

1995-5

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~~ of Chenango
~~Town~~
~~Village~~

Local Law No. 5 of the year 1995...

A local law ESTABLISHING A PROBATION DEPARTMENT ADMINISTRATIVE FEE IN CHENANGO
(Insert Title) COUNTY FOR CERTAIN INDIVIDUALS CONVICTED OF DRIVING WHILE
UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, OR RECKLESS DRIVING

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

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

ADOPTED CHENANGO COUNTY LOCAL LAW NO. 5 OF 1995

A COUNTY LOCAL LAW ESTABLISHING A PROBATION DEPARTMENT ADMINISTRATIVE FEE IN CHENANGO COUNTY FOR CERTAIN INDIVIDUALS CONVICTED OF DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, OR RECKLESS DRIVING.

BE IT ENACTED BY THE CHENANGO COUNTY BOARD OF SUPERVISORS AS FOLLOWS:

SECTION 1. Pursuant to Section 257-c of New York State Executive Law, it is hereby required that all individuals currently serving or who shall be sentenced to a period of probation upon conviction of any crime under article thirty-one of the Vehicle and Traffic Law shall pay to the Chenango County Probation Department an administrative fee of thirty dollars per month.

SECTION 2. The Probation Department shall waive all or part of the fee where, because of the indigence of the offender, the payment of said surcharge would work an unreasonable hardship on the person convicted, his or her immediate family, or any

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

(1)

other person who is dependent on such person for financial support.

SECTION 3. Said fee shall not constitute nor be imposed as a condition of probation.

SECTION 4. In the event of nonpayment of any fees, which have not been waived, the County may seek to enforce payment in any manner permitted by law for enforcement of a debt.

SECTION 5. Monies collected pursuant to this local law shall be utilized by the Chenango County Probation Department for probation services by said Department and shall not be considered by the New York State Division of Probation and Correctional Alternatives when determining state aid reimbursement pursuant to Section two hundred forty-six of the Executive Law. Monies collected shall not be used to replace federal funds otherwise used for probation services.

SECTION 6. The provisions of subdivision six of Section 420.10 of the Criminal Procedure Law of the State of New York shall govern for the purposes of collection of the administrative fee.

SECTION 7. The Chenango County Probation Director is empowered to adopt rules and regulations and take other actions as is necessary and proper to carry into effect and fully administer this Local Law. Such rules, regulations and actions may include but are not limited to determination as to the waiver of all or part of any fees provided for herein.

SECTION 8. This Local Law shall take effect immediately upon filing in accordance with the provisions of Municipal Home

Rule Law provided, however, that the administrative fees shall not be imposed prior to the first full calendar month after its enactment.

Seconded by Mr. Spann

Results of a roll call vote on the Local Law were: Yes-1,411,

No-788, Absent-52, Deceased-14

No: Supervisors Phelan, Perry, Dolan, Natoli, Wrightington,

Knapp & Brown

Absent: Supervisor M. Flanagan

Deceased: Supervisor Maroney

The Chairman declared the Local Law adopted, as presented.

(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. 5 of 1995 of the (County)(City)(Town)(Village) of Chenango was duly passed by the Board of Supervisors on November 13 1995, 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.



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

Date: November 17, 1995

(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.

Chenango County, SS
Recorded on this 17th Day
of November 1995 at 3:31
o'clock P.M., in Liber 1 of
Local Laws
at Page 220 and examined
Mary C. Weidman Clerk

Richard W. Bush
Signature
County Attorney
Title
County
~~XXXX~~ of Chenango
~~XXXX~~
Village
Date: November 17, 1995