

(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~~ of Yates
~~TOWN~~
~~VILLAGE~~

Local Law No. 1 of the year 19 96

A local law In relation to the collection of fees by the County Probation Department
(Insert Title) pursuant to section 257-c of the Executive Law

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

County
~~CITY~~ of Yates County
~~TOWN~~
~~VILLAGE~~ as follows:

Section 1. LEGISLATIVE INTENT

This Local Law is enacted for the purpose of implementing the provisions of Section 257-c of the Executive Law of the State of New York authorizing a county to require individuals sentenced to a period of probation upon conviction of any crime under Article 31 of the Vehicle & Traffic Law, after the effective date of this Local Law, after the effective date of this Local Law, to pay an administrative fee to the County Probation Department:

Section 2. PROBATION ADMINISTRATIVE FEE

(a) Every person who shall be sentenced to a period of probation upon conviction of any crime under Article 31 of the Vehicle & Traffic Law, and who is subject to supervision by the Department, shall pay to the Department an administrative fee of thirty dollars per month during the period of supervision.

(b) In accordance with Section 257-c of the Executive Law, the Department may waive all or part of such fee where, because of the indigence of the offender, the payment of such fee would work an unreasonable hardship on the person convicted, his or her immediate family, or any other person who is dependent of such person for financial support.

(c) Monies collected pursuant to this Section shall be deposited by the Department with the County Treasurer and shall be utilized for probation services by the Department.

Section 3. RULES AND REGULATIONS

The Director is empowered to adopt rules and regulations necessary and proper to implement this Local Law.

Section 4. AMENDMENT OF FEES

In the event the fees specified in Section 257-c of the Executive Law are amended by state legislation, the County Legislature may, by resolution, amend the amount of the fees prescribed herein in accordance with such state legislation.

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

Section 5. SEPARABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law directly involved in the controversy in which such judgment shall have been rendered.

Section 6. EFFECTIVE DATE

This Local Law shall take effect immediately upon the 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. 1 of 1996 of the (County)(~~City~~)(~~Town~~)(~~Village~~) of Yates was duly passed by the Legislature on 5/13 1996, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, 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 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.

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 19____ 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 _____ 19____, 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 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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 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.

Carrie C. Hayes
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: 5/13/96

(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 Yates County

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.

David R. Taylor
Signature
County Attorney
Title

County
~~CITY~~
~~TOWN~~
~~VILLAGE~~
of Yates

Date: May 15, 1996