

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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  
~~City~~  
~~Town~~  
~~Village~~ of Clinton

Local Law No. 1 of the year 2004

A local law Imposition of 911 Wireless Surcharge  
(Name Title)

Be it enacted by the Clinton County Legislature of the  
(Name of Legislative Body)

County  
~~City~~  
~~Town~~  
Village of Clinton as follows:

**Section 1.** Title

The title of this Local Law shall be "IMPOSITION OF 911 WIRELESS SURCHARGE."

**Section 2.** Purpose

The purpose of this law is to authorize the County to impose a \$0.30 surcharge per month on wireless communications service as is authorized by Chapter 159 of the Laws of New York, 2004, a recent amendment to the County Law of the State of New York.

**Section 3.** Establishment of County of Clinton Wireless Surcharge

There is hereby imposed a surcharge in the amount of \$0.30 per month on wireless communications service in the County of Clinton. 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. For 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: (a) the residential street address or the primary business street address of the customer; and (b) within the licensed service area of the wireless communications service supplier.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**Section 4. Implementation Date**

November 1, 2004 is the date upon which the wireless communications service supplier shall begin to add such surcharge to the billings of its customers.

**Section 5. Wireless Communications Service Suppliers**

- (a) Each wireless communications service supplier servicing the County of Clinton shall act as collection agent for such 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 Clinton 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 percent 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 Clinton for the surcharge until it has been paid to the County of Clinton 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 Clinton, it shall also provide the County of Clinton 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.
- (f) Each wireless communications service supplier shall annually provide to the County of Clinton an accounting of the surcharge amounts billed and collected.

**Section 6. Remittance of Funds**

All surcharge monies remitted to the County of Clinton by a wireless communications service supplier shall be expended only upon authorization of the Clinton County Legislature and only for payment of eligible wireless 911 service costs as defined in subdivision 16 of section 325 of the County Law of the State of New York. The County of Clinton 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.     Effective Date**

The within Local Law shall be effective immediately upon passage and filing with the Secretary of State of the State of New York with implementation of the wireless surcharge and fee to commence as provided for herein.

(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. \_\_\_\_\_ of \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on Aug. 25, 20 04 in accordance with the applicable provisions of law.  
(Name of Legislative Body)

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 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 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.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of \_\_\_\_\_ 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.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

4. (Subject to 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 \_\_\_\_\_ 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 subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\* 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 chairperson 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.

5. (City local law concerning Charter revision proposed by petition.)

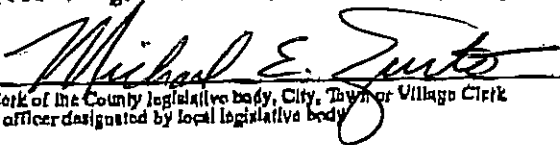
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 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 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 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 \_\_\_\_\_, above.

  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

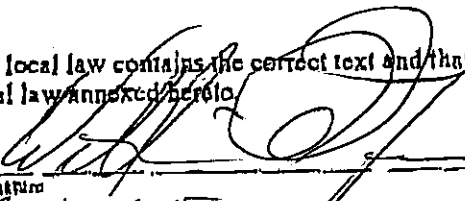
(Seal)

Date: August 25, 2004

(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 Clinton

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.

  
Signature  
ASSISTANT  
County Attorney  
Title

County  
~~City~~ of Clinton  
~~Town~~  
~~Village~~

Date: August 25, 2004