

INTRODUCTORY LOCAL LAW NO. 3 of 2001

LOCAL LAW NO. 1 of 2002

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

Section 1. There shall be seventeen (17) legislative districts in the County of Herkimer.

Section 2. The seventeen (17) legislative districts within the County of Herkimer shall be as follows:

DESCRIPTION OF LEGISLATIVE DISTRICTS

Note: All descriptions herein are based on the 2000 Tiger Line 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 descriptions when a street, road or highway, or a creek, river, canal or stream is mentioned, it is intended that the term "the center line of" is inserted before each street, road, highway, creek, river, canal, or stream.

HERKIMER COUNTY LEGISLATIVE DISTRICTS

All descriptions of the proposed Herkimer County Legislative Districts follow the centerline of the mentioned feature unless otherwise stated.

Legislative District 1	Beginning at the point of intersection of the Town of Herkimer, Town of German Flatts and Town of Little Falls boundary, then southerly along the Town of German Flatts, Town of Little Falls boundary to the intersection of Quinn Road; then westerly and southwesterly along Quinn Road to the intersection of Old Shoemaker Hill Road; then southwesterly along Old Shoemaker Hill Road to the intersection of Shoemaker Hill Road; then northwesterly along Shoemaker Hill Road to the intersection of Shoemaker Hill Road and Griffin Road; then westerly and southerly along Shoemaker Hill Road to the intersection of Shoemaker Road; then northwesterly along Shoemaker Road to a point on the eastern Village of Mohawk boundary at the intersection of Shoemaker Road and Hillview Drive; then along the eastern Village of Mohawk boundary to the intersection of NYS Route 5S; then westerly along NYS Route 5S to the intersection of E. Main Street (Village of Mohawk); then southwesterly along E. Main Street (Village of Mohawk) to the intersection of Bellinger Street; then southeasterly along Bellinger Street to the intersection of Marshall Ave; then southwesterly along Marshall Ave to the intersection of Church Street; then southerly along Church Street to the intersection of Michigan Street; then westerly along Michigan Street to the intersection of Walnut Street; then southerly along Walnut Street to the intersection of Johnson Ave; then westerly along Johnson Ave to the intersection of Columbia Street; then northerly along Columbia Street to the intersection of Otsego Street; then northerly on Otsego Street to the intersection of W. Main Street (Village of Mohawk); then westerly along W. Main Street to the intersection of N. Richfield Street; then northerly along N. Richfield Street to the intersection of the abandoned railroad right-of-way; then westerly along the abandoned railroad right-of-way to the intersection of Fulmer Creek; then northerly along Fulmer Creek to the intersection of the Village of Mohawk boundary; then westerly along the Village of Mohawk boundary to the intersection of boundary of Election District 3, Election District 2 and Election District 9 of the Town of German Flatts; then northerly, westerly, and northerly along the boundary of Election District 2 and Election District 9 of the Town of German Flatts to the intersection of the Town of German Flatts, Town of Herkimer boundary; then easterly along Town of German Flatts, Town of Herkimer boundary 4635 feet to the intersection of a stream, (the boundary of Election District 5 and Election District 9 of the Town of Herkimer); then northerly along the stream to the intersection of Maple Grove Ave; then easterly along Maple Grove Ave to the intersection of W. German Street; then northeasterly along W. German Street to the intersection of Henry Street; then southeasterly along Henry Street to the intersection of Church Street; then
------------------------	---

Legislative District 2	<p>Beginning at a point at the intersection of the southerly boundary of the Town of Fairfield and the westerly bank of the West Canada Creek; then easterly along the Town of Herkimer, Town of Fairfield boundary to the northeast corner of the Town of Herkimer; then southerly along the Town of Herkimer, Town of Little Falls boundary to a point at the intersection of the Town of Herkimer, Town of Little Falls and Town of German Flatts boundary; then westerly along the Town of Herkimer, Town of German Flatts boundary to the intersection of S. Washington Street; then northerly along S. Washington Street to the intersection of Steele Street; then easterly along Steele Street to the intersection of King Street; then northerly along King Street to the intersection of Eastern Ave; then easterly along Eastern Ave to the intersection of Wires Ave; then northerly along Wires Ave to the intersection of E. State Street; then southwesterly along E. State Street and W. State Street to the intersection of the boundary of Election District 8 and Election District 3 of the Town of Herkimer; then westerly and northerly along the boundary of Election District 8 and Election District 3 of the Town of Herkimer and Margaret Street to the intersection of Church Street; then northeasterly along Church Street to the intersection of N. Main Street; then northwesterly along Main Street to the intersection of Court Street; then northeasterly along Court Street to the intersection of N. Washington Street; then northwesterly along N. Washington Street to the intersection of Suiter Street; then northeasterly along Suiter Street to the intersection of Steuben Street; then northerly along Steuben Street to the intersection of Steuben Ave; then northeasterly along Steuben Ave to the intersection of Harter Street; then northwesterly along Harter Street to the intersection of E. German Street; then northerly along E. German Street to the northerly boundary of Election District 2 of the Town of Herkimer; then easterly along the northerly boundary of Election District 2 of the Town of Herkimer to the intersection of Election District 1, Election District 6, and Election District 2 of the Town of Herkimer; then northerly along the boundary between Election District 1 and Election District 6 in the Town of Herkimer to the point of beginning.</p>
Legislative District 3	<p>Beginning at a point at the intersection of the Town of Herkimer, Town of Newport and Town of Schuyler boundary; then southeasterly along the Town of Herkimer and Town of Newport boundary to a point at the Town of Herkimer, Town of Newport and Town of Fairfield boundary; then southerly along the Town of Herkimer and Town of Fairfield boundary to a point at the intersection of the Town of Fairfield and Town of Herkimer Election District 1 and Election District 6 boundary; then southerly along the boundary of the Town of Herkimer Election District 1 and Election District 6 to a point of intersection of the Town of Herkimer Election District 1, Election District 6 and Election District 2; then westerly along the boundary of the Town of Herkimer Election District 2 and Election District 6 to the intersection of E. German Street; then southerly along E. German Street to the intersection of Harter Street; then southeasterly along Harter Street to the intersection of Steuben Ave; the westerly along Steuben Ave to the intersection of Steuben Street; then southerly along Steuben Street to the intersection of Suiter Street; then westerly along Suiter Street to the intersection of N. Washington Street; then southeasterly along N. Washington Street to the intersection of Court Street; then southwestly along Court Street to the intersection of N. Main Street; then southerly along N. Main Street to the intersection of Church Street; then southwestly along Church Street to the intersection of Henry Street; then northwesterly along Henry Street to the intersection of W. German Street; then southwestly along W. German Street to the intersection of Maple Grove Ave; then westerly along Maple Grove Ave to a stream; then southerly along said stream to the intersection of the Town of Herkimer, Town of German Flatts</p>

	boundary; then westerly along the Town of Herkimer, Town of German Flatts boundary; to a point at the intersection of the Town of Herkimer, Town of German Flatts and Town of Frankfort boundary; then westerly and northerly along the Town of Herkimer, Town of Frankfort boundary to a point of the intersection of the Town of Herkimer, Town of Frankfort and Town of Schuyler boundary; then northerly along the Town of Herkimer, Town of Schuyler boundary to the point of beginning.
Legislative District 4	Beginning at the point of intersection of the Town of German Flatts, Town of Herkimer and Town of Frankfort boundary; then easterly along the Town of German Flatts, Town of Herkimer boundary to the intersection of the point of Election District 9 and Election District 2 of the Town of German Flatts and the Town of German Flatts, Town of Herkimer boundary; then southerly, easterly and then southerly again along the boundary of Election District 2 and Election District 9 of the Town of German Flatts to the intersection of the Village of Mohawk boundary; then easterly along the Village of Mohawk boundary to the intersection of Fulmer Creek; then southerly along Fulmer Creek to the intersection of the abandoned railroad right-of-way; then easterly along abandoned (Note: Richfield Street does not seem to go all the way to abandoned railroad) railroad right-of-way to the intersection of N. Richfield Street; then southerly along N. Richfield Street to the intersection of W. Main Street (Village of Mohawk); then east on W. Main Street to the intersection of Otsego Street; then southerly on S. Otsego Street to the intersection of Columbia Street; then southerly along Columbia Street to the intersection of Hammond Street; then southeasterly along Hammond Street - NYS Route 168 to the intersection of Fulmer Creek; then westerly along Fulmer Creek approximately 620 feet to a stream; then southerly and southwesterly along the stream to intersection of NYS Route 28; then southerly along NYS Route 28 to the intersection of the Town of German Flatts, Town of Columbia boundary; then northwesterly along the Town of German Flatts, Town of Columbia boundary to the intersection of Warren Road; then northerly along Warren Road to W. Main Street (Village of Mohawk); then westerly along W. Main Street (Village of Mohawk) and E. Main Street (Village of Ilion) to the intersection of Main Street (Village of Ilion); then northwesterly along Main Street to the intersection of E. Clark Street (Village of Ilion); then northwesterly along E. Clark Street (Village of Ilion) to the intersection of W. Main Street (Village of Ilion); then westerly and northwesterly along W. Main Street to the intersection of the Town of German Flatts, Town of Frankfort boundary; then northerly along the Town of German Flatts, Town of Frankfort boundary to the point of beginning.
Legislative District 5	Beginning at the intersection of W. Main Street and Warren Road (Village of Mohawk); then southerly along Warren Road to the intersection of the Town of German Flatts, Town of Columbia boundary; then northwesterly along the Town of German Flatts, Town of Columbia, Town of Litchfield boundary to the point of intersection of the Town of German Flatts, Town of Litchfield and Town of Frankfort boundary; then northeasterly along the Town of German Flatts, Town of Frankfort boundary to the intersection of the Village of Ilion boundary; then easterly along the Village of Ilion boundary to the intersection of Barringer Road and Concord Street; then easterly along Concord Street to the intersection of Cross Street; then southerly along Cross Street to the intersection of Wilson Street; then southeasterly along Wilson Street to the intersection of Woodland Ave; then southerly along Woodland Ave to the intersection of Ward Street; then easterly along Ward Street to the intersection of S. 4 <sup>th</sup> Ave; then northerly along S. 4 <sup>th</sup> Ave to the intersection of Grove Street; then easterly along Grove Street to the intersection of Prospect Ave; then southerly along Prospect Ave to the intersection of Center Street; then easterly along Center Street to the intersection of John

	<p>Street; then southerly along John Street to the intersection of Otsego Street; then northeasterly along Otsego Street to the intersection of Morgan Street; then northerly along Morgan Street to the intersection of 1<sup>st</sup> Street; then easterly along 1<sup>st</sup> Street to the intersection of Otsego Street; then northeasterly along Otsego Street and Central Ave to the intersection of E. Clark Street; then southeasterly along E. Clark Street to the intersection of Main Street (Village of Ilion); then southeasterly along Main Street to the intersection of E. Main Street (Village of Ilion); then easterly along E. Main Street and W. Main Street (Village of Mohawk) to the point of beginning.</p>
Legislative District 6	<p>Beginning at the point of intersection of W. Main Street (Village of Ilion) and the Town of German Flatts, Town of Frankfort boundary; then southeasterly along W. Main Street to the intersection of Central Ave (Village of Ilion); then southwesterly along Central Ave and Otsego Street to the intersection of 1<sup>st</sup> Street; then westerly along 1<sup>st</sup> Street to the intersection of Morgan Street; then southerly along Morgan Street to the intersection of Otsego Street; then southerly along Otsego Street to the intersection of John Street; then northerly along John Street to the intersection of Center Street; then westerly along Center Street to the intersection of Prospect Ave; then northerly along Prospect Ave to the intersection of Grove Street; then westerly along Grove Street to the intersection of S. 4<sup>th</sup> Ave; then southerly along S. 4<sup>th</sup> Ave to the intersection of Ward Street; then westerly along Ward Street to the intersection of Woodland Ave; then northerly along Woodland Ave to the intersection of Wilson Street; then northwesterly along Wilson Ave and Cross Street to the intersection of Concord Street; then westerly along Concord Street to the intersection of Barringer Road and the Village of Ilion boundary; then westerly along the village of Ilion boundary to the intersection of the Town of German Flatts, Town of Frankfort, Village of Ilion boundary; then northeasterly along the Town of German Flatts, Town of Frankfort boundary to the point of beginning.</p>
Legislative District 7	<p>All of the Town of Warren, that portion of the Town of Columbia described as Proposed Election District 1 as follows: Beginning at a point the intersection of Jordanville Road and the Town of Litchfield, Town of Columbia boundary; then northeasterly along the Town of Columbia, Town of Litchfield boundary to the northwest corner of the Town of Columbia; then southeasterly and easterly along the Town of Columbia, Town of German Flatts boundary to the northeast corner of the Town of Columbia; then southwesterly along the Town of Columbia, Town of Warren boundary to the southeast corner of the Town of Columbia, then northwesterly along the Town of Columbia, Otsego County boundary to the intersection of Prey Hill Road; then northerly along Prey Hill Road to the intersection of Mc Koons Road; then westerly and northerly along Mc Koons Road to the intersection of Jordanville Road, then westerly along Jordanville Road to the point of beginning.</p> <p>Also, all that portion of the Town of German Flatts described as follows: Beginning at the intersection of NYS Routes 5 and 28; then easterly along NYS Route 5 to the intersection of the eastern Village of Mohawk boundary; then southerly along the eastern Village of Mohawk boundary to the intersection of Shoemaker Road and Hillview Drive; then southeasterly along Shoemaker Road to the intersection of Shoemaker Hill Road; then northeasterly along Shoemaker Hill Road to the intersection of Griffin Road and Shoemaker Hill Road; then southeasterly along Shoemaker Hill Road to the intersection of Old Shoemaker Hill Road; then northeasterly along Old Shoemaker Hill Road to the intersection of Quinn Road; then northeasterly along Quinn Road to the intersection of the Town of German Flatts, Town of Little Falls boundary; then southerly along the Town of German Flatts and Town of Little Falls boundary to a</p>

	<p>point of the towns of German Flatts, Stark and Warren boundary; then westerly along the towns of German Flatts, Warren and Columbia boundary to the intersection of NYS Route 28; then northerly along NYS Route 28 approximately 570 feet to the intersection of a stream; then northeasterly and northerly along said stream to the intersection of Fulmer Creek, then easterly along Fulmer Creek to the intersection of NYS Route 168; then northwesterly along NYS Route 168 to the intersection of NYS Route 28; then northerly along NYS Route 28 to the intersection of Johnson Ave; then easterly along Johnson Ave to the intersection of Walnut Street; then northerly along Walnut Street to the intersection of Michigan Street; then easterly along Michigan Street to the intersection of Marshall Ave; then northeasterly along Marshall Ave to the intersection of Bellinger Street; then northerly along Bellinger Street to the intersection of E. Main Street (Village of Mohawk); then northeasterly along E. Main Street to the point of beginning.</p>
Legislative District 8	<p>Beginning at the intersection of the Herkimer County, Oneida County, Town of Schuyler and Town of Frankfort boundaries; then easterly along the Town of Frankfort and Schuyler boundary to the intersection of Marina Park Drive; then southeasterly along Marina Park Drive to the intersection of the abandoned railroad right-of-way; then southeasterly along abandoned railroad right-of-way to the intersection of Railroad Street; then southeasterly along Railroad Street; then southwesterly along Railroad Street to the intersection of E. Orchard Street; then southeasterly along E. Orchard Street to the intersection of N. Frankfort Street; then southwesterly along North and South Frankfort Street to the intersection of Pleasant Ave; then northwesterly along Pleasant Ave to the intersection of S. Litchfield Street and NYS Route 171; then southerly and westerly along S. Litchfield Street-NYS route 171 to the intersection of Ball Road; then southerly along Ball Road to the towns of Frankfort and Litchfield boundary; then westerly along said boundary to a point at the intersection of the Herkimer County, Oneida County, Town of Litchfield and Town of Frankfort boundaries; then northerly and northeasterly along the Town of Frankfort boundary to the point of beginning.</p>
Legislative District 9	<p>Beginning at the point of intersection of Marina Park Drive, Town of Frankfort and Town of Schuyler boundary; then northeasterly and then southeasterly along the Town of Frankfort, Town of Schuyler boundary to the point at the intersection of the Town of Frankfort, Town of Herkimer and Town of German Flatts boundaries; then southwesterly along the Town of Frankfort, Town of German Flatts boundary to the point at the intersection of the town of Frankfort, Town of German Flatts and Town of Litchfield boundaries; then northwesterly along the Town of Frankfort, town of Litchfield boundary to the intersection of Ball Road; then northerly along Ball Road to the intersection of NYS Route 171; then northeasterly along NYS Route 171-Litchfield Street to the intersection of Pleasant Ave; then easterly along Pleasant Ave to the intersection of S. Frankfort Street; then northeasterly along South and North Frankfort Street to the intersection of E. Orchard Street; then northwesterly along E. Orchard Street to the intersection of Railroad Street; then northeasterly along Railroad Street to the intersection of the abandoned railroad right-of-way; then northwesterly along the abandoned railroad right-of-way to the intersection of Marina Park Drive; then northwesterly and northerly along Marina Park Drive to the point of beginning.</p>
Legislative District 10	<p>All of the Town of Manheim and Election District 3-2 of the City of Little Falls described as follows: Beginning at the intersection of Salisbury Road and the City of Little Falls, Town of Manheim boundary; then easterly and southerly along said boundary to the intersection of Loomis Street; then westerly along Loomis Street to the intersection of Ray Street; then southerly along Ray Street to the</p>

	intersection of Burwell Street; then northwesterly along Burwell Street to the intersection of Salisbury Street; then northerly along Salisbury Street to the intersection of E. Monroe Street; then easterly and northerly along E. Monroe Street to the intersection of Salisbury Road; then northeasterly along Salisbury Road to the point of beginning.
Legislative District 11	All of the Town of Schuyler.
Legislative District 12	All of the City of Little Falls except Election District 3-2, said Election District 3-2 described as follows: Beginning at the intersection of Salisbury Road and the City of Little Falls, Town of Manheim boundary; then easterly and southerly along said boundary to the intersection of Loomis Street; then westerly along Loomis Street to the intersection of Ray Street; then southerly along Ray Street to the intersection of Burwell Street; then northwesterly along Burwell Street to the intersection of Salisbury Street; then northerly along Salisbury Street to the intersection of E. Monroe Street; then easterly and northerly along E. Monroe Street to the intersection of Salisbury Road; then northeasterly along Salisbury Road to the point of beginning.
Legislative District 13	All of the towns of Litchfield, Winfield and that portion of the Town of Columbia described as Proposed Election District 2 as follows: Beginning at a point at the intersection of the centerline of Jordanville Road and the Town of Litchfield, Town of Columbia boundary; then easterly along Jordanville Road to the intersection of Mc Koons Road; then southerly then easterly along said Mc Koons Road to the intersection of Prey Hill Road; then southerly along Prey Hill Road to the Town of Columbia, Otsego County boundary; then northwesterly along the Town of Columbia, Otsego County, and Town of Winfield boundary to the southwest corner of the Town of Columbia; then northeasterly along the Town of Columbia, Town of Winfield, Town of Litchfield boundary to the point of beginning.
Legislative District 14	All of the towns of Little Falls, Danube and Stark
Legislative District 15	All of the towns of Webb, Ohio and that portion of the Town of Russia described as Proposed Election District 2 as follows: Beginning at a point at the intersection of Military Road and the Herkimer County, Oneida County boundary; then southeasterly along Military Road to the intersection of Black Creek Road; then easterly and northeasterly along Black Creek Road to the intersection of Pardeeville road; then southeasterly along Pardeeville Road to Sunset Lodge Road, then easterly along Sunset Lodge Road to the Town of Russia, Town of Ohio boundary; then northerly and then westerly along the Town of Russia, Town of Ohio boundary to the Town of Russia, Oneida County boundary; then southerly and westerly along said boundary to the point of beginning.
Legislative District 16	All of the towns of Salisbury, Norway and Fairfield.
Legislative District 17	All of the town of Newport and that portion of the Town of Russia described as Proposed Election District 1 as follows: Beginning at a point at the intersection of the Oneida County, Herkimer County, Town of Newport and Town of Russia boundaries; then following along the Oneida County, Herkimer County, and Town of Russia boundaries in a northwesterly and northerly direction to the intersection of Military Road; then southeasterly along Military Road to the intersection of Black Creek Road; then easterly and northeasterly along Black Creek Road to the intersection of Pardeeville Road; then southeasterly along Pardeeville Road to Sunset Lodge Road; then easterly along Sunset Lodge Road to the Town of Russia, Town of Ohio boundary; then southerly along the easterly boundary of the Town of Russia to the Town of Russia, Town of Newport boundary; then westerly along said boundary to the point of beginning.

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 days after its adoption.

Dated: December 19, 2001.

Adopted: February 4, 2002.

## INTRODUCTORY LOCAL LAW NO. 1 - 2002

## LOCAL LAW NO. 2 - 2002

## A LOCAL LAW PROVIDING FOR THE MANDATORY ROUTING OF ALL WIRELESS 911 CALLS

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

Section 1. Legislative Intent. The County Legislature recognizes the paramount importance of the health, safety and welfare of the citizens of the County and further recognizes that, when the lives or property of its citizens are in imminent danger, appropriate assistance must be rendered as expeditiously as possible.

The County Legislature recognizes further that such assistance is increasingly summoned by wireless communications including, but not limited to, wireless phones and that unintentional, though avoidable, delays in reaching appropriate emergency aid can, and do occur to the detriment and jeopardy of life and property when such 911 calls from within Herkimer County are routed to anywhere other than directly to the Herkimer County Public Safety Answering Point System (PSAPS).

The County Legislature further finds that a major obstacle to the prompt response to emergency requests for assistance in Herkimer County is the failure of one or more wireless telephone service suppliers to directly route such calls to the Herkimer County Public Safety Answering Point (PSAP).

The County Legislature further finds that the Herkimer County Public Safety Answering Point System (PSAP) has the most accurate, current and extensive knowledge of Herkimer County's geography, roadways, landmarks, emergency service resources and similar information of critical importance in emergency situations and can immediately and directly dispatch the number and type of emergency services the situation requires.

The County Legislature further finds and declares that, by the enactment of the provisions of this local law, it is the intent of the County Legislature to fulfill its obligation to provide for the health, safety and welfare of the people of this County by mandating the direct routing of all 911 calls, including wireless calls, by service suppliers directly to the Herkimer County Public Safety Answering Point (PSAP) so as to facilitate the rendering of emergency services as expeditiously and effectively as possible.

Section 2. Definitions. For purposes of this local law:

a. "Wireless telephone service" means all commercial mobile services, as that term is defined in 47 U.S.C. Section 332 (d)(1), including all broadband personal communications services, wireless radio telephone services, geographic area specialized and enhanced specialized mobile radio services, and incumbent wide area specialized mobile radio licensees, which offer real time offer real time, two-way voice service that is interconnected with the public switched telephone network.

b. "Wireless telephone service supplier" means any corporation or person, as defined in N.Y.S. Tax Law Section 1080, which provides wireless telephone service in New York State.

c. "Herkimer County Public Safety Answering Point System" or "Herkimer County PSAPS" means the sites designated and operated by the County of Herkimer through its Sheriff's Office for the purpose of receiving emergency calls, including those from a wireless telephone service and dispatching needed emergency services.

Section 3. Routing. All wireless telephone service suppliers doing business in Herkimer County shall route all 911 emergency calls to the Herkimer County Public Safety Answering Point (PSAP).

Section 4. Prohibited Acts.

a. No wireless telephone service supplier shall knowingly fail to route 911 telephone calls originating within Herkimer County to the Herkimer County Public Safety Answering Point (PSAP) as required by Section 3, above.

b. No owner, official, employee or agent of a wireless telephone service supplier shall design, implement, arrange or cause, either directly or indirectly, a process or activity whereby 911 calls are routed other than as provided in Section 3 above.

c. No person or entity shall either directly or indirectly solicit, suggest, implore, agree, or otherwise take action so as to cause or seek to cause a wireless telephone service supplier to route 911 calls from within Herkimer County to other than the Herkimer County Public Safety Answering Point (PSAP).

Section 5. Sanctions. Any person or entity violating this local law shall be guilty of an unclassified misdemeanor and shall be subject to a fine not exceeding five hundred dollars and/or a period of confinement in the Herkimer County Correctional Facility for a period not to exceed three months for each offense. For purpose of this law, each improperly routed 911 call shall constitute a separate offense.

Section 6. Additional Remedies.

a. In addition to the Sanctions provided in Section 5 above, any wireless telephone service supplier failing to observe the requirements of Section 3 above, shall be liable for personal injury including death and/or property damage caused or exacerbated by reason of such failure.

b. The Chairman of the County Legislature is authorized to pursue any appropriate legal remedy including, but not limited to, injunction to effectuate the purposes of this local law.

Section 7. Severability. If any provision of this Local Law shall be adjudged by any court

of competent jurisdiction to be invalid, then such adjudication, shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgement shall have been rendered.

Section 8. Effective date. This Local Law shall take effect immediately.

Dated: March 20, 2002.

Effective: March 20, 2002.

INTRODUCTORY LOCAL LAW 3 - 2002  
LOCAL LAW NO. - 2002

A LOCAL LAW REGARDING AMENDMENT OF THE COUNTY CHARTER TO  
EXTEND THE TERM OF OFFICE OF COUNTY LEGISLATOR

Be it enacted by the County Legislature of the County of Herkimer as follows:

Section 1. The third paragraph of Section 201 of the Charter of the County Legislature of the County of Herkimer, adopted August 11, 1966 and approved at the election held November 8, 1966, is hereby repealed.

Section 2. A new third paragraph of Section 201 is hereby added to said Charter, to read and provide as follows:

Except as provided in this section or as otherwise provided by law, the term of the members of the county legislature shall be for four years, and shall begin on the first day of January next following their election. Said elections for the county legislators shall be conducted at general elections, with the first election of members to such four year terms to be conducted in the general election in the year two thousand three, and every fourth year thereafter at the general election held in such year.

Section 3. This Local Law is subject to mandatory referendum as required by Section 23 of the Municipal Home Rule Law.

Dated: August 14, 2002.

INTRODUCTORY LOCAL LAW NO. 4 - 2002  
LOCAL LAW NO. 3 - 2002

**A LOCAL LAW IMPOSING A SURCHARGE ON WIRELESS COMMUNICATIONS SERVICE TO BE USED FOR PUBLIC SAFETY COMMUNICATIONS NETWORK COSTS**

Be it enacted by the County Legislature of the County of Herkimer as follows:

Section 1. The County of Herkimer hereby adopts a surcharge on wireless communications service in the County of Herkimer. The surcharge shall be imposed on each wireless communications device and shall be reflected and made payable on bills rendered for wireless communications service that is provided to a customer whose place of primary use is within the county. For purposes of this section, the term "place of primary use" shall mean the street address that is representative of where the customer's use of the wireless communications service primarily occurs, which address must be: (a) residential street address or the primary business street address of the customer; and (b) within the licensed service area of the wireless communications service supplier.

Section 2. The amount of the surcharge shall be thirty cents (\$.30) per month on each wireless communications device and the date on which the wireless communications service supplier shall begin to add such surcharge to the billings of its customers shall be January 1, 2003. Any wireless communications service supplier within the County of Herkimer which has imposed a surcharge pursuant to the provisions of this section shall be given a minimum of forty-five days written notice prior to the date it shall begin to add such surcharge to the billings of its customers or prior to any modification to or change in the surcharge amount.

Section 3. (a) Each wireless communications service supplier serving the County of Herkimer shall act as collection agent for the County and shall remit the funds collected pursuant to a surcharge imposed under the provisions of this section to the chief fiscal officer of the County of Herkimer 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 of its collections of a surcharge imposed under the provisions of this section.

(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.

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

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

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

Section 4. All surcharge monies remitted to the County of Herkimer by a wireless communications service supplier shall be expended only upon authorization of the County Legislature and only for payment of system costs or other costs associated with the design, construction, operation, maintenance, and administration of public safety communications networks serving such county. The County of Herkimer shall separately account for and keep adequate books and records of the amount and source of all such monies and of the amount and object or purpose of all expenditures thereof. If, at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

Section 5. This Local Law shall take effect immediately.

Dated: September 18, 2002.