

Local Law Filing

(Use this form to file a Local Law with the Secretary of State)

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

COUNTY OF LEWIS

Local Law No. 13 of the Year 2013

A LOCAL LAW ESTABLISHING POLICY FOR REIMBURSEMENT OF TOWN AND VILLAGE CHARGES OTHER THAN RE-LEVIED TAXES

SECTION 1. TITLE:

This local law shall be entitled "**A LOCAL LAW ESTABLISHING COUNTY POLICY FOR REIMBURSEMENT OF TOWN AND VILLAGE CHARGES OTHER THAN RE-LEVIED TAXES**".

SECTION 2. LEGISLATIVE FINDINGS:

1. By Local Law No. 2 -- 1979, entitled "A LOCAL LAW AUTHORIZING COUNTY ENFORCEMENT OF DELINQUENT VILLAGE TAXES PURSUANT TO CHAPTER 619 OF THE LAWS OF 1977, adopted September 4, 1979, the County of Lewis agreed to relevy, collect and enforce delinquent village taxes.
2. The County of Lewis is obligated pursuant to Real Property Tax Law ("RPTL") § 936 to relevy all returned town taxes.
3. The County is statutorily required to reimburse towns and villages for their re-levied taxes.
4. The County is also authorized to accept the relevy of and reimburse municipalities for unpaid sewer and water charges.
5. Towns and villages have the authority to adopt local laws and ordinances that authorize the municipality to levy against real property for unpaid fees and charges including without limitation, building permit fees, demolition and clean-up charges, property maintenance charges, rubbish removal, etc., which charges may become liens against the subject property (herein collectively, "Other Charges"), but regarding which, the County is not required by statute to reimburse the municipality.

6. The Board of Legislators hereby finds and determines that the County is willing to assist with the collection of such Other Charges and to allow the unpaid Other Charges to be re-levied on the County's tax bill, however, it is not in the best interest of the County to reimburse municipalities for the Other Charges upon such re-levy.

SECTION 3. AUTHORITY:

This Local Law is enacted pursuant to the home rule authority granted by Municipal Home Rule Law § 10.

SECTION 4. POLICY FOR REIMBURSEMENT OF TOWN AND VILLAGE CHARGES OTHER THAN RE-LEVIED TAXES:

1. The County of Lewis shall continue to collect and reimburse towns and villages for their re-levied taxes and re-levied sewer and water charges as required by existing statutory authority.
2. The County of Lewis is willing to assist towns and villages with the collection of unpaid Other Charges such as those identified in Section 2, Paragraph 6 above. Provided however, that in no event will the County reimburse towns and villages for unpaid Other Charges unless reimbursement thereof is specifically mandated by State Law.
3. Procedure:
 - a. Upon the request of a town or village for assistance in the collection of Other Charges as defined herein, the County shall re-levy the same and incorporate such Other Charges as a separate line item on the County's tax bill.
 - b. The County Treasurer shall collect and receive payment for the Other Charges in the same manner as real property taxes.
 - c. Interest and penalties shall accrue on the unpaid Other Charges at the same rate and in the same manner as are applied to unpaid town or village taxes.
 - d. Upon receipt of payment for such Other Charges together with applicable penalties and interest, the County Treasurer shall remit the amount thereof to the applicable town or village.
 - e. In the event that the County Treasurer commences a tax foreclosure proceeding against a property which is subject to one or more liens for Other Charges, the County Treasurer shall continue to collect and receive payment for the Other Charges in the same manner as real property taxes, with the following exception:
 - i. In the event that such property is sold by the County Treasurer pursuant to the foreclosure proceeding, the County Treasurer shall not reimburse the applicable town or village for such Other Charges unless and until all outstanding taxes due on such property, including applicable penalties and interest have been paid. Provided further that in the event the proceeds of the sale of such property exceed all outstanding taxes plus accrued penalties and interest (i.e., "surplus monies"), then such surplus monies shall be applied first to the payment of any outstanding liens for unpaid Other Charges, and the balance, if any, shall remain with the County Treasurer.

4. That a copy of this Local Law shall, upon adoption, be delivered to the supervisors and mayors of all towns and villages in Lewis County.

SECTION 5. EFFECTIVE DATE

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

(Complete the certification in the paragraph that applies to the filing of this Local Law and strike out that which is not applicable)

1. (Final Adoption by Local Legislative Body Only.)

I hereby certify that the Local Law annexed hereto, designated as Local Law No. 13 of 2013, of the County of Lewis was duly passed by the Lewis County Board of Legislators on December 19, 2013, in accordance with the applicable provisions of law.

~~2. (Passage by Local Legislative Body with Approval, No Disapproval or Repassage After Disapproval by the Elective Chief Executive Officer*).~~

~~I hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 20____, of the County, City, Town, Village of _____ was duly passed by the _____ on _____, 20____, and was approved, not approved, repassed after disapproval, by the _____, and was deemed duly adopted on _____, 20____, in accordance with the applicable provisions of law.~~

~~3. (Final Adoption by Referendum.)~~

~~I hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 20____, of the County, City, Town, Village of _____ was duly passed by the _____ on _____, 20____, and was approved, not approved, repassed after disapproval, by the _____ on _____, 20____. Such Local Law was submitted to the people by reason of a mandatory/permissive referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the general/special/annual election held on _____, 20____, in accordance with the applicable provisions of law.~~

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

4. ~~(Subject to a Permissive Referendum and Final Adoption Because No Valid Petition was Filed Requesting Referendum.)~~

I hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 20____, of the County of Lewis was duly passed by the Lewis County Board of Legislators on _____, 20____, and was approved, not approved, repassed after disapproval, by the _____ on _____, 20____. Such Local Law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20____, in accordance with the applicable provisions of law.

5. ~~(City Local Law Concerning Charter Revision Proposed by Petition.)~~

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

6. ~~(County Local Law Concerning Adoption of Charter.)~~

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

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

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


TERESA K. CLARK, CLERK
LEWIS COUNTY BOARD OF LEGISLATORS

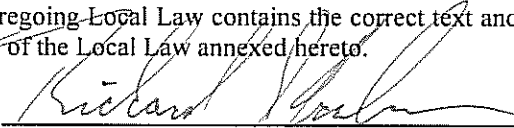
Dated: ^{Jan 6, 2014} ~~December~~ _____, 2013.

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK)
COUNTY OF LEWIS) ss:

I, the undersigned, hereby certify that the foregoing Local Law contains the correct text and that all proper proceedings have been had or taken for the enactment of the Local Law annexed hereto.


RICHARD J. GRAHAM, ESQ.
LEWIS COUNTY ATTORNEY

Dated: ^{January 6, 2014} ~~December~~ _____, 2013.