

LOCAL LAW

INTRODUCTORY LAW NO. 1 - 1992

LOCAL LAW NO. 1 - 1992

A LOCAL LAW TO PROVIDE THAT THE EXEMPTION FOR SOLAR OR WIND ENERGY SYSTEMS
PURSUANT TO REAL PROPERTY TAX LAW SECTION 487 SHALL NOT BE APPLICABLE
WITHIN THE COUNTY OF HERKIMER

BE IT ENACTED by the County Legislature of the County of Herkimer as
follows:

Section 1. The exemption from real estate taxation granted by the
provisions of Real Property Tax Law Section 487 for certain solar or wind
energy systems constructed subsequent to the effective date of this local
law shall not be applicable within the jurisdiction of the County of Herkimer.

Section 2. This local law shall take effect immediately.

Dated: March 2, 1992.

Effective: March 2, 1992.

INTRODUCTORY LOCAL LAW NO. 3 - 1992

LOCAL LAW NO. 2 - 1992

**A LOCAL LAW AUTHORIZING AN ADMINISTRATIVE SUPERVISION FEE FOR
SUPERVISING DWI PROBATIONERS, PURSUANT TO EXECUTIVE LAW
SECTION 257-C**

BE IT ENACTED by the County Legislature of the County of
Herkimer as follows:

Section 1. Pursuant to 257-c of the 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 31 of the Vehicle and Traffic Law pay to the Herkimer county Probation Department an administration fee of \$30.00 per month to reimburse in part the costs of probation supervision provided by the department.

Section 2. The Probation Department is hereby authorized to waive all or part of the fee in accordance with protocols and procedures to be adopted by the Probation Department and/or the departments of the County of Herkimer authorized to make charges using a means test to determine the amount of said charges. The director of the Probation Department is also authorized, after consultation with the County Administrator, to waive all or any portion of the fee upon a showing that payment of the fee would work an unreasonable hardship on the person convicted, his or her immediate family, or any 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 non-payment of fees, the County may seek to enforce payment in any manner permitted by law for enforcement of a debt.

Section 5. Moneys collected by the Probation Department pursuant to this Local Law, shall be paid over to the County Treasurer to be placed in the General Fund of the County Treasurer to be utilized for Probation services by the Probation Department. These moneys shall not be considered by the Division of Probation when determining state aid reimbursement pursuant to Section 246 of the Executive Law. Moneys collected shall not be used to replace federal funds otherwise utilized for probation services.

Section 6. This Local Law shall take effect immediately.

Dated: July 6, 1992.

Adopted: July 6, 1992.

INTRODUCTORY LOCAL LAW NO. 4 - 1992
LOCAL LAW NO. 3 - 1992

A LOCAL LAW AMENDING SECTION 205 AND SECTION 206 OF THE CHARTER OF THE COUNTY LEGISLATURE OF THE COUNTY OF HERKIMER TO PROVIDE FOR DETERMINING THE NUMBER OF LEGISLATIVE DISTRICTS AND THE BOUNDARIES THEREOF BY LOCAL LAW AND TO PROVIDE FOR NECESSARY CHANGE IN LEGISLATIVE DISTRICTS AFTER EACH FEDERAL CENSUS

BE IT ENACTED by the Legislature of the County of Herkimer as follows:

Section 1. Section 205 and Section 206 of the Charter of the County Legislature of the County of Herkimer, adopted August 11, 1966 and approved at the election held on November 8, 1966, are hereby repealed.

Section 2. A new Section 205 to be known and designated as "Section 205 - Districts" is hereby added to said Charter, to read and provide as follows:

For the purpose of electing county legislators, Herkimer County shall be divided into legislative districts. The number of districts and the geographic boundaries of each district shall be determined by a local law adopted by the Herkimer County Legislature, subject to a permissive referendum. After the local law for this purpose is adopted, the Herkimer County Legislature shall cause maps of said legislative districts to be prepared, and said maps shall be filed in the office of the Clerk of the Legislature and the office of the Herkimer County Board of Elections.

Section 3. A new Section 206 to be known and designated as "Section 206 - Change in Districts" is hereby added to said Charter, to read and provide as follows:

Within three months after the publication of the results of each regular federal census, the County Legislature shall appoint a commission to evaluate the then existing county legislative districts for equity in representation in relation to population.

The commission shall consist of the members of the County Board of Elections, Chairman of the County Legislature and one person selected by the members

of the majority political party represented on the County Legislature, and one person selected by the members of the minority political party or parties represented on the County Legislature. The Commission shall study the then current legislative districts and the population within each district, and shall, within three months after appointment by the Legislature, make recommendations, if necessary, in the form of a proposed local law to make changes in number of legislative districts and/or boundaries of legislative districts. The commission shall base its recommendations on the "one-man, one-vote" concept set forth in state and federal court decisions and on the equal protection clauses of the United States and New York State constitutions.

The County Legislature may, in its discretion, after a public hearing, and within two months after the submissions of recommendations by the commission, revise the proposals. Within three months after the submission of the recommendations by the commission, the County Legislature shall commence proceedings to adopt as a local law the recommendations submitted by the commission, unless said recommendations have been revised by the Legislature. If the Legislature has revised the recommendations, the revised recommendations shall be proposed as a local law. The local law shall be subject to a permissive referendum as provided for in Municipal Home Rule Law of the State of New York.

If the local law as submitted is defeated in such referendum, the commission shall be reactivated to study and prepare a new local law for submission to the County Legislature. The County Legislature shall enact that new local law, or its revision of said proposed local law, within three months of said referendum vote. This local law will be subject to a permissive referendum.

The proceedings now going forward following the publication of the results of the 1990 federal census shall be governed, to the extent possible, by the provisions of this amendment to the Charter of the County Legislature of the County of Herkimer.

Section 4. This Local Law shall take effect sixty (60) days after its adoption, subject to a permissive referendum, as provided in Section 34 of the County Charter Law.

Dated: August 31, 1992.

Adopted: October 31, 1992

INTRODUCTORY LOCAL LAW NO. 5 - 1992

LOCAL LAW NO. - 1992

A LOCAL LAW DETERMINING LEGISLATIVE DISTRICTS IN AND FOR THE COUNTY OF HERKIMER

BE IT ENACTED by the County Legislature of the County of Herkimer as follows:

Section 1. There shall be fifteen (15) legislative districts in the County of Herkimer.

Section 2. The fifteen (15) legislative districts within the County of Herkimer shall be as follows:

Description of Legislative Districts

Note: All descriptions herein are based on the 1992 Boundary and Annexation Survey maps furnished to the County of Herkimer by the Geography Branch, Data Preparation Division of the Bureau of the Census, U.S. Department of Commerce.

Note: In each instance in the attached description when a street, road or highway, or a creek, river, or stream, is mentioned, it is intended that the term "the center line of" is inserted before each street, road, highway, creek, river or stream.

Legislative District No. 1

All of the Town of Webb.

All of the Town of Ohio.

All of the Town of Russia northerly and westerly of a line described as follows:

Commencing at a point on the easterly town line of the Town of Russia where said town line is intersected by the center line of New York State Route 8 and running thence westerly and southerly along said Route 8 to Military Road and running northwesterly along Military Road to its intersection with Buck Hill Road and running southerly along Buck Hill Road and Cold Brook Street to South Main Street and southeasterly along South Main Street to the town line of the Town of Russia.

Legislative District No. 2

All of the Town of Salisbury.

All of the Town of Fairfield.

All of the Town of Norway.

All of the Town of Russia easterly and southerly of a line described as follows:

Commencing at a point on the easterly town line of the Town of Russia where said town line is intersected by the center line of New York State Route 8 and running thence westerly and southerly along said Route 8 to Military Road and running northwesterly along Military Road to its intersection with Buck Hill Road and running southerly along Buck Hill Road and Cold Brook Street to South Main Street and southeasterly along South Main Street to the town line of the Town of Russia.

Legislative District No. 3

All of the Town of Newport.

All of the Town of Schuyler westerly of a line which runs generally in a northerly-southerly direction described as follows:

Commencing at a point on the town line of the Towns of Schuyler and Frankfort where Burch Creek enters the Mohawk River and then northerly along Burch Creek to Route 5 then westerly along Route 5 to the intersection of Windfall Road, then northerly along Windfall Road and Hawthorne Road to the Town of Newport line.

Legislative District No. 4

All of the Town of Litchfield.

All that portion of the Town of Frankfort westerly of a line which runs generally in a northerly-southerly direction described as follows:

Commencing at a point where Ball Road intersects the town boundary line between the Towns of Frankfort and Litchfield, and running thence along Ball Road to Route 171, and running thence northerly along Route 171 to the point where it meets Moyer Creek, said point being approximately 1100 feet southerly of the intersection of Route 171 with Litchfield Road and running thence northerly along Moyer Creek and Main Street to Railroad Street, then northerly along Railroad Street to the northerly town line of the Town of Frankfort.

Legislative District No. 5

All that portion of the Town of Frankfort easterly of a line, which runs generally in a northerly-southerly direction, described as follows:

Commencing at a point where Ball Road intersects the town boundary line between the Towns of Frankfort and Litchfield, and running thence along Ball Road to Route 171, and running thence northerly along Route 171 to the point where it meets Moyer Creek, said point being approximately 110 feet southerly of the intersection of Route 171 with Litchfield Road, and running thence northerly along Moyer Creek and Main Street to Railroad Street, then northerly along Railroad Street to the northerly town line of the Town of Frankfort.

Legislative District No. 6

All of the Town of Winfield.

All of the Town of Columbia.

All of that portion of the Town of Warren southerly of a line which runs generally in an easterly-westerly direction described as follows:

Commencing at a point on the westerly boundary line of the Town of Warren which is the center line of Cullen Road and running in a generally easterly direction along Cullen Road, Earl Road, Little Lakes Road and Parmwood Road and Parmwood Road extended to the easterly boundary of the Town of Warren.

Legislative District No. 7

All that portion of the Town of German Flatts described as follows:

Commencing at a point on the westerly boundary line of said town where said line is intersected by Prospect Street (said point being in the Village of Iliion) and running then along Prospect Street to Barringer Road, along Barringer Road to Summit Place, along Summit Place to Seventh Ave., along Seventh Ave. to Montgomery Street, along Montgomery Street to Sixth Ave., along Sixth Ave. to Bellevue Ave., along Bellevue Ave. to Fifth Ave., along Fifth Ave. to Montgomery Street, along Montgomery Street to Fourth Ave., along Fourth Ave. to Bellevue Ave., along Bellevue Ave. to North First Ave., along North First Ave. to Second Ave., along Second Ave. to Second Street, along Second Street to Otsego Street, along Otsego Street to Philip Street, along Philip Street to West Columbia Parkway, along West Columbia Parkway to Richfield Street, along Richfield Street to Otsego Street, along Otsego Street to Henry Street, along Henry Street to Elm Street, along Elm Street to Brook Street, along Brook Street to Barringer Road, and then southerly along Barringer Road to the southerly boundary line of property annexed to the Village of Iliion for Iliion Central School purposes, and running then westerly and then northerly along the line of property so annexed, to the northerly boundary line thereof; and then easterly along said northerly line to Barringer Road, and then northerly along Barringer Road to the town line of the Town of German Flatts and then westerly and then northerly along said town line of the Town of German Flatts to Prospect Street, the place of beginning.

Legislative District No. 8

All that portion of the Town of German Flatts commencing at the intersection of the westerly town line of German Flatts with the center line of Prospect Street (in the Village of Ilion) and running thence northerly along said town line to the Mohawk River, and along said Mohawk River in an easterly direction to a creek known as and called Tory Creek, and then southerly along said creek to Main Street, and then westerly to Warren Road, and along Warren Road to Bell Hill Road, and along Bell Hill Road to Spinnerville Gulf Road, and along Spinnerville Gulf Road to Route 51, and along Route 51 to the Ilion Village line, and easterly along said village line to Steele Creek, and along Steele Creek to Richfield Street, and along Richfield Street to West Columbia Parkway, and along West Columbia Parkway to Philip Street, and along Philip Street to Otsego Street, and then northerly on Otsego Street to Second Street, and along Second Street to Second Ave., and along Second Ave. to North First Ave., and along North First Ave. to Bellevue Ave., and along Bellevue Ave. to North Fourth Ave., and along North Fourth Ave. to Montgomery Street, and along Montgomery Street to North Fifth Ave., and along North Fifth Ave. to Bellevue Ave., and along Bellevue Ave. to North Sixth Ave., and along North Sixth Ave. to Montgomery Street, and along Montgomery Street to Seventh Ave., and along Seventh Ave. to Summit Place, and along Summit Place to Barringer Road, and along Barringer Road to Prospect Street, and along Prospect Street to the point of beginning.

Legislative District No. 9

All that portion of the Town of German Flatts described as follows:

Commencing at the southwest corner of said town and running then easterly along the southerly town line to Mortz Road, and running along Mortz Road to Route 168, and running along Route 168 to Shoemaker road, and running northerly and westerly on Shoemaker Road to the Mohawk Village line, and running along the Mohawk Village line to the Mohawk River (the village line of the Village of Mohawk), and running westerly along said Mohawk River to a creek known as and called Tory Creek, and running thence southerly along Tory Creek to Main Street, and running westerly along Main Street to Warren Road, and running southerly along Warren Road to Bell Hill Road, and running along Bell Hill Road to Spinnerville Gulf Road, and along Spinnerville Gulf Road to Route 51, and northerly along Route 51 to the Ilion Village line, and running easterly along the Ilion Village line to Steele Creek, and running northerly along Steele Creek to Richfield Street, and along Richfield Street to Otsego Street, and along Otsego Street to Henry Street, and along Henry Street to Elm Street, along Elm Street to Brook Street, along Brook Street to Barringer Road, and southerly along Barringer Road to the southerly boundary line of property annexed to the Village of Ilion for Ilion Central School purposes, and running westerly and then northerly along the line of property so annexed to the northerly boundary line thereof, and running thence easterly along said northerly line to Barringer Road and then northerly along Barringer Road to the town line of the Town of German Flatts, and then westerly to the westerly town line of the Town of German Flatts, and running then southerly along said town line to the southwest corner of said town, the point of beginning.

Legislative District No. 10

All that portion of the Towns of Herkimer and German Flatts commencing at a point where Bellinger Creek flows into the Mohawk River, and running thence northerly along said creek to Route 5, and along Route 5 to Caroline Street, and along Caroline Street to West Albany Street, and along West Albany Street to Margaret Street, and then along Margaret Street to Church Street, and along Church Street to Main Street, and southerly on Main Street to State Street, and westerly on State Street to West Canada Creek and southerly along the West Canada Creek to the Mohawk River (the German Flatts town line), and running thence easterly on the Mohawk River to the town line between the Towns of Herkimer and Little Falls, and running southerly on said town line to the southeasterly corner of the Town of German Flatts, and running thence westerly along the southerly town line to Mortz Road and running thence northerly to Route 168, and then easterly to Shoemaker Road, and running thence northerly and then westerly on Shoemaker Road to the Mohawk Village line, and running along said Mohawk Village line to the Mohawk River and then westerly along said Mohawk River to the point of beginning.

Legislative District No. 11

All that portion of the Town of Herkimer described as follows:

Commencing at the northwest corner of the Town of Herkimer and running southerly along said town line to McKennan Road and along McKennan Road to Steuben Hill Road, and along Steuben Hill Road to the Hydraulic Canal, and along the Hydraulic Canal to German Street, and along German Street to Willow Street, and along Willow Street to Suiter Street, and west on Suiter Street to North Washington Street, and south on North Washington Street to Court Street, and along Court Street to Main Street and southerly on Main Street to State Street, and easterly on State Street to the West Canada Creek, and along said creek to the Mohawk River, and easterly along the Mohawk River to the Herkimer town line, and northerly and westerly along the town line of the Town of Herkimer to West Canada Creek and then northerly along West Canada Creek to the northerly town line of the Town of Herkimer, and then westerly to the point of beginning.

Legislative District No. 12

All that portion of the Towns of Schuyler and Herkimer described as follows:

Commencing at a point in the Town of Schuyler where Burch Creek flows into the Mohawk River and running thence northerly along said creek to Route 5, and westerly along Route 5 to Windfall Road, and northerly along Windfall Road to Hawthorne Road, and along Hawthorne Road to the northerly boundary of the Town of Schuyler, and easterly to the northeast corner of the Town of Schuyler, and southerly along the town line between the Towns of Schuyler and Herkimer to the point of intersection with McKennan Road, and easterly along McKennan Road to Steuben Hill Road, and along Steuben Hill Road to the Hydraulic Canal, and along the Hydraulic Canal to West German Street, and along West German Street to Willow Street, and along Willow Street to Suiter Street, and west on Suiter Street to North Washington Street, and south on North Washington Street to Court Street, and west on Court Street to Main Street, and then westerly on Church Street to Margaret Street and southerly on Margaret Street to West Albany Street, and westerly on West Albany Street to Caroline Street, and southerly on Caroline Street to Route 5, and westerly on Route 5 to Bellinger Creek, and along Bellinger Creek to the Mohawk River, and westerly along the Mohawk River to the place of beginning.

Legislative District No. 13

All of the Town of Little Falls.

All of the Town of Danube.

All of the Town of Stark.

District 2 in Ward 4 in the City of Little Falls, being all of the City of Little Falls southerly of the right of way line of Conrail, Inc., as set forth in Local Law No. 1 for the year 1986 of the City of Little Falls.

All of the Town of Warren northerly of a line which runs generally in an easterly-westerly direction described as follows:

Commencing at a point on the westerly boundary line of the Town of Warren which is the center line of Cullen Road and running in a generally easterly direction along the center lines of Cullen Road, Earl Road, Little Lakes Road and Parmwood Road and Parmwood Road extended to the easterly boundary of the Town of Warren.

Legislative District No. 14

All of the City of Little Falls, except District 2 in Ward 3 and District 2 in Ward 4, being all of the City of Little Falls northerly of the right of way line of Conrail, Inc., except that portion of the City of Little Falls northerly and easterly of a line which commences at a point where Salisbury Road intersects the northerly boundary line of the City of Little Falls and running thence southerly along Salisbury Road to East Monroe Street, and then westerly along West Monroe Street to Salisbury Street, and along Salisbury Street to Burwell Street, and easterly along Burwell Street to Ray Street, and northerly on Ray Street to Loomis Street, and running easterly on Loomis Street to the easterly city line.

Legislative District No. 15

All of the Town of Manheim

District 2 in Ward 3 of the City of Little Falls, being all of the City of Little Falls northerly and easterly of a line described as follows:

Commencing at a point where Salisbury Road intersects the northerly boundary line of the City of Little Falls, and running thence southerly along Salisbury Road to East Monroe Street, and then westerly along West Monroe Street to Salisbury Street, and along Salisbury Street to Burwell Street, and easterly along Burwell Street to Ray Street, and northerly on Ray Street to Loomis Street, and running easterly on Loomis Street to the easterly city line.

Section 3. The legislative districts described herein shall be effective for the first general election after adoption of this local law.

Section 4. This local law shall take effect forty-five (45) days after its adoption.