

# 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  
~~CITY~~ of \_\_\_\_\_ Yates \_\_\_\_\_  
~~TOWN~~  
~~VILLAGE~~

Local Law No. 3 of the year 2002

A local law Surcharge ON Wireless Communications Service  
*(Insert Title)*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

## Surcharge on Wireless Communications Service

Section 1. This local law is authorized by and shall be consistent with subdivision 308-a of the NYS County Law as specified in Chapter 394 of the laws of 2002.

Section 2. Purpose: To impose an additional \$0.30 surcharge per month on wireless communication providers within Yates County for the enhancement, administration, maintenance and operation of the county 911 emergency public safety communications network.

Section 3. Definitions: a) "Wireless communications service supplier." Any person, company, corporation or business providing wireless communications service, which allow wireless communications service customers to make emergency wireless calls. b) "Place of primary use." Shall mean the street address that is representative of where the customer's use of the wireless communication service primarily occurs, which address must be (1.) Residential street address or the primary business street address of the customer; and (2.) within the licensed service area of the wireless communication service supplier. c) "Chief Fiscal Officer." Shall be the Yates County Treasurer. d) "Chief Administrative Officer" Shall be the Yates County Sheriff.

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

Section 4. There is imposed a surcharge of thirty cents (\$0.30) per month on wireless communications service in the County of Yates. This surcharge is imposed on each wireless communications customer's 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 of Yates.

Section 5. This local law shall take effect January 1, 2003. The Chief Administrative Officer shall give wireless communications service suppliers a minimum of forty-five days written notice prior to the local law's effective date so the wireless communications service supplier can and shall begin to add such surcharge to the billings of its customers and shall give same notice prior to any modification to or change in the surcharge amount.

Section 6. Each wireless communications service supplier serving the County of Yates shall act as collection agent for the county and shall remit the funds collected pursuant to this surcharge to the Chief Fiscal Officer of the County of Yates every month. Such funds shall be remitted no later than thirty days after the last business day of the month. 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 law. Any surcharge collected shall be added to and stated separately in its billings to customers.

Section 7. Each wireless communications service customer who is subject to the provisions of this section shall be liable to the County of Yates for the surcharge until it is paid to the County of Yates, except that payment to a wireless communications service supplier is sufficient to relieve the customer from further liability for such surcharge. No wireless communications service supplier shall have a legal obligation to enforce the collection of any surcharge imposed, provided that whenever the wireless communications service supplier remits the funds collected to the County of Yates, it shall also provide the County of Yates with the name and address of any customer refusing or failing to pay a surcharge imposed and shall state the amount of the surcharge remaining unpaid. Each wireless communications service supplier shall annually provide to the Chief Fiscal Officer an accounting of the surcharge amounts billed and collected.

Section 8. The Chief Fiscal Officer shall separately account for and keep adequate books and records of the amount and source of all such surcharge monies and of the amount and object or purpose of all expenditures thereof. If at the end of any fiscal year, the amount of all such monies exceeds the amount necessary for payment of system costs or other costs associated with the design, construction, operation, maintenance and administration of public safety communications networks serving Yates County by the Chief Administrative Officer, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

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(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. 3 of 20 02 of the (County)(~~City~~)(~~Town~~)(~~Village~~) of Yates was duly passed by the Legislature on 11/12 2002, 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 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.  
(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 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 \_\_\_\_\_.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)  
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 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)(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 \_\_\_\_\_ 20 \_\_\_\_\_, 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 \_\_\_\_\_ 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 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.

*Conrad C. Hays*

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

(Seal)

Date: 11/12/02

(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

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.

*Bernette A. Sourcy*

Signature

County Attorney

Title

County

~~X~~City of Yates

~~Town~~  
~~Village~~

Date: Nov. 13, 2002