

2008-2

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET  
ALBANY, NY 12231

**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 Chenango
- Town
- Village

Local Law No. 2 of the year 20 08

A local law IMPOSING A SURCHARGE ON WIRELESS COMMUNICATIONS SERVICE IN THE  
(Insert Title)  
COUNTY OF CHENANGO

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

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

The Safety & Rules Committee offered the following, and moved its adoption:

STATE OF NEW YORK  
COUNTY OF CHENANGO  
ADOPTED LOCAL LAW NO. 2 OF 2008

A LOCAL LAW IMPOSING A SURCHARGE ON WIRELESS COMMUNICATIONS SERVICE IN THE COUNTY OF CHENANGO

Be it enacted by the Board of Supervisors of the County of Chenango, State of New York, as follows:

Section 1. Purpose. It is the purpose of this local law pursuant to the provisions of Article 6 of the New York State County Law to impose a surcharge on wireless communications service in the County of Chenango to pay for the authorized costs associated with the providing of a wireless 911 system to serve Chenango County.

Section 2. Definitions. The words and phrases used in this local law shall have the same meanings adopted by section three hundred one of the County Law and as specifically defined in this local law as follows:

- a. "County" means the County of Chenango.
- b. "Board" means the County Board of Supervisors.

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

c. "E911 system" means an enhanced emergency telephone service which automatically connects a person dialing the digits 9-1-1 to an established public answering point, as established or authorized by resolution of the Board, and which shall include, but not be limited to, selective routing, automatic number identification and automatic location identification.

d. "place of primary use" means the street address representative of where a wireless communications customer's use of the wireless communications service primarily occurs, and must be: (a) the residential street address or the primary business street address of the wireless communications customer; and (b) within the licensed service area of the wireless communications service supplier.

e. "wireless communications device" means any equipment used to access a wireless communications service.

f. "wireless communications service" means all commercial mobile services, as that term is defined in section 332(d) of title 47, United States Code, as amended from time to time, and as specifically delineated in, but not limited by, section three hundred one of the County Law.

g. "wireless communications service supplier" means any commercial entity that operates a wireless communications service in New York State.

### Section 3. Imposition of Surcharge; Effective Date.

a. There is hereby imposed a surcharge of thirty cents per month on each wireless communications device which shall be reflected and made payable on bills rendered for wireless communications service that is provided by a wireless communications service supplier to a customer whose place of primary use is within the County.

b. Each wireless communications service supplier shall add such surcharge amount to the billings to its customers beginning on the date this local law is filed in the office of the Secretary of State.

Section 4. Exemption from Surcharge. Lifeline customers and the County shall be exempt from the surcharge imposed under this local law.

### Section 5. Collection of Surcharge.

a. Each wireless communications service supplier serving the County shall act as collection agent for the County and shall remit the funds collected pursuant to the surcharge imposed herein to the Chenango County Treasurer every month. Such funds shall be remitted no later than thirty 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 two percent (2%) of its collection of the surcharge imposed hereunder.

- 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.

Section 6. Liability for Payment of Surcharge.

a. Each wireless communications service customer who is subject to the provisions of this local law shall be liable to the County for the surcharge until it has been paid to the County except that payment to a wireless communications service supplier is sufficient to relieve the customer from further liability for such surcharge.

b. Each wireless communications service supplier shall annually provide to the County an accounting of the surcharge amounts billed and collected.

Section 7. Enforcement of Payment of Surcharge.

a. No wireless communications service supplier shall have a legal obligation to enforce the collection of any surcharge imposed under the provisions of this local law, provided, however, that whenever the wireless communications service supplier remits the funds collected to the County, it shall also provide the County with the name and address of any customer refusing or failing to pay a surcharge imposed hereunder and shall state the amount of such surcharge remaining unpaid.

b. The Chenango County Treasurer is hereby authorized to take any legal action to enforce the collection of any surcharge from any customer of a wireless communications service supplier refusing or failing to pay the surcharge imposed by this local law.

Section 8. Effective Date. This local law shall take effect immediately.

Seconded by Mr. Doyle

Results of a Roll Call vote were: Yes-1594, No-648, Absent-159

No: Supervisors Iannello, Law, McNeil, Kreiner and Bays

Absent: Supervisor Chase

The Chairman declared the Local Law duly adopted.

(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. 2 of 20 08 of the (County)(City)(Town)(Village) of Chenango was duly passed by the Board of Supervisors on 10/14 20 08, in accordance with the applicable provisions of law.

**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.

**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 \_\_\_\_\_.

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.

\* 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.)

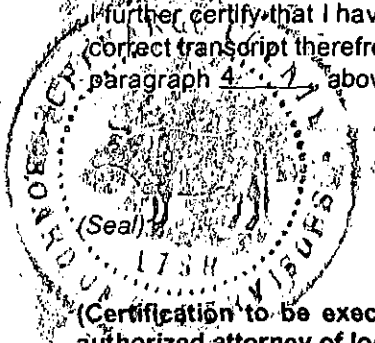
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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 4 above.



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

Date: 10/17/2008

(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.

*[Signature]*

Signature  
County Attorney  
Title

County  
City of Chenango  
Town  
Village

Date: October 17, 2008

Chenango County, SS  
Recorded on this 21st Day  
of October 2008 at 11:10  
o'clock A.M., in Liber 1 at  
Local Laws  
at Page 362 and examined  
May C. Westmon