

**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 underling to indicate new matter.

**County**  
~~City~~ of Yates  
~~Town~~  
~~Village~~

**LOCAL LAW 1-16 ENTITLED:**

A Local Law Amending County of Yates Local Law No. 1 of the Year 1978 Regarding County Collection of Delinquent Village Real Property Taxes

**Be it enacted by the Legislature of the** County of Yates, New York as follows:

**County**  
~~City~~ of Yates as follows:  
~~Town~~  
~~Village~~

Section 1: Legislative Intent

The intent of this Local Law is to amend County of Yates Local Law No. 1 of the Year 1978, in which the County elected pursuant to Section 1442 of the New York State Real Property Tax Law to collect delinquent village real property taxes if such collection is requested by any village in the County in accordance with the procedural framework set forth in said Local Law 1-78. Upon the enactment of Local Law 1-78, the County began making such villages whole for the amount of delinquent village real property taxes. It has recently come to the attention of the Yates County Legislature that some villages are including and/or intend to include in their return of delinquent taxes to the County unpaid assessments for demolition, repair, or clean-up work performed by the village, as well as fines or other charges related to zoning or other code violations; none of which constitutes a tax under the New York State Real Property Tax Law. The County is thereby placed in the position of underwriting the expense of unsafe property remediation work and other enforcement measures for villages in the County, even though the County has no role whatsoever in village code enforcement activities. The purpose of this Local Law is to clarify Local Law 1-78 to make clear that the expense of demolition, repair, or clean-up work incurred by a village, or fines or other charges imposed by a village related to zoning or other code violations, that are assessed against real property by a village, will not be collected, relieved, enforced, or guaranteed by the County.

Section 2: Amendment to Local Law No. 1 of the Year 1978

County of Yates Local Law No. 1 of the Year 1978, is hereby amended by addition of the following new Section to read as follows:

Section 7. Definitions. For the purposes of this Local Law, "delinquent Village taxes" shall not include any assessments imposed by a village on real property for the cost of demolition, repair, clean-up, or code enforcement work undertaken by a village, or fines or other charges imposed by a village related to zoning or other code violations. Such assessments recited herein as not constituting delinquent Village taxes, will not be collected, relieved, enforced, or guaranteed by the County of Yates.

Section 3: Invalidity of Local Law

In the event that any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, ineffective, or unenforceable, this Local Law and Local Law No. 1 of the Year 1978 shall both be deemed to be immediately repealed in their entirety and the County of Yates shall immediately cease to collect, reliev, enforce, or guarantee any delinquent village taxes.

Section 4: Effective Date

This Local Law shall take effect immediately upon 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 of 1 of the (County)(City)(Village) of Yates was duly passed by the Legislature on June 13, 2016 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

(Name of Legislative Body)

disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_, in accordance with the applicable provisions of law.

(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

(Name of Legislative Body)

disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_

(Elective Chief Executive Officer\*)

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

(Name of Legislative Body)

disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_

(Elective Chief Executive Officer\*)

20\_\_. Such local law was submitted 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 countywide basis or, if there are 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 there from and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_1\_\_, above.

\_\_\_\_\_  
Clerk of the County legislative body, city, Town or Village Clerk  
Or officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

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

County Attorney  
Title

County  
City of Yates  
~~Town~~  
~~Village~~

Date: