted unless the amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited with the Commissioner and there shall be filed with the Commissioner an undertaking, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this state as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve, to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay

all costs and charges which may accrue in the prosecution of the proceeding; or at the option of the applicant, such undertaking filed with the Commissioner may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination, plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such taxes, penalties and interest as a condition precedent to the application.

(Local Law 1 of 2010, passed 1-15-2010)

§ 35.048 REFUND OF CERTAIN UNUSED REGISTRATIONS.

Whenever any fee or portion of a fee paid for the registration of a motor vehicle under the provisions of the N.Y. Veh. & Traf. Law is refunded pursuant to the provisions of N.Y. Veh. & Traf. Law § 428(1) thereof, the amount of any tax paid pursuant to this Local Law upon such registration shall also be refunded by the Commissioner.

(Local Law 1 of 2010, passed 1-15-2010)

§ 35.049 REFUNDS.

(A) In the manner provided in this section, the Commissioner shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application for such refund shall be made within one year from the payment thereof to the Commissioner or to the Treasurer, if designated as his or her agent. Whenever a refund is made, the reasons therefor shall be stated, in writing, by the Commissioner or by the Treasurer, as the case may be, who, in lieu of any refund, may allow credit therefor on payments due from the applicant.

(B) An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty or interest complained of and the Commissioner or the Treasurer, if designated as his or her agent, shall hold a hearing and receive evidence with respect thereto. After such hearing, the Commissioner, if he or she holds the hearing, or the Treasurer, if the Treasurer holds the hearing, shall

give notice of the determination of such application to the applicant who shall be entitled to review of such determination by a proceeding pursuant to N.Y. Civ. Prac. L. & R. Article 78, provided that such proceeding is instituted within four months after the giving of notice in such determination, and further provided that a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the Commissioner in such amount and with such sureties as a Justice of the Supreme Court shall approve, to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

(C) A person shall not be entitled to a revision, refund or credit under this section of a tax, interest or penalty which has been determined to be due pursuant to the provisions of § 35.047 of this Local Law where he or she has had a hearing or an opportunity for a hearing, as provided in said Section, or has failed to avail himself or herself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination made pursuant to § 35.047 of this Local Law, unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper after a hearing or, on his or her own motion, by the Commissioner or by the Treasurer, as the case may be, or in a proceeding under N.Y. Civ. Prac. L. & R. Article 78, pursuant to the provisions of said section, in which event refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

(Local Law 1 of 2010, passed 1-15-2010)

§ 35.050 RESERVES.

In cases where a taxpayer has applied for a refund and has instituted a proceeding under N.Y. Civ. Prac. L. & R. Article 78 to review a determination adverse to such taxpayer on his or her application for refund, the Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

(Local Law 1 of 2010, passed 1-15-2010)

§ 35.051 REMEDIES EXCLUSIVE.

The remedies provided by §§ 35.047 and 35.049 of this Local Law shall be exclusive remedies available to any person for the review of tax liability imposed by this Local Law, and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding in the nature of a certiorari proceeding under N.Y. Civ. Prac. L. & R. Article 78; provided, however, that a taxpayer may proceed by declaratory judgment if he or she institutes suit within 30 days after a deficiency assessment is made and pays the amount of the deficiency assessment to the Commissioner prior to the institution of such suit and posts a bond for costs as provided in § 35.047 of this Local Law.

(Local Law 1 of 2010, passed 1-15-2010)

§ 35.052 PROCEEDINGS TO RECOVER TAX.

(A) Whenever any person shall fail to pay any tax, penalty or interest imposed by this Local Law as herein provided, the County Attorney, upon the request of the Commissioner or of the Treasurer, if designated as his or her agent, shall bring or cause to be brought an action to enforce the payment of the same on behalf of the County in any court of the State of New York or of any other state of the United States. However, if in his or her discretion, the Commissioner or the Treasurer, if designated as his or her agent, believes that any such person subject to the provisions of this Local Law is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalty might be satisfied and that any such tax or penalty will not be paid when due, he or she may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.

(B) As an additional or alternate remedy, the Commissioner or the Treasurer, if designated as his or her agent, may issue a warrant directed to the Sheriff commanding him or her to levy upon and sell the real and personal property of the person liable for the tax which may be found within the County for the

payment of the amount thereof, with any penalty and interest and the cost of executing the warrant, and to return such warrant to the person who issued it and to pay to him or her the money collected by virtue thereof within 60 days after the receipt of such warrant. The Sheriff shall within five days after the receipt of the warrant, file with the Warren County Clerk a copy thereof, and thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalty and interest for which the warrant is issued and the date when such copy is filed. Thereupon, the amount of such warrant so docketed shall become a lien upon the title to and the interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant in the same manner, and with like effect as that provided by law in respect to executions issued against property upon judgments of a court of record, and for services in executing the warrant the Sheriff shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the Commissioner or the Treasurer, as the case may be, may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if he or she had recovered judgment therefor and execution thereon had been returned unsatisfied.

(Local Law 1 of 2010, passed 1-15-2010)

§ 35.053 GENERAL POWERS OF THE COMMISSIONER.

In addition to the powers granted to the Commissioner in this Local Law, he or she is hereby authorized and empowered:

(A) To make, adopt and amend rules and regulations appropriate to the carrying out of this Local Law;

(B) For cause shown, to remit penalties, and to compromise disputed claims in connection with the taxes hereby imposed;

(C) To request information concerning motor vehicles and persons subject to the provisions of this

Local Law from the Department of Motor Vehicles of any other state or the Treasury Department of the United States or any city or county of the State of New York, and to afford such information to such other state, Treasury Department, city or county any provision of this Local Law to the contrary notwithstanding;

(D) To delegate his or her functions hereunder to a deputy commissioner in the Department of Motor Vehicles or any employee or employees of his or her department;

(E) To prescribe methods for determining the tax to keep such records as he or she may prescribe and to furnish such information upon his or her request;

(F) To require all persons owning motor vehicles subject to tax to keep such records as he or she may prescribe and to furnish such information upon his or her request; and

(G) To request the Sheriff to assist in the enforcement of the provisions of this Local Law.
(Local Law 1 of 2010, passed 1-15-2010)

§ 35.054 ADMINISTRATION OF OATHS AND COMPELLING TESTIMONY.

(A) The Commissioner, or his or her employees or agents duly designated and authorized by such Commissioner, shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the powers and duties under this Local Law. The Commissioner or the Treasurer, if designated as his or her agent, shall have the power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his or her duties hereunder and of the enforcement of this Local Law and to examine them in relation thereto and to issue commissions for the examination of witnesses who are out of the state or unable to attend before him or her or excused from attendance.

(B) A Justice of the Supreme Court, either in court or at chambers, shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and production and examination of books, papers and documents called for by the subpoena of the Commissioner or the Treasurer, if designated as his or her agent under this Local Law.

(C) The officers who serve the summons or subpoena of the Commissioner or the Treasurer, if designated as his or her agent, and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the Treasurer and his or her duly appointed deputies, or any officers or employees of the Department of Motor Vehicles designated by the Commissioner to serve such process, or any officers or employees of the Treasurer designated by the Treasurer to serve such process.

(Local Law 1 of 2010, passed 1-15-2010)

§ 35.055 PENALTIES AND INTEREST.

(A) Any person failing to file a return or to pay any tax or any portion thereof within the time required by this Local Law shall be subject to a penalty of five times the amount of the tax due, plus interest of 5% of such tax for each month of delay or fraction thereof, but the Commissioner or the Treasurer, if designated as his or her agent, if satisfied that the delay is excusable, may remit all or any part of such penalty, but not interest. Penalties and interest shall be paid and disposed of in the same manner as other revenues under this Local Law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this Local Law.

(B) The certificate of the Commissioner or of the Treasurer, if designated as his or her agent, to the effect that a tax has not been paid or that a return required by this Local Law has not been filed or that information has not been supplied pursuant to the provisions of this Local Law shall be presumptive evidence thereof.

(Local Law 1 of 2010, passed 1-15-2010)

§ 35.056 RETURNS TO BE SECRET.

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the Commissioner, any officer or employee of the Department of Motor Vehicles, the Treasurer, any officer or employee of the Treasurer, any agent of the Commissioner or any person who, pursuant to this Section, is permitted to inspect any return or to whom a copy, an abstract or portion of any return is furnished or to whom any information contained in any return is furnished to divulge or make known in any manner any information contained in or relating to any return provided for by this Local Law. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Commissioner or the Treasurer in an action or proceeding under the provisions of this Local Law or on behalf of any party to an action or proceeding under the provisions of this Local Law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of and may admit in evidence so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more. The Commissioner or the Treasurer, if designated as his or her agent, may nevertheless publish a copy or a summary of any determination or decision rendered after a formal hearing held pursuant to §§ 35.047 or 35.049 of this Local Law. Nothing herein shall be construed to prohibit the delivery to a person or his or her duly authorized representative of a certified copy of any return filed by him or her pursuant to this Local Law or of the receipt, document or other form issued pursuant to § 35.045 of this Local Law or a duplicate copy thereof, nor to prohibit the delivery of such a certified copy of such return or any information contained in or relating thereto to the United States of America or any department thereof, the State of New York or any department thereof or the County of Warren or any department thereof, provided that the same is required for official business, nor to prohibit the inspection for official business of such returns by the County Attorney or other legal representatives of the County or by the Warren County District

Attorney, nor to exhibit the publication of statistics so classified as to prevent the identification of particular returns or items thereof.

(Local Law 1 of 2010, passed 1-15-2010)

§ 35.057 NOTICES AND LIMITATIONS.

(A) Any notice authorized or required under the provisions of this Local Law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him or her pursuant to the provisions of this Local Law, in any application made by him or her pursuant or in any application for registration made by him or her pursuant to N.Y. Veh. & Traf. Law § 401 or, if no return has been filed or application made, then to such address as may be reasonably obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this Local Law by the giving of notice shall commence to run from the date of mailing of such notice.

(B) The provisions of the N.Y. Civ. Prac. L. & R. or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the Commissioner or the Treasurer, if designated as his or her agent, to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this Local Law. However, except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return; provided, however, that where no return has been filed as provided by law, the tax may be assessed at any time.

(C) Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax may be determined at any time within such extended period. The period so extended may be further

extended by subsequent consents in writing made before the expiration of the extended period.

(D) If any return, claim, statement, notice, application or other document required to be filed or any payment required to be made within a prescribed period or on or before a prescribed date under authority of any provision of this title is, after such period or such date, delivered by the United States Postal Service to the Commissioner, Treasurer, bureau, office, officer or person with which or with whom such document is required to be filed or payment made, the date of the United States postmark stamped on the envelope shall be deemed to be the date of such delivery or payment. This division (D) shall apply only if the postmark date falls within the prescribed period or on or before the prescribed date for the filing of such document or for making such payment, including any extension granted for such filing or payment, and only if such document or payment was deposited in the mail, postage prepaid, properly addressed to the Commissioner, Treasurer, bureau, office, officer or person with which or with whom such payment is required to be made or document filed. If any document is sent by United States registered mail, such registration shall be prima facie evidence that such document was delivered to the Commissioner, Treasurer, bureau, office, officer, or person to which or to whom addressed, and the date of registration shall be deemed the postmark date. The Commissioner is authorized to provide by regulation the extent to which the provisions of the preceding sentence with respect to prima facie evidence of delivery and the postmark date shall apply to certified mail. This division (D) shall apply in the case of postmarks not made by the United States Postal Service only if and to the extent provided by regulation of the Commissioner.

(E) When the last day prescribed under authority of this title (including any extension of time) for performing any act falls on a Saturday, Sunday or legal holiday in the State of New York, the performance of such act shall be considered timely if it is performed on the next succeeding day which is not a Saturday, Sunday or legal holiday.
(Local Law 1 of 2010, passed 1-15-2010)

§ 35.058 TREASURER AS AGENT.

The Commissioner is hereby authorized to designate the Treasurer as his or her agent to exercise any or all of his or her functions and powers specified or provided for in § 35.046(D) and in §§ 35.047, 35.049, 35.052, 35.054, 35.055 and 35.057 of this Local Law. Where the Treasurer has been so designated as agent, the Treasurer, in addition to the powers elsewhere granted to him or her in this Local Law, is hereby authorized and empowered:

(A) To delegate such functions and powers to any employee or employees of the Treasurer;

(B) For cause shown, to remit penalties and to compromise disputed claims in connection with the taxes hereby imposed;

(C) To request information concerning motor vehicles and persons subject to the provisions of this Local Law from the Department of Transportation of the United States or any city or county of the State of New York, and to afford such information to such other state, treasury department, city or county any provision of this Local Law to the contrary notwithstanding;

(D) To request the Sheriff to assist in the enforcement of the provisions of this Local Law.
(Local Law 1 of 2010, passed 1-15-2010)

§ 35.059 AGREEMENT BETWEEN TREASURER AND COMMISSIONER.

The Treasurer is hereby authorized and empowered to enter into an agreement with the Commissioner to govern the administration and collection of the taxes imposed by this Local Law, which agreement shall provide for the exclusive method of collection of such taxes, custody and remittance of the proceeds of such tax; for the payment by the County of the reasonable expenses incurred by the Department of Motor Vehicles in collecting and administering such tax; and for the audit, upon request of the Treasurer or his or her delegate, of the accuracy of the payment distributions and remittances

to the Treasurer pursuant to the provisions of this Local Law, to be conducted at a time agreed upon by the State Comptroller and to be allowed not more frequently than once in each calendar year. Such agreement shall have the force and effect of a rule or regulation of the Commissioner and shall be filed and published in accordance with any statutory requirements relating thereto.

(Local Law 1 of 2010, passed 1-15-2010)

§ 35.060 NOTIFICATION TO COUNTY ATTORNEY.

The Commissioner shall promptly notify the County Attorney of any litigation instituted against him or her which challenges the constitutionality or validity of any provision of this Local Law or which attempts to limit or question the applicability of such law, and such notification shall include a copy of the papers served upon him.

(Local Law 1 of 2010, passed 1-15-2010)

§ 35.061 DISPOSITION OF REVENUES.

All revenues resulting from the imposition of the tax under this Local Law shall be paid into the treasury of the County and shall be credited to the General Fund of the County.

(Local Law 1 of 2010, passed 1-15-2010)

ADDITIONAL MORTGAGE RECORDING TAX

§ 35.075 TITLE AND STATEMENT OF INTENT.

This Local Law shall be titled "A Local Law Amending Local Law No. 10 of 2011 in Relation to the Imposition of an Additional Mortgage Recording Tax in Warren County to amend § 35.077 to provide that the Local Law shall Remain in Effect Until December 1, 2016". The intent is to allow such Local Law to remain in full force and effect for two additional years until December 1, 2016. The authority to amend § 35.077 of this Local Law exists

by virtue of Chapter 224 of the Laws of 2014, enacted to amend Chapter 397 of the Laws of 2011 relating to authorizing the County of Warren to impose an additional mortgage recording tax in relation to extending the effectiveness thereof.

(Local Law 10 of 2008, passed 8-15-2008; Res. 497 of 2014, passed - -2014; Local Law 5 of 2014, passed 10-17-2014)

§ 35.076 PURPOSE AND INTENT.

The purpose of this law is to authorize Warren County, pursuant to the provisions of N.Y. Tax Law § 253-w, to impose an Additional Mortgage Recording Tax.

(Local Law 10 of 2008, passed 8-15-2008)

§ 35.077 IMPOSITION OF TAX.

Imposition of tax for the period commencing December 1, 2016 and ending December 1, 2018, unless further extended by Local Law of the Board of Supervisors, there is hereby imposed, in the County of Warren, a tax of \$0.25 for each \$100 and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within the County of Warren and recorded on or after December 1, 2016, and a tax of \$0.25 on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than \$100.

(Local Law 10 of 2008, passed 8-15-2008; Local Law 10 of 2011, passed 10-21-2011; Res. 497 of 2014, passed - -2014; Local Law 5 of 2014, passed 10-17-2014; Local Law 5 of 2016, passed 8-19-2016)

§ 35.078 ADMINISTRATION AND COLLECTION OF TAX.

The taxes imposed pursuant to this Local Law shall be administered and collected in the same manner as the taxes imposed under N.Y. Tax Law § 253(1) and N.Y. Tax Law § 255(1)(b). Except as

otherwise provided in N.Y. Tax Law § 253-w, all the provisions of N.Y. Tax Law Article 11 relating to or applicable to the administration and collection of the taxes imposed by such subdivisions shall apply to the taxes imposed by this Local Law with such modifications as may be necessary to adapt such language to the tax so authorized. Such provisions shall apply with the same force and effect as if those provisions had been set forth in full in N.Y. Tax Law § 253-w, except to the extent that any provision is either inconsistent with a provision of N.Y. Tax Law § 253-w or not relevant to the tax authorized by N.Y. Tax Law § 253-w.

(Local Law 10 of 2008, passed 8-15-2008)

§ 35.079 REAL PROPERTY LOCATED IN MORE THAN ONE COUNTY OR STATE.

Where the real property covered by the mortgage subject to the tax imposed pursuant to this Local Law is situated in this state but within and without Warren County, the amount of such tax due and payable to Warren County shall be determined in a manner similar to that prescribed in the first undesignated paragraph of N.Y. Tax Law § 260 which concerns real property situated in two or more counties. Where such property is situated both within Warren County and without the state, the amount due and payable to Warren County shall be determined in the manner prescribed in the second undesignated paragraph of such N.Y. Tax Law § 260 which concerns property situated within and without the State. Where real property is situated within and without Warren County, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed pursuant to this section.

(Local Law 10 of 2008, passed 8-15-2008)

§ 35.080 ADDITIONAL MORTGAGE RECORDING TAX.

The tax imposed pursuant to this Local Law shall be in addition to the taxes imposed by N.Y. Tax Law § 253.

(Local Law 10 of 2008, passed 8-15-2008)

§ 35.081 DISPOSITION OF TAXES.

Notwithstanding any provision of N.Y. Tax Law Article 11 to the contrary, the balance of all monies paid to the recording officer of the County of Warren during each month upon account of the tax imposed pursuant to this Local Law, after deducting the necessary expenses of his or her office as provided in N.Y. Tax Law § 262, except taxes paid upon mortgages which under the provisions of N.Y. Tax Law § 253-w or N.Y. Tax Law § 260 are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by such officer on or before the tenth day of each succeeding month to the Treasurer of Warren County and, after the deduction by such treasurer of the necessary expenses of his or her office provided in N.Y. Tax Law § 262, shall be deposited in the General Fund of the County of Warren. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, under which the provisions of N.Y. Tax Law § 253-w or N.Y. Tax Law § 260 are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by the recording officer receiving the same as provided by the determination of the New York State Commissioner of Taxation and Finance.

(Local Law 10 of 2008, passed 8-15-2008)

§ 35.082 PAYMENT OF TAXES.

The tax imposed pursuant to this Local Law shall be payable on the recording of each mortgage of real property subject to taxes thereunder. Such tax shall be paid to the recording officer of the county in which the real property or any part thereof is situated, except where real property is situated within and without the county, the recording officer of the county in which the mortgage is first recorded shall collect the tax imposed by this Local Law. It shall be the duty of such recording officer to endorse upon each mortgage a receipt for the amount of the tax so paid. Any mortgage so endorsed may thereupon or thereafter be recorded by any recording officer and the receipt for

such tax endorsed upon each mortgage shall be recorded therewith. The record of such receipt shall be conclusive proof that the amount of tax stated therein has been paid upon such mortgage.

(Local Law 10 of 2008, passed 8-15-2008)

§ 35.083 EFFECTIVE DATE.

This Local Law shall take effect October 1, 2008, provided that a certified copy thereof is mailed by registered or certified mail to the Commissioner of the New York State Department of Taxation and Finance at the Commissioner's Office in Albany at least 30 days prior to the date this Local Law shall take effect. Certified copies of this Local Law shall also be filed with the Warren County Clerk, the Secretary of State, and the State Comptroller within five days after the Local Law is duly enacted and this Local Law shall be deemed to be duly enacted upon its date of adoption by the Warren County Board of Supervisors.

(Local Law 10 of 2008, passed 8-15-2008)

§ 35.084 EFFECTIVE LOCAL LAW.

This Local Law shall remain in full force and effect until December 1, 2014.

(Local Law 10 of 2011, passed 10-21-2011)

***TRUTH IN TAXATION TO DELINEATE
STATE MANDATES AND PROPERTY TAXES***

§ 35.095 TITLE.

This Local Law shall be known and may be cited as "A Truth in Taxation Local Law to Delineate State Mandates and Property Taxes".

(Local Law 6 of 2011, passed 7-15-2011)

§ 35.096 LEGISLATIVE FINDINGS AND PURPOSE.

It is generally recognized that taxpayers have a substantial interest in receiving complete tax bill information. Part of having complete Tax Bill information should include local tax rates and the taxing jurisdictions as well as a narrative summary of key financial impacts of State and Federal mandates included in the tax bill. It is the intent of this law to provide a legal mechanism to ensure that citizens receive such information to have as clear and complete understanding as possible as to what their real property taxes pay for.

(Local Law 6 of 2011, passed 7-15-2011)

§ 35.097 ANNUAL PROPERTY TAX BILL DATA.

The Budget Officer, County Administrator and Real Property Tax Director are hereby directed to identify the portion of each annual property tax bill resulting from the NYS Medicaid Mandate, NYS Welfare Mandate and NYS Mandates (other key or important mandates as determined by such officers). The portion shall be as accurately identified or approximated as reasonably as possible.

(Local Law 6 of 2011, passed 7-15-2011)

§ 35.098 TAX BILL FLYER.

The Budget Officer, County Administrator and Real Property Tax Director are hereby authorized and directed to take any and all action necessary to cause a Tax Bill Flyer summarizing financial information regarding selected state and federal mandates to be included as an enclosure with each annual property tax bill. The Tax Bill Flyer shall include the following sections:

(A) Standard statement defining mandates included which shall include an explanation that, some mandated amounts are approximate or qualified and

that all mandates are not identified, if such be the case.

(B) Narrative summary of financial impacts of identified State and Federal mandates.

(C) A chart illustrating identified mandated portions of the County Budget.
(Local Law 6 of 2011, passed 7-15-2011)

§ 35.099 PROCEDURE.

The procedures required by this Local Law shall be carried out in addition to, and in accordance with, other annual tax billing procedures existent within the County of Warren.
(Local Law 6 of 2011, passed 7-15-2011)

REAL PROPERTY TAX EXEMPTIONS

§ 35.110 MAXIMUM EXEMPTION ALLOWABLE FOR THE ALTERNATIVE VETERAN'S EXEMPTION FROM REAL PROPERTY TAXATION.

(A) *Title.* This Local Law shall be known as “A Local Law Providing for the Maximum Exemption Allowable for the Alternative Veteran’s Exemption from Real Property Taxation”.

(B) *Legislative intent.* The purpose of this law is to provide for the maximum veterans exemption allowable pursuant to N.Y. Real Prop. Tax Law § 458-a.

(C) *Exemption.* Pursuant to the provisions of N.Y. Real Prop. Tax Law § 458-a, subdivision 2(d), the maximum veterans exemption allowable from real property taxes is established as follows:

(1) Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided however that such exemption shall not exceed the lessor of

\$36,000 or the product of \$36,000 multiplied by the latest state equalization rate for the assessing unit.

(2) In addition to the exemption provided by division (C)(1) of this division (C), where the veteran served in a combat theatre or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, or the armed forces expeditionary medal, navy expeditionary medal, marine corps expeditionary medal, or global war on terrorism expeditionary medal, qualifying residential real property also shall be exempt from taxation to the extent of 10% of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of \$24,000 or the product of \$24,000 multiplied by the latest state equalization rate for the assessing unit.

(3) In addition to the exemptions provided by divisions (C)(1) and (C)(2) of this division (C), where the veteran received a compensation rating from the United States Veterans Administration or the United States Department of Defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by 50% of the veteran’s disability rating, provided, however, that such exemption shall not exceed the lessor of \$120,000 or the product of \$120,000 multiplied by the latest state equalization rate for the assessing unit. For purposes of this division (C)(3), where a person has served in the active military, naval or air service during a period of war died in service of a service connected disability, such person shall be deemed to have been assigned a compensation rating of 100%.
(Local Law 2 of 2006, passed 3-17-2006; Local Law 8 of 2008, passed 7-18-2008)

§ 35.111 COLD WAR VETERAN'S EXEMPTION FROM REAL PROPERTY TAXATION.

(A) *Purpose and intent.* The purpose of this law is to provide for the maximum exemption allowable pursuant to N.Y. Real Prop. Tax Law § 458-b.

(B) *Exemption.* Pursuant to the provisions of N.Y. Real Prop. Tax Law § 458-b(2)(a) and N.Y. Real Prop. Tax Law § 458-b(2)(b), the maximum exemption allowable from real property taxes for Cold War veterans is established as follows:

(1) Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided however, that such exemption shall not exceed \$12,000 or the product of \$12,000 multiplied by the latest state equalization rate of the assessing unit.

(2) In addition to the exemption provided by division (B)(1) of this division (B), where the Cold War veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by 50% of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed \$40,000, or the product of \$40,000 multiplied by the latest state equalization rate for the assessing unit.

(C) *Miscellaneous.* With regard to the exemptions set forth herein, the provisions of N.Y. Real Prop. Tax Law § 458-b relating to definitions, limitations, time frames and applications existing as of the effective date of this Local Law shall apply. (Local Law 7 of 2008, passed 5-16-2008)

§ 35.112 REAL PROPERTY TAX EXEMPTION FOR GOLD STAR PARENTS.

(A) *Name.* This Local Law shall be known as the Warren County Real Property Tax Exemption for Gold Star Parents Law.

(B) *Authority.* Pursuant to N.Y. Real Prop. Tax Law § 458-a(7), a municipality can elect to grant a real property tax exemption to a Gold Star Parent as such term is defined therein.

(C) *Grant of tax exemption.* The Warren County Board of Supervisors hereby expands the definition of “qualified owner” contained in N.Y. Real Prop. Tax Law § 458-a to include a parent or parents of a child who died in the line of duty while serving in the United States Armed Forces during a period of war (hereinafter “Gold Star Parent”), and hereby expands the definition of “qualifying residential real property” contained in N.Y. Real Prop. Tax Law § 458-a to include property owned by a Gold Star Parent provided the same shall be the primary residence of the Gold Star Parent.

(Local Law 5 of 2001, passed 4-13-2001)

§ 35.113 BUSINESS INVESTMENT EXEMPTION.

(A) *Legislative intent and purpose.* In 1976, the County of Warren adopted Local Law 7 of 1976 which reduced to 0% the real property tax business investment exemption authorized under N.Y. Real Prop. Tax Law § 485-b. The Warren County Board of Supervisors desires to provide the benefit of the business investment exemption to the full extent allowed under the said Law. The said State Law, subject to certain conditions and qualifications including the establishment of an exemption base and a base amount of \$10,000 for qualified improvements, partially exempts the aforesaid real property from taxation for a total period of ten years by providing a decreasing per centum of exemption for the increase in assessed value attributed to certain construction, alterations, installations and/or improvements. The exemption begins at 50% and decreases by 5% each year thereafter until it reaches zero after the tenth year.

(B) *Statutory authorization.* This Local Law is adopted pursuant to the provisions of N.Y. Real Prop. Tax Law § 485-b and the N.Y. Mun. Home Rule Law.

(C) *Business investment exemption authorized.* Real property constructed, altered, installed and/or improved subsequent to the effective date of this Local

Law for the purposes of commercial, business or industrial activity shall be exempt from taxation and special ad valorem levies to the extent provided by N.Y. Real Prop. Tax Law § 485-b.

(Local Law 7 of 1976, passed 12-17-1976; Res. 326 of 1997, passed - -1997; Local Law 2 of 1997, passed 6-13-1997)

PROCEDURE TO CLAIM AGAINST REAL PROPERTY FIRE INSURANCE PROCEEDS

§ 35.125 TITLE.

This Local Law shall be known as the Procedure to Claim Against Real Property Fire Insurance Proceeds.

(Res. 486 of 1994, passed - -1994; Local Law 2 of 1994, passed 10-14-1994)

§ 35.126 PURPOSE.

The purpose of this Local Law is to allow the County to collect delinquent taxes out of certain fire insurance proceeds if the proceeds are not used to restore the property to the same or improved condition that it was in prior to the time the lien arose.

(Res. 486 of 1994, passed - -1994; Local Law 2 of 1994, passed 10-14-1994)

§ 35.127 GRANT OF AUTHORIZATION AND POWER TO COUNTY TREASURER.

(A) Pursuant to N.Y. Gen. Mun. Law § 22, the County Treasurer is “authorized and empowered to claim against the proceeds of a policy of fire insurance insuring the interest of an owner and issued on real property located therein to the extent of any tax lien thereon”. In the exercise of the powers granted, the County of Warren shall be subject to all the restrictions and conditions as provided in N.Y. Gen. Mun. Law § 22. Specifically, this Local Law shall not be applicable toward properties principally improved with a one or two family dwelling.

(B) The County of Warren shall release or return to the insured any amounts to which it would otherwise be entitled to claim provided that the insured agrees with the County in writing to restore improvements on the affected premises to the same or improved condition that they were in prior to the time that the lien against the fire insurance proceeds arose. Such restoration shall be completed within one year after the execution of such agreement. Any such funds returned or released shall be placed in an escrow account maintained by the County Treasurer and used only for improvements to the property. Alternatively, such funds may be returned or released to the insured upon the insured furnishing Warren County a performance bond running to and benefiting Warren County to guarantee construction of such improvements.

(Res. 486 of 1994, passed - -1994; Local Law 2 of 1994, passed 10-14-1994)

DELINQUENT TAXES

§ 35.140 AUTHORIZING COLLECTION.

(A) This Local Law shall be entitled “A Local Law Authorizing the Collection of Delinquent Village Taxes by the County of Warren Pursuant to N.Y. Real Prop. Tax Law § 1422”.

(B) Prior to the direction from the Warren County Board of Supervisors to relevy delinquent Village taxes, any person whose real property is included in the account of delinquent Village taxes returned to the County Treasurer pursuant to N.Y. Real Prop. Tax Law § 1436(4)(a) may pay to the County Treasurer the amount of taxes entered thereon, with interest accumulated to the time of the return of the tax roll and warrant by the Village Treasurer to the Village Board of Trustees. The County Treasurer shall pay over to the Village Treasurer all moneys realized from the collection of such unpaid taxes, including interest, prior to the direction from the Board of Supervisors that those taxes remaining unpaid are to be relevied, except that the County Treasurer shall retain 5% penalty imposed pursuant to

N.Y. Real Prop. Tax Law § 1436(4)(a) and such amount shall be paid over to the County.

(C) Within two weeks prior to the levy of the Town and County taxes, the account and certification of delinquent taxes remaining unpaid shall be transmitted by the County Treasurer to the Board of Supervisors, which shall cause the amount of such unpaid taxes, together with 7% of the amount of principal and interest, to be relieved upon the real property upon which the same were originally imposed by the Village. The amount relieved pursuant to this Section shall include Village taxes payable in installments which shall have remained unpaid after the date upon which the last installment was due. After relevely on the Town and County tax roll, all such relieved amount shall become a part of the total tax to be collected. Such relieved amounts shall be considered due and owing to the County Treasurer to reimburse the County for the amounts advanced pursuant to this division (C) of this Local Law.

(D) The County Treasurer shall, on or before the first day of April following the receipt of the account and certification of delinquent Village taxes as provided in N.Y. Real Prop. Tax Law § 1436, pay to the Village Treasurer, the amount of returned delinquent Village taxes remaining unpaid, including interest accumulated to the time of the return of the tax roll and warrant by the Village Treasurer to the Village Board of Trustees, provided that the County Treasurer shall retain the 5% penalty imposed pursuant to N.Y. Real Prop. Tax Law § 1436(4)(a).

(E) The same proceedings in all respects shall be had for the collection of the amount directed to be raised by the Board of Supervisors as are provided by law in relation to the County taxes.
(Local Law 5 of 1981, passed 5-15-1981)

§ 35.141 AUTHORIZING PAYMENT OF CERTAIN DELINQUENT TAXES IN INSTALLMENTS.

(A) *Purpose.* N.Y. Real Prop. Tax Law § 1184 authorizes the enactment of a Local Law providing for the payment of eligible delinquent taxes through an installment payment agreement. The purpose of this

Local Law is to authorize such installment payment agreements in Warren County.

(B) *Definitions.* Words and phases used in this Local Law to the extent defined in N.Y. Real Prop. Tax Law § 1184 or any amendments thereto shall have the same definition. The term Real Property Taxpayer(s) as used in this Local Law is intended to refer to owner(s) of the subject property and be such person as is eligible pursuant to N.Y. Real Prop. Tax Law § 1184 or any subsequent amendment thereto.

(C) *Installment agreements authorized.* As provided by the provisions of this Local Law, eligible real property taxpayers owing eligible delinquent taxes on eligible parcels in Warren County may execute an agreement with Warren County, in a form approved by the Warren County Attorney, whereby they will pay eligible delinquent taxes plus interest that is to accrue on each installment payment as set forth in this Local Law, over a period of time, and Warren County will suspend other procedures to collect such taxes during the performance of that agreement.

(D) *Terms and conditions of agreement.* Any agreement entered into by Warren County shall contain the following terms and conditions:

(1) *Term.* The maximum term for such agreement shall be 24 months - from the execution thereof.

(2) *Down payment.* A down payment of 25% of the total amount of eligible delinquent taxes shall be due and payable upon the execution of such agreement.

(3) *Installments.* The balance of such delinquent taxes shall then be amortized, with interest as provided herein, over eight quarterly payments.

(4) *Payments.* Installment payments will be due on the last days of March, June, September and December, next following the date of the installment payment agreement. The first quarterly payment shall thus be due no more than three months following the execution of the installment payment agreement and the making of the down payment.

(5) *Interest and late payment penalties.*

Interest shall be added to the amount of the eligible delinquent taxes due after payment of the down payment at the rate of interest set by N.Y. Real Prop. Tax Law § 924-a or such other law as may be applicable on the date of the agreement. If an installment payment is not paid when due, interest shall be added at the applicable rate for each month or portion thereof until the amounts due are paid.

(6) *Late payments.*

A 5% late payment penalty will be added to any payment received more than 15 calendar days after the due date.

(7) *Prepayment.*

There shall be no penalty for the prepayment of the entire outstanding balance of the installment payment agreement, and unearned interest shall be deducted from the balance then due Warren County.

(8) *Events of default.*

The following shall constitute events of default under the installment payment agreement, which defaults will entitle Warren County to require the entire unpaid balance with interest and late charges to be paid in full and resume all other means of collecting the entire tax deficiency then owed:

(a) Nonpayment of any installment within 30 days of the due date.

(b) Nonpayment of any subsequent tax levy special ad valorem and/or special assessment(s) levied by the tax district before the return of such tax warrant to the County Treasurer.

(c) A default on any other installment payment agreement.

(9) *Nonwaiver.* Where an eligible real property taxpayer is in default and the County does not require the payment of the entire unpaid balance or elect to institute foreclosure proceedings, the County shall not be deemed to have waived the right to do so.

(10) *Tax lien.* Any installment agreement shall not affect the tax lien against the subject real

property except that the lien shall be reduced by the payments made under the agreement.

(E) *Eligible parcels.* Taxes on all types and classifications of real property in Warren County shall be eligible for payment pursuant to an installment payment agreement provided that the earliest year of delinquent taxes for at least one parcel owned by a common taxpayer is beyond the period of redemption provided by applicable State law.

(F) *Ineligible real property taxpayers.* No real property taxpayer may enter into an installment payment agreement if any of the following conditions apply:

(1) Such real property taxpayer owes a delinquent tax lien on another parcel in Warren County parcel that is otherwise ineligible to be included and those taxes are not included in the installment payment agreement.

(2) Such real property taxpayer was the owner of property on which mere existed a delinquent tax lien and which lien was foreclosed within three years of the date of which application is made to execute an agreement pursuant to this Local Law.

(3) Such real property taxpayer defaulted on an agreement executed pursuant to this Local Law within three years of the date on which an application is made to execute an agreement pursuant to this Local Law.

(G) *Period for agreement.* An eligible real property taxpayer may enter into and execute an installment payment agreement at any time more than 30 days after the town tax collectors make their returns to the Warren County Treasurer.

(H) *Notice.* The County Treasurer shall mail, by first class mail, notice of the availability of this installment payment agreement program to all eligible real property taxpayers within 45 days of the return of the tax warrant or as soon thereafter as is practicable. The sum of \$1 shall be added to each tax lien for the cost of preparing and mailing such notice. Such notice shall be mailed by first class mail to the last known

address of the taxpayer. Failure to mail such notice shall not affect the validity of any tax or tax lien. (Res. 442 of 1996, passed - -1996; Local Law 8 of 1996, passed 7-12-1996; Res. 561 of 1996, passed - -1996; Local Law 10 of 1996, passed 10-18-1996; Res. 701 of 1996, passed - -1996; Local Law 12 of 1996, passed 12-13-1996; Res. 392 of 1997, passed - -1997; Local Law 3 of 1997, passed 8-15-1997)

***REDEMPTION PERIOD FOR RESIDENTIAL
AND FARM REAL PROPERTY***

§ 35.155 PURPOSE.

(A) N.Y. Real Prop. Tax Law Article 11, as amended by Chapter 602 of the Laws of 1993, and by Chapter 532 of the Laws of 1994, establishes new procedures for the enforcement of delinquent real property taxes, beginning with taxes becoming liens on and after January 1, 1995.

(B) New N.Y. Real Prop. Tax Law § 1110 prescribes a standard redemption period of two years after lien date.

(C) New N.Y. Real Prop. Tax Law § 1111 allows a tax district to adopt a Local Law extending the redemption period for residential or farm property, or both, to three years after lien date.

(D) Section 8(b) of Chapter 602 of the Laws of 1993, as amended by § 11 of Chapter 532 of the Laws of 1994, allows a tax district to adopt a Local Law phasing-in the standard two year redemption period with regard to taxes becoming liens in 1995 and 1996 for all properties.

(E) The purpose of this Local Law is to extend the redemption period for residential or farm property and phase-in the standard two year redemption period for all other property as authorized by law. (Res. 160 of 1996, passed - -1996; Local Law 2 of 1996, passed 1-12-1996)

§ 35.156 REDEMPTION PERIOD.

The County of Warren hereby enacts as follows:

(A) The redemption period for residential or farm property shall expire three years after lien date, and

(B) For all other property, the standard two year redemption period provided by N.Y. Real Prop. Law § 1110 shall be phased-in as follows:

(1) For taxes becoming liens in 1995, the redemption period shall expire three years after lien date.

(2) For taxes becoming liens in 1996, the redemption period shall expire three years after lien date.

(3) For taxes becoming liens after 1997, the standing two year redemption period provided by N.Y. Real Prop. Law § 1110 shall apply. (Res. 160 of 1996, passed - -1996; Local Law 2 of 1996, passed 1-12-1996)

§ 35.157 FILING WITH STATE BOARD.

A copy of this Local Law shall be filed with the State Board of Real Property Services within 30 days after its enactment.

(Res. 160 of 1996, passed - -1996; Local Law 2 of 1996, passed 1-12-1996)

§ 35.158 EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State and shall apply to the enforcement of delinquent taxes becoming liens on and after January 1, 1995.

(Res. 160 of 1996, passed - -1996; Local Law 2 of 1996, passed 1-12-1996)

PURCHASES**§ 35.170 TITLE.**

This Local Law shall be known and may be cited as “A Local Law Authorizing the use of a Best Value Award Methodology for Purchase Contracts”.
(Local Law 8 of 2013, passed 10-18-2013)

§ 35.171 LEGISLATIVE INTENT.

N.Y. Gen. Mun. Law § 103 has been amended to provide local governments greater flexibility in awarding contracts by authorizing the award of purchase contracts, including contracts for service work on the basis of best value. The amendments to N.Y. Gen. Mun. Law § 103 require Counties with a population of less than 1,000,000 to pass a Local Law authorizing the use of the best value award process. With the increased complexity of the goods and services that the County must obtain in order to serve taxpayers, it is critical to consider selection and evaluation criteria that measure factors other than cost in the strictest sense. Best value procurement links the procurement process directly to the County’s performance requirements, including, but not limited to, selection factors such as useful lifespan, quality and options and incentives for more timely performance and/or additional services. Best value procurement can provide much-needed flexibility in obtaining important goods and services at favorable prices, and can reduce the time to procure such goods and services.

(Local Law 8 of 2013, passed 10-18-2013)

§ 35.172 DEFINITIONS.

As used in this Local Law, the following term shall have the following meaning:

BEST VALUE. The basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor of offerers that are

small businesses or certified minority- or women-owned business enterprises as defined in N. Y. Exec. Law § 310(1), (7), (15) and (20) to be used in evaluation of offers for awarding of contracts for services.

(Local Law 8 of 2013, passed 10-18-2013)

§ 35.173 THE BEST VALUE AWARD METHODOLOGY.

When developing solicitation documents for competitive bids for the award of purchase contracts including contracts for service work, the Purchasing Agent may, and subject to the requirements herein and the applicable requirements set forth in the County’s Purchasing Policy, determine that an award of a purchase contract shall be based upon best value methodology. In making such determination, the Purchasing Agent shall consider the recommendation, if any, of the Department Head or designee of the Department the purchase contract is being procured for. The Department Head or designee shall, in all instances, obtain the approval of the Purchasing Agent to utilize best value methodology prior to issuance of the competitive bid documents.

(Local Law 8 of 2013, passed 10-18-2013)

§ 35.174 REQUIREMENTS.

Where the basis for an award of a purchase contract will be the best value offer, the Purchasing Agent shall, in all instances:

(A) Document in the procurement record as a component of the competitive award process and in advance of the initial receipt of offers, the determination of the evaluation criteria, which whenever possible, shall be quantifiable and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted, and

(B) Shall select a formal competitive procurement process in accordance with guidelines established under the County’s Purchasing Policy and document the determination in the procurement record. The process of selection shall include, but

may not necessarily be limited to, a clear statement of need; a description of the required specifications governing performance and related factors; a reasonable process for ensuring a competitive field; a fair and equal opportunity for offerers to submit responsive offers; and a balanced and fair method of award. Where the basis for the award is best value, documentation in the procurement record shall, where practicable, include a quantification of the application of the criteria to the rating of proposals and the evaluation results, or, where not practicable, such other justification which demonstrates that best value will be achieved.

(C) The solicitation shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the County in its determination of best value.

(D) The Purchasing Agent shall develop procedures with the approval of the Board of Supervisors that will govern the award of contracts on the basis of best value. The procedures, once approved by the Board of Supervisors, will be incorporated in the County Purchasing Policy and reviewed by the Board of Supervisors as necessary. (Local Law 8 of 2013, passed 10-18-2013)

CHAPTER 36: COUNTY PROCEDURES

Section

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***DEADLY OR DANGEROUS WEAPONS OR
INSTRUMENTS IN COUNTY BUILDINGS***

§ 36.001 TITLE AND AUTHORITY.

This Local Law shall be known as “A Local Law Prohibiting Entry into and Remaining in County Buildings By Persons in Physical Possession of A Deadly Weapon”.
(Local Law 2 of 2007, passed 1-19-2007; Local Law 3 of 2013, passed 1-18-2013)

§ 36.002 PURPOSE.

(A) The governing board of the County of Warren finds that:

(1) Deadly weapons and dangerous instruments often cause accidental deaths and injuries and are frequently used in the commission of crimes, particularly homicides and assaults;

(2) Physical possession of deadly weapons and dangerous instruments in County buildings by persons other than those on official business with authorization to carry such weapons or instruments poses a serious threat to the health, safety and general welfare of County public servants and other persons lawfully in County buildings; and

(3) The presence of deadly weapons and dangerous instruments in County buildings, except by certain authorized officials, may seriously impair the performance of essential government functions by way of threat or intimidation to County public servants or others.

(B) Therefore, as owner or lessee of buildings in Warren County and in its proprietary capacity, the County desires to prohibit deadly weapons and dangerous instruments in County buildings, except by officials with authorization engaged in official business.

(Local Law 2 of 2007, passed 1-19-2007; Local Law 3 of 2013, passed 1-18-2013)

§ 36.003 DEFINITIONS.

For the purpose of this Local Law, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COUNTY BUILDING. A building owned or leased by the County. **COUNTY BUILDING** shall include but not be limited to:

- (1) Municipal Center;
- (2) Municipal Center Annexes;

(3) Human Services Building;

(4) Westmount Health Facility;

(5) Countryside Adult Home;

(6) Department of Public Works offices and shops in the Town of Warrensburg, Town of Queensbury and Town of Johnsbury;

(7) Public Safety Building; and

(8) Airport Terminal Building.

DANGEROUS INSTRUMENTS. Defined as set forth in N.Y. Penal Law § 10.00(13), and means any instrument, article or substance, which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or other physical injury. **DANGEROUS INSTRUMENTS** include, but are not limited to such items as dangerous knife, dirk, razor, stiletto, imitation pistol, or any weapon, whether loaded or unloaded.

DEADLY WEAPON. Defined as set forth in N.Y. Penal Law § 10.00(12), and means any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pilium ballistic knife, metal knuckle knife, dagger, billy, blackjack, or metal knuckles.

(Local Law 2 of 2007, passed 1-19-2007; Local Law 3 of 2013, passed 1-18-2013)

§ 36.004 PHYSICAL POSSESSION OF DEADLY WEAPONS IN COUNTY BUILDINGS PROHIBITED.

No person shall enter into and/or remain in a County building while in physical possession of a deadly weapon or dangerous instruments either openly or concealed unless such person is a person described in § 36.005 hereof.

(Local Law 2 of 2007, passed 1-19-2007; Local Law 3 of 2013, passed 1-18-2013)

§ 36.005 EXCEPTIONS.

Prohibition of physical possession of deadly weapons or dangerous instruments in County buildings shall not apply to:

(A) A police officer or peace officer authorized to use the same while acting within the scope of employment;

(B) A government employee or licensed security guard authorized or required by employment or office to possess the same while acting within the scope of such employment or office;

(C) A person in the military service of the State of New York or the United States when duly authorized to possess the same and acting within the scope of such military service;

(D) A County official or County employee, specifically authorized by the Sheriff, as defined by Resolution 583 of 2005, to possess a deadly weapon in County buildings, according to any and all restrictions or limitations which the governing board of the County may place upon such authorization;

(E) A County employee who works at the Airport and is authorized by the Airport Manager to use shotguns, rifles and pyrotechnic devices (cracker shells, hand held screamer/banger devices) to engage in wildlife mitigation in or about the Airport premises; and

(F) A person who is the holder of a valid permit to carry a concealed weapon on their person.
(Local Law 2 of 2007, passed 1-19-2007; Local Law 3 of 2013, passed 1-18-2013)

§ 36.006 SIGNS.

The County Superintendent of Buildings and Grounds shall post, on walls, windows or other locations as the Superintendent shall deem most visible to members of the general public entering the building, a sign with a red background and white

lettering in no less than nine-sixteenth inches size type reading as follows:

NOTICE:

CARRYING OR PHYSICALLY POSSESSING A
FIREARM OR OTHER DEADLY WEAPON OR
DANGEROUS INSTRUMENT WHILE IN
BUILDING PROHIBITED BY LOCAL LAW

(Local Law 2 of 2007, passed 1-19-2007; Local Law 3 of 2013, passed 1-18-2013)

***COUNTY PUBLIC SAFETY 911 ANSWERING
POINT AND AUTOMATED
DIALING SYSTEM***

§ 36.020 TITLE.

This Local Law shall be known as “A Local Law entitled, Warren County Public Safety 911 Answering Point and Automated Dialing System”.
(Local Law 8 of 2007, passed 7-20-2007)

§ 36.021 AUTHORITY.

This Local Law is enacted under authority of N.Y. Mun. Home Rule Law § 10, Article IX of the State constitution of New York, the County Law and other applicable statutory and decisional law.
(Local Law 8 of 2007, passed 7-20-2007)

§ 36.022 FINDING AND DECLARATION OF INTEREST.

(A) This Board of Supervisors recognizes the paramount importance of the health, safety and welfare of the citizens of the County and further recognizes that when the lives or property of its citizens are in imminent danger that appropriate assistance must be rendered as expeditiously as possible.

(B) The intent of this Local Law is to protect and safeguard the integrity and operability of the 911 telephone system in Warren County.

(C) Automatic and unattended 911 telephone calls to the Warren County emergency communications center interfere with the handling of routine and emergency calls for police, fire and emergency medical services. Emergency telephone lines become unavailable when receiving recorded, repetitive and unattended calls dialed automatically with prerecorded messages. In addition, communication specialists have their attention diverted from handling other calls for service to deal with answering telephone lines ringing with the unattended calls.

(Local Law 8 of 2007, passed 7-20-2007)

§ 36.023 DEFINITIONS.

For the purposes of this law:

911 SERVICE AREA. The area within the geographic boundaries of a county which has established an E911 system.

E911 SYSTEM. An enhanced emergency telephone service which automatically connects a person dialing the digits 9-1-1 to an established public safety answering point and which shall include, but not be limited to, selective routing, automatic number identification, and automatic location identification.

WARREN COUNTY PUBLIC SAFETY ANSWERING POINT or WARREN COUNTY PSAP. The site designated and operated by the County of Warren through its' Sheriff's Office for the purpose of receiving emergency calls including those from either a wireline telephone service or a wireless telephone service, and dispatching needed emergency services. (Local Law 8 of 2007, passed 7-20-2007)

§ 36.024 PROHIBITED ACTS.

No Commercial vendor, person, organization or other entity shall offer, install, provide or program

any telephone and/or computerized communication system with a recorded message, alarm or alert, capable of dialing automated and unattended 911 telephone calls to the Warren County PSAP.

(Local Law 8 of 2007, passed 7-20-2007)

MANDATORY ROUTING OF ALL WIRELESS 911 CALLS

§ 36.035 NAME.

This Local Law shall be known as the Warren County Wireless 911 Call Routing Law.

(Local Law 2 of 2001, passed 1-12-2001)

§ 36.036 AUTHORITY.

This Local Law is enacted under authority of N.Y. Mun. Home Rule Law § 10, Article IX of the State Constitution of New York, the County Law, and other applicable statutory and decisional law.

(Local Law 2 of 2001, passed 1-12-2001)

§ 36.037 FINDINGS AND DECLARATION OF INTENT.

(A) This Board of Supervisors recognizes the paramount importance of the health, safety and welfare of the citizens of the County and further recognizes that when the lives or property of its citizens are in imminent danger that appropriate assistance must be rendered as expeditiously as possible.

(B) This Board of Supervisors recognizes further that such assistance is increasingly summoned by wireless communications including but not limited to cellular phones and that unintentional, though avoidable, delays in reaching appropriate emergency aid can and do occur to the detriment and jeopardy of life and property when such wireless 911 calls from within Warren County are rerouted to anywhere other than directly to the single countywide Warren County

Public Safety Answering Point (PSAP) which is under the jurisdiction of the Warren County Sheriff's Department.

(C) The Board of Supervisors further finds that a major obstacle to the prompt response to emergency wireless requests for assistance in Warren County is the failure of one or more wireless telephone service suppliers to directly route such calls to the Warren County Public Safety Answering Point (PSAP).

(D) The Board of Supervisors further finds that the Warren County Public Safety Answering Point (PSAP) has the most accurate, current and extensive knowledge of Warren County's geography, roadways, landmarks, emergency service resources and similar information of critical importance in emergent situations and can immediately dispatch the number and type of emergency services the situation requires. The Board of Supervisors further finds and declares that by the enactment of the provisions of this Local Law, it is the intent of the Board of Supervisors to fulfill its obligation to provide for the health, safety and welfare of the people of this County by mandating the direct routing of all 911 calls, including wireless calls, by service suppliers directly to the Warren County Public Safety Answering Point (PSAP) so as to facilitate the rendering of emergency services as expeditiously and effectively as possible. (Local Law 2 of 2001, passed 1-12-2001)

§ 36.038 DEFINITIONS.

For the purpose of this law

WARREN COUNTY PUBLIC SAFETY ANSWERING POINT or **WARREN COUNTY PSAP.** The site designated and operated by the County of Warren through its Sheriffs Department for the purpose of receiving emergency calls including those from a wireless telephone service and dispatching needed emergency services.

WIRELESS TELEPHONE SERVICE. All commercial mobile services, as that term is defined in

47 U.S.C. § 332(d), including all broadband personal communications services, wireless radio telephone services, geographic area specialized and enhanced specialized mobile radio services, and incumbent wide area specialized mobile radio licensees, which offer real time, two-way voice service that is interconnected with the public switched telephone network.

WIRELESS TELEPHONE SERVICE SUPPLIER. Any corporation or person as defined in N.Y. Tax Law § 1080 which provides wireless telephone service in New York State. (Local Law 2 of 2001, passed 1-12-2001)

§ 36.039 ROUTING.

All wireless telephone service suppliers doing business in Warren County shall route all 911 emergency calls to the Warren County Public Safety Answering Point (PSAP). (Local Law 2 of 2001, passed 1-12-2001)

§ 36.040 PROHIBITED ACTS.

(A) No wireless telephone service supplier shall knowingly fail to route wireless 911 telephone calls originating within Warren County to the Warren County PSAP as required by § 36.039 above.

(B) No owner, official, employee, or agent of a wireless telephone supplier shall design, implement, arrange or cause, either directly or indirectly, a process or activity whereby 911 calls are routed other than as provided in § 36.039 above.

(C) No person or entity shall either directly or indirectly solicit, suggest, implore, agree, or otherwise take action so as to cause or seek to cause a wireless telephone service supplier to route wireless 911 calls from within Warren County to other than the Warren County Public Safety Answering Point (PSAP). (Local Law 2 of 2001, passed 1-12-2001)

***SURCHARGE TO PAY FOR COSTS
ASSOCIATED WITH AN ENHANCED 911
EMERGENCY TELEPHONE SYSTEM***

§ 36.055 LEGISLATIVE INTENT.

(A) The Board of Supervisors recognizes the paramount importance of the health, safety and welfare of the residents of the County and that when the lives or property of its residents are in imminent danger that timely and appropriate assistance must be rendered. The Board has determined that the enhanced emergency telephone system known as "E911" provides substantial benefits beyond basic 911 systems through the provision of selective routing, and automatic number and location identification and that these enhancements not only significantly reduce the response time of emergency services but also represent the state-of-art in fail-safe emergency telephone system technology.

(B) The New York State Legislature has recognized that the cost of implementing, maintaining and upgrading an E911 system is costly and has adopted Chapters 756 and 757 of the Laws of 1989 amending the N.Y. County Law and the N.Y. Tax Law to provide Counties with a funding mechanism to assist in the payment of the costs associated with establishing and maintaining an E911 system. It is the intent of the Board of Supervisors to fulfill its obligation to provide for the health, safety and welfare of the residents of Warren County by adopting this Local Law imposing a surcharge on the customers of every telephone service supplier within the County to pay for the costs associated with obtaining and maintaining telecommunication equipment and telephone services needed to provide and maintain an enhanced 911 emergency telephone system to serve Warren County.

(Local Law 4 of 1989, passed 12-15-1989)

§ 36.056 ESTABLISHMENT OF COUNTY SURCHARGE FOR ENHANCED EMERGENCY TELEPHONE SYSTEM.

The County of Warren hereby adopts the applicable provisions of Chapters 756 and 757 of the

Laws of 1989 as it pertains to the County and its emergency telephone system and hereby imposes a surcharge in an amount of \$0.35 per access line, per month, on the customers of every telephone service supplier within the County of Warren to pay for the costs associated with obtaining and maintaining the telecommunication equipment and telephone services needed to provide an enhanced 911 emergency telephone system to serve Warren County.

(Local Law 4 of 1989, passed 12-15-1989)

§ 36.057 DEFINITIONS.

All words and phrases used in this Local Law shall have the same meaning as defined in Chapter 756 of the Laws of 1989 and as specifically defined in this Local Law as follows:

911 SERVICE AREA. The area within the geographic boundaries of Warren County.

E911 SYSTEM. An enhanced emergency telephone service which automatically connects a person dialing the digits 9-1-1 to an established public service answering point and which shall include, but not be limited to, selective routing, automatic number identification and automatic location identification.

SERVICE SUPPLIER. A telephone corporation which provides local exchange access service within a 911 service area.

(Local Law 4 of 1989, passed 12-15-1989)

§ 36.058 EFFECTIVE DATE OF IMPOSITION OF SURCHARGE.

All telephone service suppliers which provide local exchange access service within the 911 service area in Warren County shall add and impose such surcharge to the billing of its customers commencing February 1, 1990.

(Local Law 4 of 1989, passed 12-15-1989)

§ 36.059 APPLICATIONS; LIMITATION; EXEMPTIONS.

(A) The surcharge established pursuant to this Local Law and Chapters 756 and 757 of the Laws of 1989 shall be imposed on a per access line basis on all current bills rendered for local exchange access service within the 911 service area in Warren County.

(B) No surcharge shall be imposed upon more than 75 exchange access lines per customer per location.

(C) Lifeline customers and Warren County shall be exempt from the surcharge imposed under this Local Law.
(Local Law 4 of 1989, passed 12-15-1989)

§ 36.060 COLLECTION OF SURCHARGE.

(A) The appropriate service supplier or suppliers serving the 911 service area in Warren County shall act as collection agents for the County and shall remit the funds collected as the surcharge to the Warren County Treasurer every month. Such funds shall be remitted no later than 30 days after the last business day of such period.

(B) The service supplier shall be entitled to retain as an administrative fee an amount equal to 2% of its collections of the surcharge.

(C) The surcharge required to be collected by the service supplier shall be added to and stated separately in its billings to the customer.

(D) The service supplier shall annually provide to the County an accounting of the surcharge amounts billed and collected.
(Local Law 4 of 1989, passed 12-15-1989)

§ 36.061 LIABILITY FOR SURCHARGE.

(A) Each service supplier customer who is subject to the provisions of this Local Law shall be liable to the County for the surcharge until it has been

paid to the County, except that payment to a service supplier is sufficient to relieve the customer from further liability for such surcharge.

(B) The service supplier shall have no obligation to take any legal action to enforce the collection of any surcharge. However, whenever the service supplier remits the funds collected as the surcharge to the County, it shall also provide the County with the name and address of any customer refusing or failing to pay the surcharge imposed by this Local Law and shall state the amount of such surcharge remaining unpaid.
(Local Law 4 of 1989, passed 12-15-1989)

§ 36.062 SYSTEM REVENUES; ADJUSTMENT OF SURCHARGE.

All surcharge monies remitted to the County by a service supplier and all other monies dedicated to the payment of system costs from whatever source derived or received by the County shall be expended only upon authorization of the Board of Supervisors and only for payment of system costs as permitted by Chapters 756 and 757 of the Laws of 1989. The County shall separately account for and keep adequate books and records of the amount and source of all such revenues and of the amount and object or purpose of all expenditures thereof. If at the end of any fiscal year the total amount of all such revenues exceeds the amount necessary and expended for payment of system costs in such fiscal year, such unencumbered cash surplus shall be carried over for the payment of system costs in the following fiscal year. However, if at the end of any fiscal year such unencumbered cash surplus exceeds an amount equal to 5% of that necessary for the payment of system costs in such fiscal year, the Board of Supervisors shall, by Local Law, reduce the surcharge for the following fiscal year to a level which more adequately reflects the system cost requirements of its E911 system. The Board may also, by Local Law, reestablish or increase such surcharge, subject to the provisions of Chapters 756 and 757 of the Laws of 1989 and this Local Law, if the revenues generated by such surcharge and by any other source are not adequate to pay for system costs.
(Local Law 4 of 1989, passed 12-15-1989)

WIRELESS SURCHARGE**§ 36.075 LEGISLATIVE INTENT.**

The purpose of this Local Law is to implement the \$0.30 surcharge per month on wireless communications providers, as authorized by N.Y. County Law § 308-q.

(Local Law 5 of 2004, passed 10-15-2004)

§ 36.076 IMPOSITION OF COUNTY WIRELESS SURCHARGE.

(A) There is hereby imposed a surcharge in the amount of \$0.30 per month on wireless communications service in the County of Warren. The surcharge shall be imposed on each wireless communications device and shall be reflected and made payable on bills rendered for wireless communications service that is provided to a customer whose place of primary use is within the county.

(B) For the purposes of this section, the term “place of primary use” shall mean the street address that is representative of where the customer’s use of the wireless communications service primarily occurs, which address must be:

(1) The residential street address or the primary business street address of the customer; and

(2) Within the licensed service area of the wireless communications service supplier.

(Local Law 5 of 2004, passed 10-15-2004)

§ 36.077 IMPLEMENTATION; DATE.

The date upon which the wireless communications service supplier shall begin to add such surcharge to the billings of its customers shall be January 1, 2005.

(Local Law 5 of 2004, passed 10-15-2004)

§ 36.078 WIRELESS COMMUNICATIONS SERVICE SUPPLIERS.

(A) Each wireless communications service supplier for the County of Warren shall act as collection agent for the County and shall remit the funds collected pursuant to a surcharge imposed under the provisions of this section to the County Treasurer of the County of Warren every month. Such funds shall be remitted no later than 30 days after the last business day of the month;

(B) Each wireless communications service supplier shall be entitled to retain, as an administrative fee, an amount equal to 2% of its collections of a surcharge imposed under the provisions of this section;

(C) Any surcharge required to be collected by a wireless communications service supplier shall be added to and stated separately in its billings to customers;

(D) Each wireless communications service customer who is subject to the provisions of this section shall be liable to the County of Warren for the surcharge until it has been paid to the County of Warren except that payment to a wireless communications service supplier is sufficient to relieve the customer from further liability for such surcharge;

(E) No wireless communications service supplier shall have a legal obligation to enforce the collection of any surcharge imposed under the provisions of this section, provided, however, that whenever the wireless communications service supplier remits the funds collected to the County of Warren, it shall also provide the County of Warren with the name and address of any customer refusing or failing to pay a surcharge imposed under the provisions of this section and shall state the amount of such surcharge remaining unpaid; and

(F) Each wireless communications service supplier shall annually provide to the County of Warren an accounting of the surcharge amounts billed and collected.

(Local Law 5 of 2004, passed 10-15-2004)

§ 36.079 REMITTANCE OF FUNDS.

All surcharge monies remitted to the County of Warren by a wireless communications service supplier shall be expended only upon authorization of the Board of Supervisors and only for payment of eligible wireless 911 service costs as defined in N.Y. County Law § 325(16). The County of Warren shall separately account for and keep adequate books and records of the amount and source of all such monies and of the amount and object or purpose of all expenditures thereof. If, at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above-mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

(Local Law 5 of 2004, passed 10-15-2004)

§ 36.080 NOTICE.

The Sheriff shall notify, in writing, wireless communication service providers who are subject to the provisions of this Local Law of their obligation to collect the surcharge provided for herein no less than 45 days prior to the date such provider is to begin adding said surcharge to the billings of its customers.

(Local Law 5 of 2004, passed 10-15-2004)

§ 36.999 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) (1) Unless excepted from application of §§ 36.001 through 36.006, any person who, in disobedience of a sign or directive from a County official, shall carry or otherwise be in physical possession of a deadly weapon or dangerous instruments in a County Building shall be guilty of a trespass, as an unclassified misdemeanor, and subject to punishment by a fine not to exceed \$500 or by imprisonment for a term not to exceed 90 days, or by both such fine and imprisonment. Each day or part of

a day which a violation continues shall constitute a separate violation. Notwithstanding anything to the contrary set forth herein, the County Board at its option may also maintain a civil trespass action and/or seek civil injunctions.

(2) In addition to the foregoing, any person who is found to be in violation of §§ 36.001 through 36.006 may, at the discretion of the County Board be denied permission to enter any building owned, leased or operated by the County or at any worksite of the County, or in a vehicle owned or leased by the County.

(C) (1) Any person or entity violating §§ 36.020 through 36.024 shall be guilty of an unclassified misdemeanor and shall be subject to a fine not exceeding \$500 or imprisonment for a period not to exceed three months or both such fine and imprisonment for each offense. For purposes of this law, each installment, provision and/or programming of a programmable, automated, and unattended 911 telephone and/or computerized communication system shall constitute a separate offense.

(2) The Board of Supervisors is authorized to pursue any appropriate legal remedy including but not limited to injunction to effectuate the purposes of §§ 36.020 through 36.024.

(D) (1) Any person or entity violating §§ 36.035 through 36.040 shall be guilty of an unclassified misdemeanor and shall be subject to a fine not exceeding \$500 or imprisonment for a period not to exceed three months or both such fine and imprisonment for each offense. For purpose of this law each improperly routed 911 call shall constitute a separate offense.

(2) The Board of Supervisors is authorized to pursue any appropriate legal remedy including but not limited to injunction to effectuate the purposes of §§ 36.035 through 36.040.

(Local Law 2 of 2001, passed 1-12-2001; Local Law 2 of 2007, passed 1-19-2007; Local Law 8 of 2007, passed 7-20-2007; Local Law 3 of 2013, passed 1-18-2013)

CHAPTER 37: FEES

Section

Collection of Fees in Connection with Geographic Information Systems (GIS) Services and E-911 Addressing Services

- 37.001 Title
- 37.002 Purpose and intent
- 37.003 Statutory authorization
- 37.004 Imposition of fees for GIS services provided by the County Planning Department
- 37.005 Collection of fees
- 37.006 Authority to act

Storage Fee and Collection for Non-Exempt Vehicles, Vessels, Trailers and/or Heavy Equipment Stored at the County Sheriff's Office Impound Storage Area

- 37.020 Title
- 37.021 Authority
- 37.022 Purpose and intent
- 37.023 Effect of Local Laws on acts of the State Legislature
- 37.024 Imposition of storage fee and lien for storage of vehicles, vessels, trailers and/or heavy equipment stored at the county sheriff's impound storage area; payment procedure; exemptions
- 37.025 Transitional provision
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Increase in Fees Collected by County Clerk for Recording, Entering, Indexing and Endorsing Certificate on Any Instrument

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Local Endorsement Page Recording Fee

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Probation Department Fees

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- 37.100 Title
- 37.101 Fee
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Probation Department Administrative Fees

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***COLLECTION OF FEES IN CONNECTION
WITH GEOGRAPHIC INFORMATION
SYSTEMS (GIS) SERVICES AND E-911
ADDRESSING SERVICES***

(B) The fees imposed by this Local Law are set forth in the schedule below.

[See next page.]

§ 37.001 TITLE.

This Local Law shall be entitled “A Local Law Providing for Fees and the Collection Thereof in Connection with Geographic Information Systems (GIS) Services and E-911 Addressing Services provided by the Warren County Planning Department”.

(Local Law 3 of 2011, passed 6-17-2011)

§ 37.002 PURPOSE AND INTENT.

The purpose of this Local Law is to authorize revenue sources to help defray costs associated with the Warren County Planning Department’s provision of general GIS services and E-911 Addressing Systems Services to members of the general public.

(Local Law 3 of 2011, passed 6-17-2011)

§ 37.003 STATUTORY AUTHORIZATION.

This Local Law is adopted pursuant to and in accordance with the authorization provided by N.Y. Mun. Home Rule Law § 10(1)(i) and N.Y. Mun. Home Rule Law § 10(1)(a)(ii)(9-a).

(Local Law 3 of 2011, passed 6-17-2011)

§ 37.004 IMPOSITION OF FEES FOR GIS SERVICES PROVIDED BY THE COUNTY PLANNING DEPARTMENT.

(A) On and after the effective date of this Local Law there shall be imposed and there shall be paid fees for various Warren County Planning Department services provided to the general public relating to general GIS services or documents.

WARREN COUNTY GIS FEE SCHEDULE

<i>General GIS Services</i>		
<i>Service</i>	<i>Fee</i>	
GIS Consulting and Support (includes data development, analysis, GPS collection, and general technical services)	\$30/hour	
<i>Data Distribution</i>		
Email/FTP upload	No fee	
CD-ROM	\$10	
DVD (Note: countywide parcel data in Geodatabase format must be burned to DVD)	\$15	
<p align="center"><i>Custom Mapping</i></p> <p align="center">Total Cost = Map preparation fee (\$15) + output fee Assumes use of <i>standard available map layers</i> - additional hourly rate will be applied if analysis, conversion and/or new data is required for display on the custom map</p>		
<i>Output Needed</i>	<i>Output Fee</i>	<i>Shipping</i>
PDF only (digital file will be emailed if possible, burned to CD-ROM if too large)	(email) \$1	N/A
	(CD-ROM) \$3	\$1.50
8.5 in. x 11 in. per side (includes emailed PDF if requested)	\$0.50	\$1.50
11 in. x 17 in. per side (includes emailed PDF if requested)	\$1	\$1.50
17 in. x 22 in. (includes emailed PDF if requested)	\$2	\$3.50
24 in. x 36 in. (includes emailed PDF if requested)	\$3	\$5.00
34 in. x 44 in. (includes emailed PDF if requested)	\$5	\$5.00
Larger custom size - square foot pricing applies (includes PDF if requested)	\$0.50/sq. ft.	\$6.00
<p align="center"><i>Reprints of Existing Maps</i></p> <p align="center">Total Cost = Processing fee (\$4) + output fee</p>		
<i>Output Needed</i>	<i>Output Fee</i>	<i>Shipping</i>
8.5 in. x 11 in. per side (includes emailed PDF if requested)	\$0.50	\$1.50
11 in. x 17 in. per side (includes emailed PDF if requested)	\$1	\$1.50
17 in. x 22 in. (includes emailed PDF if requested)	\$2	\$3.50
24 in. x 36 in. (includes emailed PDF if requested)	\$3	\$5.00
34 in. x 44 in. (includes emailed PDF if requested)	\$5	\$5.00
Larger custom size - square foot pricing applies (includes emailed PDF if requested)	\$0.50/sq. ft.	\$6.00

Warren County - Administration

<i>General GIS Services</i>	
<i>Service</i>	<i>Fee</i>
Payment for services, particularly for large jobs, is preferred in advance but can be deferred until product pickup. Data and maps to be mailed must be paid for in advance, however.	

(Local Law 3 of 2011, passed 6-17-2011; Local Law 4 of 2015, passed 4-17-2015)

§ 37.005 COLLECTION OF FEES.

The Warren County Planning Department is authorized to establish procedures in conjunction with the Warren County Treasurer's Office for the collection of the fees imposed under § 37.004 of this Local Law. Fees collected in accordance with established procedures may allow for a requirement for payment of such fees prior to the provision of services or release of documents by the Warren County Planning Department.

(Local Law 3 of 2011, passed 6-17-2011)

§ 37.006 AUTHORITY TO ACT.

The Director of Planning and the Warren County Treasurer are hereby authorized to take all actions necessary to carry out the purposes of this Local Law.

(Local Law 3 of 2011, passed 6-17-2011)

***STORAGE FEE AND COLLECTION FOR
NON-EXEMPT VEHICLES, VESSELS,
TRAILERS AND/OR HEAVY EQUIPMENT
STORED AT THE COUNTY SHERIFF'S
OFFICE IMPOUND STORAGE AREA***

§ 37.020 TITLE.

This Local Law shall be titled "A Local Law Providing for a Storage Fee and Collection Thereof for Non-Exempt Vehicles, Vessels, Trailers, and/or Heavy Equipment Stored at the Warren County Sheriff's Office Impound Storage Area".

(Local Law 4 of 2009, passed 10-16-2009)

§ 37.021 AUTHORITY.

The authority for this Local Law is N.Y. Mun. Home Rule Law § 10(1)(i). In addition, authority also exists under N.Y. Mun. Home Rule Law § 10(1)(ii)(a)(9-a) and (14).

(Local Law 4 of 2009, passed 10-16-2009)

§ 37.022 PURPOSE AND INTENT.

(A) The purpose of this Local Law is to:

(1) Impose a reasonable fee for storage of vehicles, vessels, trailers, and/or heavy equipment in the Sheriff's Office impound storage area; and

(2) Provide a mechanism for the collection of that fee.

(B) There are costs associated with the maintenance of such a storage area, such as the capital costs for fencing, administrative costs and labor costs for maintaining the area and handling of the vehicles, vessels, trailers, and/or heavy equipment. Private garages which tow and store vehicles typically charge a storage fee and it seems reasonable for a municipal corporation to do the same for the service being rendered to particular persons and businesses.

(Local Law 4 of 2009, passed 10-16-2009)

§ 37.023 EFFECT OF LOCAL LAWS ON ACTS OF THE STATE LEGISLATURE.

In addition to providing for a storage fee, this Local Law provides for a lien and collection thereof. N.Y. Lien Law § 184 provides, under certain instances, a lien for a person who tows and stores a motor vehicle, motor boat or aircraft at the request of a law enforcement officer. It is the intent of this Local Law to essentially follow N.Y. Lien Law § 184 and provide for a similar garageman's lien for the benefit of the Sheriff's Office, only the Sheriff's Office does not tow but just stores motor vehicles, vessels, trailers, and/or heavy equipment in the instances covered by this Local Law. To the extent that N.Y. Lien Law § 184 does not provide a lien for a person who simply stores a vehicle, vessel, trailer, and/or heavy equipment, or for a Sheriff's Office that stores a vehicle, vessel, trailer, and/or heavy equipment, then this Law shall be interpreted as covering that particular instance. Otherwise, it is the intent to follow the procedures outlined in N.Y. Lien Law § 184 with regard to the establishment of a lien and enforcement

of the same in the instances provided for under this Local Law.

(Local Law 4 of 2009, passed 10-16-2009)

§ 37.024 IMPOSITION OF STORAGE FEE AND LIEN FOR STORAGE OF VEHICLES, VESSELS, TRAILERS AND/OR HEAVY EQUIPMENT STORED AT THE COUNTY SHERIFF'S IMPOUND STORAGE AREA; PAYMENT PROCEDURE; EXEMPTIONS.

(A) *Storage fee imposed.* On and after December 1, 2009 and except as provided herein, there shall be imposed and there shall be paid a storage fee of \$25 for each 24-hour period or any part thereof that a vehicle, vessel, trailer, and/or heavy equipment is situated at and stored at the Warren County Sheriff's impound area due to:

- (1) An accident;
- (2) Lack of a legally qualified operator;
- (3) Abandonment, other than those motor vehicles stored by reason of being stolen or abandoned, pursuant to N.Y. Lien Law § 184(3);
- (4) Being seized contemporaneously with an arrest; and
- (5) Seizure by reason of the action of a creditor and/or courts, in furtherance of a creditor or lienholder's right in the vehicle, vessel, trailer, and/or heavy equipment.

(B) *Computation of storage fee.* For purposes of computing the charges imposed, the 24-hour period shall commence at 12:01 a.m.

(C) *Lien.* Any charges imposed by authority of this title shall constitute a lien upon the vehicle, vessel, trailer, and/or heavy equipment. For purposes of enforcing the lien, N.Y. Lien Law § 184 and N.Y. Lien Law Article 9 shall apply, except that it shall not be necessary for the Warren County Sheriff to have towed the vehicle, vessel, trailer, and/or heavy equipment, but merely stored the vehicle, vessel,

trailer, and/or heavy equipment at the request of a law enforcement officer. It shall also not be necessary for the Warren County Sheriff's Office to be registered as a motor vehicle repair shop.

(D) *Payment of storage fee.* The fee shall be payable to the Warren County Sheriff by the owner, operator or anyone else claiming title to the vehicle, vessel, trailer, and/or heavy equipment before regaining possession of the vehicle, vessel, trailer, and/or heavy equipment. The person paying the fee shall present:

- (1) An original certificate of a registration and title to the vehicle, vessel, trailer, and/or heavy equipment or such other bona fide proof of ownership, as the Warren County Sheriff shall require;
- (2) Personal identification; and
- (3) Payment of the total storage fees due on the vehicle, vessel, trailer, and/or heavy equipment.

(E) *Definition of "vehicle", "vessel", "trailer", and/or "heavy equipment" to which fee shall apply.* "Vehicle", as that term is used herein, shall include a vehicle, as defined by N.Y. Veh. & Traf. Law § 159, and aircraft, as defined by N.Y. Gen. Bus. Law § 240. "Vessel", as that term is used herein, shall be that defined by N.Y. Nav. Law § 2. "Trailer", as that term is used herein, shall consist of hauling trailers, boat trailers or other types of trailers that could be towed on the highway by a vehicle. "Heavy Equipment", as that term is used herein, shall consist of equipment with a motor or engine and capable of being ridden, including, but not limited to tractors, bulldozers, backhoes, front-end loaders, and other similar hauling equipment.

(F) *Exemption from storage fee charges.* Storage fees shall not be assessed:

- (1) Under those circumstances where the vehicle, vessel, trailer, and/or heavy equipment is seized as a result of a search warrant issued pursuant to N.Y. Crim. Proc. Law § 690.10 or other similar circumstances where the vehicle, vessel, trailer, and/or heavy equipment is lawfully seized for

purposes of the District Attorney and/or the Sheriff's Office or other police agency having and keeping temporary custody of the same;

(2) For County-owned vehicles, vessels, trailers, and/or heavy equipment;

(3) For abandoned motor vehicles, as described in N.Y. Lien Law § 184(3); and

(4) Light power equipment, including, but not limited to lawn mowers, power tools, and/or machinery that can not be ridden by the operator. (Local Law 4 of 2009, passed 10-16-2009)

§ 37.025 TRANSITIONAL PROVISION.

The fees imposed by this Local Law shall be paid on any vehicles, vessels, trailers, and/or heavy equipment for which the storage commencement date occurs on or after December 1, 2009. There shall not be a storage fee imposed upon any vehicle, vessel, trailer, and/or heavy equipment which was stored in the Sheriff's impound storage area before December 1, 2009 or for which storage commenced before December 1, 2009 and ended thereafter. (Local Law 4 of 2009, passed 10-16-2009)

§ 37.026 DISPUTES AND JUDICIAL REVIEW.

(A) *Administrative review and right to be heard.*

(1) *Right of administrative review.* Any person desiring to dispute, challenge or bring a court action with regard to payment of the storage fee or amount imposed hereunder must first request a review by a Committee of the Warren County Board of Supervisors with oversight of County Sheriff's operations not later than ten business days following the time the fee is paid. This review may be requested whether or not the storage fee is paid at the time the review is requested.

(2) *Stay of accrual during review period.* If the review is requested prior to payment, the storage

fee shall not accrue during the period from the date a completed written review request, which contains the information hereinafter required, is served upon the County through and including the date the County provides the person requesting the review with a final determination under this administrative review process. The County will be considered served at such time as the Clerk of the Warren County Board of Supervisors receives the completed written request. The County will be considered as having provided its determination when the same is personally served or within five days after the same is mailed, as provided for herein.

(3) *Form of request for review.*

(a) The request need not be any particular form, but shall be in legible writing setting forth the following information:

1. Date;
2. Addressed to the Clerk of the Warren County Board of Supervisors;
3. A position, explanation or argument as to why the fee is not due or not correct;
4. An address to which all communications from the County should be sent; and
5. Signed by the person seeking to retrieve the vehicle, vessel, trailer, and/or heavy equipment from the Warren County Sheriff's impound storage area.

(b) Failure to include the required information in a review request shall cause the review request to be considered incomplete, and the County may elect not to act upon the same for failure to follow the required procedures.

(4) *Review process and county determination.* Upon receipt of a complete written review request, the Clerk of the Warren County Board of Supervisors shall notify the Chairman or Deputy Chairman of the Committee of the Warren County

Board of Supervisors with oversight of Sheriff's operation, who shall, in turn, call for a meeting of the Committee to review the submitted written request. The meeting shall be held within five business days of the time the Clerk of the Board of Supervisors receives the request. The person making the request shall be notified in writing of the meeting and may attend, and shall be allowed to make any presentation or present evidence as to the reason(s) why the fee is not due or the amount is not correct. Following such review, the Committee shall make a decision with two business days and either provide a copy of the same to the person requesting the same, if in attendance, or mail the same, by certified mail return receipt requested.

(B) *Judicial review.* Any final determination by the Committee of the Warren County Board of Supervisors with oversight of the Warren County Sheriff's operations shall constitute a final determination of the County and shall be reviewable for error, illegality or unconstitutionality or for any other reason whatsoever by a proceeding under N.Y. Civ. Prac. L. & R. Article 78 if application therefore is made to the Supreme Court within 30 days after the giving of notice of such final determination.
(Local Law 4 of 2009, passed 10-16-2009)

§ 37.027 DISPOSITION OF STORAGE FEES.

All fees received as a result of this Local Law shall be paid by the Warren County Sheriff to the Warren County Treasurer once a month. The Warren County Treasurer shall deposit the same in the General Fund of the County. The Warren County Sheriff shall show the anticipated revenues as part of the budget submitted by the Warren County Sheriff each year.
(Local Law 4 of 2009, passed 10-16-2009)

§ 37.028 EFFECTIVE DATE.

This Local Law shall take effect December 1, 2009.
(Local Law 4 of 2009, passed 10-16-2009)

INCREASE IN FEES COLLECTED BY COUNTY CLERK FOR RECORDING, ENTERING, INDEXING AND ENDORSING CERTIFICATE ON ANY INSTRUMENT

§ 37.040 TITLE.

This Local Law shall be titled "A Local Law Authorizing an Increase in Fees Collected by the County Clerk for Recording, Entering, Indexing and Endorsing a Certificate on any Instrument".
(Local Law 9 of 2008, passed 8-15-2008)

§ 37.041 PURPOSE AND INTENT.

The purpose of this law is to authorize Warren County, pursuant to the provisions of N.Y. Civ. Prac. L. & R. § 8021(a)(4)(a)(2), to increase the fees charged for certain documents recorded with the County Clerk's office and for enhanced personal privacy protection for recorded instruments.
(Local Law 9 of 2008, passed 8-15-2008)

§ 37.042 FEES FOR RECORDING DOCUMENTS.

For recording, entering, indexing and endorsing a certificate on any instrument, the fee is increased from \$5 to \$20 and, in addition thereto, is increased from \$3 to \$5 for each page or portion of a page. For the purpose of determining the appropriate recording fee, the fee for any cover page shall be deemed an additional page of the instrument. A cover page shall not include any social security account number or date of birth. To the extent that the Warren County Clerk has placed an image of such cover page on line, the County Clerk shall make a good faith effort to redact such information.
(Local Law 9 of 2008, passed 8-15-2008)

**FEE SCHEDULE FOR UP YONDA
ENVIRONMENTAL EDUCATION CENTER**

**§ 37.055 LEGISLATIVE INTENT AND
PURPOSE.**

Warren County acquired properties and buildings that make the Up Yonda Farm Environmental Education Center by virtue of the Last Will and Testament of Alice DeJonge Scott. General admission will not be charged to the Up Yonda Farm Environmental Education Center. It is desired, however, to authorize revenue sources to help pay costs associated with parking, special programs, guided tours, special exhibits and other similar types of events including a gift shop. This will help assure the continuation of the various programs and facilities available at the Up Yonda Farm Environmental Education Center.

(Res. 443 of 1996, passed - -1996; Local Law 9 of 1996, passed 7-12-1996)

§ 37.056 STATUTORY AUTHORIZATION.

This Local Law is adopted pursuant to and in accordance with the authorization provided by N.Y. Mun. Home Rule Law § 10(1)(ii)(a)(9-a).

(Res. 443 of 1996, passed - -1996; Local Law 9 of 1996, passed 7-12-1996)

**§ 37.057 SPECIAL EVENTS, PARKING
CHARGES, GUIDED TOURS, MEMBERSHIPS
AND OTHER FEES AUTHORIZED.**

Warren County, by adoption of a resolution by majority vote of the Board of Supervisors, shall at such times as the Board of Supervisors shall deem appropriate, establish fees for parking, scheduled programs and guided tours, school programs and memberships, and by like resolution shall also establish costs or profit margins associated with gift shop sales at the Up Yonda Farm Environmental Education Center.

(Res. 443 of 1996, passed - -1996; Local Law 9 of 1996, passed 7-12-1996)

**LOCAL ENDORSEMENT PAGE
RECORDING FEE**

§ 37.070 PURPOSE.

(A) *Purpose.* The County Clerk is authorized to impose a fee and require the recording of an Endorsement Page when instruments relating to real property are presented for recording. The fee will be the page charge now or hereafter enumerated in N.Y. Civ. Prac. L. & R. § 8021.

(B) *Effective date.* This Local Law shall take effect immediately upon the filing thereof as provided in N.Y. Mun. Home Rule Law § 27.

(Res. 348 of 1996, passed - -1996; Local Law 6 of 1996, passed 5-17-1996)

PROBATION DEPARTMENT FEES

§ 37.085 FEES IMPOSED.

(A) Notwithstanding any other provision of law, whenever the Warren County Probation Department is ordered to conduct an investigation pursuant to § 653 of the Family Court Act, said Department shall be entitled to a fee of not less than \$50 and not more than \$500 from the parties in such proceeding for performing such investigation.

(B) The fee imposed by this Section shall be based upon the party's ability to pay the fee and the schedule for payment shall be fixed by the Court issuing the Order for investigation, pursuant to the guidelines issued by the Director of the New York State Division for Probation and Correctional Alternatives and as set forth in division (E) in this Section and may in the discretion of the Court be waived when the parties lack sufficient means to pay the fees. No fee shall be charged in any proceeding in which the Warren County Department of Social Services is named as a party.

(C) The Court shall apportion the fee between the parties based upon the respective financial

circumstances of the parties and the equities of the case.

(D) Fees imposed pursuant to this Section shall be paid directly to the Warren County Probation Department to be retained and utilized for local probation services, and the same shall not be considered by the New York State Division of Probation when determining State aid reimbursement pursuant to N.Y. Exec. Law § 246.

(E) Schedule of fees for services:

<i>Custody Investigation</i>	
<i>Adjusted Gross Income</i>	<i>Fee (Per Party)</i>
\$0—\$10,000	\$0
\$10,001—\$15,000	\$50
\$15,001—\$25,000	\$100
Over \$25,001	\$200
<i>Visitation Investigation (Fee would be assigned to petitioner only)</i>	
<i>Adjusted Gross Income</i>	<i>Fee</i>
\$0—\$10,000	\$0
\$10,001—\$15,000	\$50
\$15,001—\$25,000	\$100
Over \$25,001	\$200
Supplemental Custody/Visitation Investigation	\$25

(F) Whenever the Warren County Probation Department is ordered or requested to conduct an investigation by a Family Court outside of Warren County, the Schedule of Fees for such investigation is set forth in this Local Law.
(Res. 520 of 1992, passed - 1992; Local Law 4 of 1992, passed 10-16-1992)

LANDING FEES AT THE COUNTY AIRPORT

§ 37.100 TITLE.

This Local Law shall be entitled “A Local Law Establishing Landing Fees for Certain Aircraft Landing at the Warren County Airport”.
(Local Law 4 of 1990, passed 9-14-1990)

§ 37.101 FEE.

(A) Pursuant to the power and authority granted under N.Y. Gen. Mun. Law Article 14, the Warren County Board of Supervisors hereby establishes and imposes landing fees for certain aircraft landing at the Warren County Airport, effective as of July 1, 1990:

<i>Type of Aircraft</i>	<i>Landing Fee</i>
Turbine helicopter	\$15
Twins to 7,999 lbs.	\$15
Twins 8,000 to 50,000 lbs.	\$25
Any over 50,000 lbs.	\$50

(B) Aircraft exempt from landing fees:

- (a) All single engine aircraft touch and go's;
- (b) Multi-engine aircraft based at Warren County Airport FBO owned aircraft;
- (c) Scheduled commuter service aircraft;
- (d) Aircraft working for Warren County (i.e., aerial photography, spraying, event display);
- (5) Military;
- (6) Piston helicopter; and
- (7) Any aircraft at FBO for services over \$100.

(C) Payment of landing fees:

(1) Statements for landing fees due will be mailed to aircraft registration number address unless other arrangements are made with airport manager.

(2) An annual (12 month) fee per aircraft at 15 times the individual landing fee may be obtained by application to the airport manager.
(Local Law 4 of 1990, passed 9-14-1990)

§ 37.102 INCREASE OR DECREASE.

The landing fees set forth in this Local Law may be increased or decreased from time to time by Resolution duly adopted by the Warren County Board of Supervisors and upon posting of such Resolution on a bulletin board maintained in the lobby of the Airport Terminal Building at the Warren County Airport.
(Local Law 4 of 1990, passed 9-14-1990)

§ 37.103 VIOLATIONS.

Failure to comply with the provisions of this Local Law shall be deemed an offense and the violator shall be liable to a fine of not less than \$25 nor more than \$100 for each violation and shall be subject to denial of the privilege of landing at the Airport for such number of days as in the judgment of the Airport Manager he shall deem appropriate.
(Local Law 4 of 1990, passed 9-14-1990)

***PROBATION DEPARTMENT
ADMINISTRATIVE FEES***

§ 37.115 TITLE.

This Local Law shall be known as, “A Local Law Providing for Imposition of Probation Department Administrative Fees Upon Conviction Under N.Y. Veh. & Traf. Law Article 31”.
(Local Law 3 of 2003, passed 9-17-2003)

§ 37.116 LEGISLATIVE INTENT AND PURPOSE.

It is the intent of this Local Law to establish a fee for the supervision of persons sentenced to or currently serving a term of probation for the offenses of operating a motor vehicle under the influence of alcohol or drugs. The purpose of this Local Law is two fold - to help defray administrative costs of the probation department and for further deterrence of any violation of N.Y. Veh. & Traf. Law Article 31.
(Local Law 3 of 2003, passed 9-17-2003)

§ 37.117 AUTHORITY.

This Local Law is enacted under the authority of N.Y. Exec. Law § 257-c.
(Local Law 3 of 2003, passed 9-17-2003)

§ 37.118 IMPOSITION OF PROBATION DEPARTMENT ADMINISTRATIVE FEES UPON CONVICTION UNDER N.Y. VEH. & TRAF. LAW ARTICLE 31.

(A) Notwithstanding any other provision of law, any person currently serving or who shall be sentenced to a period of probation upon conviction of any crime under N.Y. Veh. & Traf. Law Article 31 and who is being supervised by the Warren County Probation Department shall pay to said Department an administrative fee of \$30 per month, except as provided in division (B) of this section. See the fee schedule at the end of this section.

(B) The Warren County Department of Probation shall waive all or part of the fee imposed by division (A) of this section where, because of the indigence of the offender, the payment of said fee would work an unreasonable hardship on the person convicted, on his or her immediate family, or on any other person who is dependent upon such person for financial support.

(C) The fee authorized by this Local Law shall not constitute nor be imposed as a condition of probation.

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(D) Monies collected pursuant to this Local Law shall be utilized for probation services by the Warren County Probation Department and shall not be considered in determining state aid reimbursement used to match federal funds otherwise utilized for probation services. Said fees shall be paid directly to the Warren County Probation Department pursuant to N.Y. Crim. Proc. Law § 420.10(6).

(E) In the event of non-payment of any fees which have not been waived by the Warren County Probation Department, the provisions of N.Y. Crim. Proc. Law § 420.10(6) shall govern for purposes of collection of such fees, and in addition thereto the County may seek to enforce payment in any other manner permitted by law for enforcement of a debt.

Warren County Probation Department Monthly DWI Probation Supervision Fees - 2003-2004						
	<i>Number of Dependents</i>					
<i>Annual Income</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>
LESS THAN \$5,000	\$5	\$0	\$0	\$0	\$0	\$0
\$5,001—\$10,000	\$10	\$5	\$0	\$0	\$0	\$0
\$10,001—\$15,000	\$15	\$10	\$5	\$0	\$0	\$0
\$15,001—\$20,000	\$20	\$15	\$10	\$5	\$0	\$0
\$20,001—\$25,000	\$25	\$20	\$15	\$10	\$5	\$0
\$25,001—\$30,000	\$30	\$25	\$20	\$15	\$10	\$5
\$30,001—\$35,000	\$30	\$30	\$25	\$20	\$15	\$10
\$35,001—\$40,000	\$30	\$30	\$30	\$25	\$20	\$15
\$40,001 Over	\$30	\$30	\$30	\$30	\$25	\$20
	<i>Number of Dependents</i>					
<i>Annual Income</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>
Less than \$420	\$5	\$0	\$0	\$0	\$0	\$0
\$420—840	\$10	\$5	\$0	\$0	\$0	\$0
\$841—\$1,250	\$15	\$10	\$5	\$0	\$0	\$0
\$1,251--\$1,670	\$20	\$15	\$10	\$5	\$0	\$0
\$1,671—\$2,090	\$25	\$20	\$15	\$10	\$5	\$0
\$2,091—\$2,500	\$30	\$25	\$20	\$15	\$10	\$5
\$2,501—\$2,920	\$30	\$30	\$25	\$20	\$15	\$10
\$2,921—\$3,330	\$30	\$30	\$30	\$25	\$20	\$15
\$3,331 Over	\$30	\$30	\$30	\$30	\$25	\$20

(Local Law 3 of 2003, passed 9-17-2003)