

Local Law Filing

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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. 6 of the Year 2014

**A LOCAL LAW PROVIDING FOR THE ESTABLISHMENT
OF AN E-911 WIRELESS SURCHARGE**

BE IT ENACTED by the Board of Legislators of the County of Lewis as follows:

SECTION 1. LEGISLATIVE INTENT.

The Lewis County Board of Legislators hereby finds and determines that the imposition of a surcharge on wireless communications service in the County of Lewis to finance the costs associated with the design, construction, maintenance and administration of a wireless E-911 system will provide the means to better serve the residents and visitors of Lewis County.

SECTION 2. DEFINITIONS.

1. "Wireless communications device" means any equipment used to access a wireless communications service.

2. "Wireless communications service" means all commercial mobile services, as that term is defined in section 332(d) of title 47, United States Code, as amended from time to time, including, but not limited to, 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 or data service that is interconnected with the public switched telephone network or otherwise provides access to emergency communications services.

3. "Place of primary use" shall mean the street address representative of where a wireless communications customer's use of the wireless telecommunications service primarily occurs, and must be: (i) the residential street address or the primary business street address of the wireless communications customer and (ii) within the licensed service area of the wireless communications service supplier.

4. "Wireless communications service supplier" means any commercial entity that operates a wireless communications service in New York State.

SECTION 3. ESTABLISHMENT OF A SURCHARGE.

For the purposes of paying for the costs associated with the design, construction, operation, maintenance, and administration of public safety communications networks service Lewis County and for payment of system costs, the County of Lewis hereby imposes a surcharge in the amount of thirty cents (\$.30) per month on wireless communications service in the County of Lewis. The surcharge shall be imposed on each wireless communication 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.

SECTION 4. COLLECTION OF SURCHARGE.

1. All wireless communications service suppliers are hereby authorized and directed to begin billing their customers for the surcharge established herein on October 1, 2014.

2. Each wireless communications service supplier serving the County of Lewis 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 Lewis County Treasurer every month.

3. Each wireless communications service supplier shall be entitled to retain, as an administrative fee, an amount equal to two percent of its collections of a surcharge imposed under the provisions of this section.

4. Any surcharge required to be collected by a wireless communications service supplier shall be added to and stated separately in its billings to customers.

5. Each wireless communications service supplier shall annually provide to the County of Lewis an accounting of the surcharge amounts billed and collected.

SECTION 5. LIABILITY FOR PAYMENT OF A SURCHARGE.

1. Each wireless communications service customer who is subject to the provisions of this section shall be liable to such County for the surcharge until it has been paid to the County of Lewis except that payment to a wireless communications service supplier is sufficient to relieve the customer from further liability for such surcharge.

2. 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 Lewis, it shall provide the County of Lewis 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.

SECTION 6. SYSTEM REVENUES.

This Local Law shall not be interpreted as precluding other means of funding all or part of an E-911 wireless system. The County of Lewis may apply for and accept federal monies and may accept contributions and donations from any source for the purpose of funding the County's

E-911 wireless system. All surcharge monies remitted to the County of Lewis by a wireless communications service supplier shall be expended only upon authorization of the local county legislative body and only for payment of those costs permitted by County Law Article 6. The County of Lewis 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.

SECTION 7. VALIDITY AND SEVERABILITY.

If any section or part of this Local Law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this Law.

SECTION 8. EFFECTIVE DATE.

This Local Law shall take effect immediately upon full compliance with all the requisite statutes and laws applicable to its adoption and promulgation.

(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. 6 of 2014, of the County of Lewis was duly passed by the Lewis County Board of Legislators on August 5, 2014, 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.

* 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.

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.

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.)

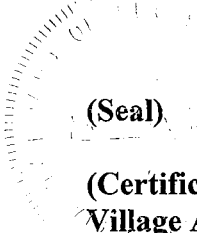
I hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 20__, of the City of _____ having been submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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

TERESA K. CLARK, CLERK
LEWIS COUNTY BOARD OF LEGISLATORS

(Seal)

Dated: August 6, 2014.

(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.

Joan E. McNichol

JOAN E. McNICHOL, ESQ.
LEWIS COUNTY ATTORNEY

Dated: August 6, 2014.