

1990-1

(Please Use this Form for Filing your 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.

FILED

1990 JAN 12 PM 4: 36

COUNTY CLERK'S OFFICE  
CHENANGO COUNTY, N.Y.

County  
~~City~~ of ..... Chenango  
~~Town~~  
~~Village~~

Local Law No. .... 1 ..... of the year 19 .90.....

A local law ..... TO IMPOSE AN E911 EMERGENCY TELEPHONE SYSTEM COSTS SURCHARGE. ....  
(Insert title)

Be it enacted by the ... Chenango County Board of Supervisors ..... of the  
(Name of Legislative Body)

County  
~~City~~ of ..... Chenango ..... as follows:  
~~Town~~  
~~Village~~

STATE OF NEW YORK  
COUNTY OF CHENANGO  
LOCAL LAW NO. 1 OF 1990

The Transportation and Communications Committee offered the following, and moved its adoption:

A LOCAL LAW TO IMPOSE AN E911 EMERGENCY TELEPHONE SYSTEM COSTS SURCHARGE.

BE IT ENACTED by the Board of Supervisors of the County of Chenango as follows:

Section 1. Name. This local law shall be known as the "Chenango County Emergency Telephone System Surcharge Law:.

Section 2. Authority. This local law is enacted under authority of Article 6 of the County Law including Sections 300 through 308 thereof and Article 2 of the Municipal Home Rule Law.

Section 3. Purpose.

a) This law is intended to exercise the authority granted by the State of New York enabling legislation which authorizes a county to enact a surcharge to assist in the payment of the costs associated with establishing and maintaining an E911 system so as to provide for the health, safety and welfare of the people.

b) The County of Chenango has implemented a 911 emergency telephone system on its own initiative with the assistance of various public and civic organizations and citizens, but requires certain technical enhancements to be able to implement a system containing all the requirements for an "E911 system" as defined in Subdivision 3. of County Law Section 301. The surcharge provided for herein will facilitate the maintenance and upgrading of the existing system.

Section 4. Amount of Surcharge. The surcharge imposed hereunder shall be in the amount of thirty-five cents per access line per month on the customers of every service supplier within Chenango County subject to the following provisions of Section 304 of the County Law:

a) The surcharge shall be and is imposed on a per access line basis on all current bills rendered for local exchange access service within the 911 service area;

b) The surcharge shall have uniform application and shall be imposed throught the entire county to the greatest extent possible in conformance with the availability of such E911 system within the county;

(If additional space is needed, please attach sheets of the same size as this and number each)

c) No surcharge shall be imposed upon more than fifty (50) exchange access lines per customer per location;

d) Lifeline customers and County of Chenango shall be exempt from any surcharge otherwise imposed under the local law.

Section 5. Date of Implementation.

a) This local law authorizing the surcharge shall be effective immediately, provided, however, that any service supplier shall be given a minimum of forty-five days written notice by the county prior to the date such service supplier shall begin to add such surcharge to the billings of its customers.

b) The Clerk of the Chenango County Board of Supervisors shall forthwith send or cause to be sent said written notice to service supplier or suppliers to commence imposition of said surcharge.

c) It is anticipated that the full range of E911 services shall begin in Chenango County on or about December 1, 1994, but the surcharge shall be implemented immediately.

Section 6. Revenues; Uses, Accounting, Adjustment.

a) Revenues received under this law shall be used for "system costs" which means the costs associated with obtaining and maintaining the telecommunication equipment and the telephone service costs necessary to establish and provide an E911 system, but shall not be used for compensation, including training for personnel needed to operate the system, or to house the equipment, or costs not included within the definition of "system costs" as defined in Article 6 of the County Law.

b) All surcharge monies or other monies dedicated to payment of system costs from whatever source received by the County shall be expended only upon authorization of the Board of Supervisors and only for "system costs".

c) The County shall separately account for and keep adequate books and records of the amount and source of all such revenues and of the amount and object of all expenditures thereof.

d) If at the end of any fiscal year the total amount of all such revenues exceeds the amount necessary and expended for payment of system costs in such fiscal year, such unencumbered cash surplus shall be carried over for the payment of system costs in the following fiscal year. However, if at the end of any fiscal year such unencumbered cash surplus exceeds an amount equal to five per cent of that necessary for the payment of system costs in such fiscal year, the Board of Supervisors shall by local law reduce the surcharge for the following fiscal year to a level which more adequately reflects the system cost requirements of the system. In the event of a reduction or elimination of the surcharge, if any, the Board of Supervisors may by local law increase or reestablish such surcharge consistent with Article 6 of the County Law.

Section 7. Miscellaneous Provisions.

a) This local law shall be interpreted and implemented in conformity with Sections 300 through 308 of the County Law.

b) If any part or portion of this law or the application thereof to any person or circumstance be adjudged invalid by a Court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the County Board hereby declares that it would have enacted this law or the remainder thereof had the invalidity of such provision or application thereof been apparent.

Seconded by Mr. Chiarino

Results of a roll call vote were: Yes-2,471, No-0, Absent-0

The Chairman declared the Local Law duly adopted.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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 19 90.....  
County  
~~City~~  
of the ~~Town~~ of . . . . . Chenango . . . . . was duly passed by the . . . . . Chenango County Board of Supervisors.  
~~Village~~ (Name of Legislative Body)  
on . . . . . January 8th . . . . . 19 90 . . . . . in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,\* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. . . . . of 19.....  
County  
City  
of the . . . . . was duly passed by the . . . . . (Name of Legislative Body)  
Town  
Village  
on . . . . . 19 . . . . . not disapproved  
and was approved by the . . . . .  
repassed after disapproval Elective Chief Executive Officer\*  
and was deemed duly adopted on . . . . . 19 . . . . . 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 19.....  
County  
City  
of the . . . . . was duly passed by the . . . . . (Name of Legislative Body)  
Town  
Village  
on . . . . . 19 . . . . . not disapproved  
and was approved by the . . . . .  
repassed after disapproval Elective Chief Executive Officer\*  
on . . . . . 19 . . . . . Such local law was submitted to the people by reason of a  
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting  
permissive thereon at the special election held on . . . . . 19 . . . . . in accordance with the applicable  
general annual provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. . . . . of 19.....  
County  
City  
of the . . . . . was duly passed by the . . . . . (Name of Legislative Body)  
Town  
Village  
on . . . . . 19 . . . . . not disapproved  
and was approved by the . . . . .  
repassed after disapproval Elective Chief Executive Officer\*  
on . . . . . 19 . . . . . Such local law was subject to a permissive referendum and  
no valid petition requesting such referendum was filed as of . . . . . 19 . . . . .  
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 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 §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 ..... above.

*[Handwritten Signature]*  
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: January 11, 1990



Chenango County, SS  
Recorded on this 12<sup>th</sup> Day  
of January 1990 at 4:36  
o'clock P. M. In Liber 1 of  
Local Laws  
at Page 60 and examined  
Fred P. Vidal Clerk

(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 .....Chenango.....

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.

*[Handwritten Signature: Richard W. Bredt]*  
.....  
Signature  
.....  
County Attorney.....  
Title

Date: January 11, 1990

County  
~~City~~  
~~Town~~  
~~Village~~  
of .....Chenango.....