

LOCAL LAW NO. 1 OF 2001

A LOCAL LAW AMENDING LOCAL LAW NO. 7 OF 1998 WHICH PROVIDED AN EXEMPTION FROM TAXES AND SPECIAL AD VALOREM LEVIES FOR CAPITAL IMPROVEMENTS TO RESIDENTIAL BUILDINGS, BY EXTENDING THE DATE UPON WHICH SAID LOCAL LAW WAS TO EXPIRE.

Section 1. Purpose

This Legislature enacted Local Law No. 7 of 1998, which provided an exemption from taxes and special ad valorem levies for capital improvements to residential buildings, including therein a provision by which said Local Law is to expire on December 23, 2000 unless further acted upon by this Legislature. It is the purpose of this Local Law to amend said Local Law No. 7 of 1998 to amend that portion which would result in its expiration on said date, to extend same for two (2) years until December 23, 2002, to allow said exemption to remain available for such period, as provided in Section 421-f of the Real Property Tax Law of the State of New York.

Section 2. Amendment

Local Law No. 7 of 1998 is hereby amended as follows:

Section 7. thereof is hereby amended by deleting from the third sentence thereof the words : “. . . two (2) years from the date of its adoption . . .” and substituting therefor the words : “. . .December 23, 2002 . . .”

Section 3. Effective Date

This Local Law shall become effective immediately, as provided in the Municipal Home Rule Law.

Local Law No. 1 of 2001 was passed December 20, 2000 by the following roll call vote:

Ayes:	20
Noes:	0
Absent:	1

Approved by the County Executive: January 9, 2001

Effective: January 16, 2001

LOCAL LAW NO. 2 OF 2001

A LOCAL LAW FIXING THE COMPENSATION OF THE SHERIFF OF ORANGE COUNTY, AMENDING LOCAL LAW NO. 6 OF 1999 IN CONNECTION THEREWITH, PURSUANT TO SECTION 201 OF THE COUNTY LAW.

Be it enacted by the County Legislature of the County of Orange, State of New York, as follows:

Section 1. Local Law No. 6 of 1999 entitled "A LOCAL LAW FIXING THE COMPENSATION OF THE SHERIFF OF ORANGE COUNTY, AMENDING LOCAL LAW NO. 10 OF 1995 IN CONNECTION THEREWITH, PURSUANT TO SECTION 201 OF THE COUNTY LAW," is hereby established for the years indicated as follows:

2002 - \$70,898.00
 2003 - \$73,379.00
 2004 - \$75,947.00
 2005 - \$78,605.00

Section 2. The rate of annual compensation of the Sheriff of Orange County, as increased pursuant to Section 1. hereof, shall commence as of January 1 of each year respectively.

Section 3. This Local Law shall take effect and shall be subject to referendum on petition as provided in Section 24 of the Municipal Home Rule Law.

Local Law No. 2 of 2001 was passed November 3, 2000 by the following roll call vote:

Ayes: 13
 Noes: 8
 Absent: 0

Approved by the County Executive: November 27, 2000

Effective: January 18, 2001

LOCAL LAW NO. 3 OF 2001

A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF THE YEAR 1972 ENTITLED, "A LOCAL LAW FIXING THE COMPENSATION OF CERTAIN COUNTY OFFICERS PAID FROM COUNTY FUNDS," AS LAST AMENDED IN RELATION TO THE COMPENSATION OF THE CORONERS BY LOCAL LAW NO. 7 OF 1999, BY INCREASING THE COMPENSATION OF CORONERS OF THE COUNTY OF ORANGE.

Be it enacted by the County Legislature of the County of Orange, State of New York, as follows:

Section 1. Section 1. of Local Law No. 1 of the year 1972 entitled, "A LOCAL LAW FIXING THE COMPENSATION OF CERTAIN COUNTY OFFICERS PAID FROM COUNTY FUNDS," as last amended in relation to the compensation of the Coroners by Local Law No. 7 of 1999 is hereby further amended for the years indicated as follows:

Chief Administrative Coroner

2002 - \$12,938.00
 2003 - \$13,390.00
 2004 - \$13,859.00
 2005 - \$14,344.00

Remaining Coroners

2002 -	\$11,385.00
2003 -	\$11,784.00
2004 -	\$12,196.00
2005 -	\$12,623.00

Section 2. The rate of annual compensation of the Chief Administrative Coroner and the Coroners of the County of Orange, as increased pursuant to Section 1. hereof, shall commence as of January 1 of each year respectively.

Section 3. This Local Law shall take effect and shall be subject to referendum on petition as provided in Section 24 of the Municipal Home Rule Law.

Local Law No. 3 of 2001 was passed November 3, 2000 by the following roll call vote:

Ayes:	19
Noes:	2
Absent:	0

Approved by the County Executive: November 27, 2000

Effective: January 18, 2001

LOCAL LAW NO. 4 OF 2001

A LOCAL LAW AMENDING RESOLUTION NO. 51 OF 1981 AS LAST AMENDED BY LOCAL LAW NO. 5 OF 1997 AS PREVIOUSLY AMENDED TO PROVIDE FOR THE INCREASE OF THE MAXIMUM INCOME EXEMPTION ELIGIBILITY LEVEL CONTAINED THEREIN FOR PERSONS 65 YEARS OF AGE OR OVER, PURSUANT TO SECTION 467 OF THE REAL PROPERTY TAX LAW.

Be it enacted by the County Legislature of the County of Orange, as follows:

Section 1. The Orange County Legislature does hereby increase the maximum income eligibility level for persons who are sixty-five years of age or over to the extent allowed by Section 467 of the Real Property Tax Law as indicated by the Schedule attached hereto and made a part hereof.

Section 2. The maximum income exemption eligibility level set forth in Resolution No. 51 of 1981 and as amended by all subsequent local laws and resolutions be and the same hereby is amended by increasing the same in accordance with the schedule set forth in Section 467 of the Real Property Tax Law as amended; and as indicated by the Schedule attached hereto and made a part hereof.

Section 3. All other provisions and terms of Real Property Tax Law Section 467 and Resolution No. 51 of 1981 shall remain in force and effect without change thereto.

Section 4. This local law will take effect immediately in the manner provided by law.

<u>Annual Income</u>	<u>Percentage Exempt from Taxation</u>
No more than \$20,499.99	50%
\$20,500.00 but less than \$21,500.00	45%
\$21,500.00 but less than \$22,500.00	40%
\$22,500.00 but less than \$23,500.00	35%
\$23,500.00 but less than \$24,400.00	30%
\$24,400.00 but less than \$25,300.00	25%
\$25,300.00 but less than \$26,200.00	20%
\$26,200.00 but less than \$27,100.00	15%
\$27,100.00 but less than \$28,000.00	10%
\$28,000.00 but less than \$28,900.00	5%

Local Law No. 4 of 2001 was passed January 5, 2001 by the following roll call vote:

Ayes: 20
Noes: 0
Absent: 1

Approved by the County Executive: January 26, 2001

Effective: February 8, 2001

LOCAL LAW NO. 5 OF 2001

A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF 1985 AS LAST AMENDED BY LOCAL LAW NO. 6 OF 1997 TO PROVIDE FOR THE INCREASE OF THE MAXIMUM EXEMPTION ALLOWABLE FOR VETERANS' REAL PROPERTY TAX EXEMPTION UNDER SECTION 458-a OF THE REAL PROPERTY TAX LAW.

Be it enacted by the County Legislature of the County of Orange, as follows:

Section 1. Notwithstanding any of the statutory maximums set forth in Subsections 2(a), (b) and (c) of Section 458-a of the Real Property Tax Law, Local Law No. 1 of 1985 as last amended by Local Law No. 6 of 1997 is amended to increase the maximum exemptions allowable for Veterans' Real Property Tax Exemptions under Section 458-a of the Real Property Tax Law to be \$21,000.00, \$14,000.00 and \$70,000.00 for War Veterans, Combat Zone Veterans, and Veterans with a Service-Related Disability respectively.

Section 2. This local law shall take effect immediately in the manner provided by law.

Local Law No. 5 of 2001 was passed January 5, 2001 by the following roll call vote:

Ayes:	20
Noes:	0
Absent:	1

Approved by the County Executive: January 26, 2001

Effective: February 8, 2001

LOCAL LAW NO. 6 OF 2001

A LOCAL LAW FURTHER AMENDING LOCAL LAW NO. 8 OF THE YEAR 1972 ENTITLED "A LOCAL LAW FIXING THE COMPENSATION OF THE COMMISSIONERS OF ELECTIONS," AS LAST AMENDED BY LOCAL LAW NO. 6 OF 1998, BY INCREASING THE COMPENSATION OF SUCH COMMISSIONERS OF ELECTIONS.

Be it enacted by the County Legislature of the County of Orange, State of New York, as follows:

Section 1. Section 1 of Local Law No. 8 of the year 1972 entitled "A LOCAL LAW FIXING THE COMPENSATION OF THE COMMISSIONERS OF ELECTIONS," as last amended by Local Law No. 6 of 1998, is hereby amended by striking out the figures therein, and inserting in place thereof the following salary schedule:

2001	\$51,253.00
2002	\$53,047.00
2003	\$54,903.00
2004	\$56,825.00

Section 2. Said annual salaries for the Commissioners of Elections of the County of Orange, as increased pursuant to Section 1 hereof, shall be payable from January 1, 2001.

Section 3. This Local Law shall take effect and shall be subject to referendum on petition as provided in Section 24 of the Municipal Home Rule Law.

Local Law No. 6 of 2001 was passed December 7, 2000 by the following roll call vote:

Ayes:	19
Noes:	0
Abstentions:	1
Absent:	1

Approved by the County Executive: December 28, 2000

Effective: February 21, 2001

LOCAL LAW NO. 7 OF 2001**A LOCAL LAW ESTABLISHING THE POLICY AND PROCEDURES FOR THE VALUATION AND SALE OF PARCELS NOT REDEEMED FOR DELINQUENT REAL PROPERTY TAXES IN ACCORDANCE WITH NEW YORK STATE REAL PROPERTY TAX LAW ARTICLE 11.**

BE IT ENACTED by the County Legislature of the County of Orange of the State of New York, as follows:

SECTION ONE: PURPOSE

The purpose of this Local Law is to rescind and supercede Local Law No. 4 of 1997, except as indicated in Section Six, below, and to establish the policy and procedures in the County of Orange for the valuation, redemption and sale of parcels of real property with delinquent real property taxes, in accordance with New York State Real Property Tax Law Article 11.

SECTION TWO: DEFINITIONS

When used in this Local Law, the following definitions apply:

- a. **County.** The term "County" shall mean the County of Orange, a political subdivision of the State of New York.
- b. **Delinquent tax.** The term "delinquent tax" shall mean an unpaid tax, special ad valorem levy, special assessment or other charge imposed upon real property by or on behalf of a municipal corporation or special district, plus all applicable charges, relating to any parcel which is included in the return of unpaid delinquent taxes prepared pursuant to Real Property Tax Law Section 936 or such other general, special or Local Law. In no event, however, shall "delinquent tax" include any unpaid tax or other charge against lands owned by New York State.
- c. **Enforcing Officer.** The term "Enforcing Officer" shall mean the Orange County Commissioner of Finance.
- d. **Legislature.** The term "Legislature" shall mean the Orange County Legislature.
- e. **Person.** The term "person" shall mean any individual, group, association, partnership, corporation or other legal entity.

SECTION THREE: TAKING TITLE TO PARCELS

- a. When the appropriate Court makes a judgment pursuant to Real Property Tax Law Article 11, awarding title of one or more parcels of real property to the County, then the County shall take possession of any such parcel, unless 1) such parcel has been withdrawn from the proceeding; or 2) the County as a matter of law is not permitted to take possession of such parcel; or 3) the Enforcing Officer, consistent with applicable law, determines that it would not be in the County's interest for the County to take title to the parcel.

- b. Upon execution by the County of a deed to such parcel or parcels, the County shall be seized of an estate in fee simple absolute in such parcel and all persons, including the State, infants, incompetents, absentees and non-residents, except as specifically exempted by law, who may otherwise have had any right, title, interest, claim, lien, or equity of redemption in or upon such parcel shall be barred and forever foreclosed of any such right, title, interest, claim, lien or equity of redemption, and the County may hold such parcel for itself or sell or release such parcel as set forth herein.

SECTION FOUR: DETERMINING VALUATION OF SUBJECT PARCELS

Before undertaking any sale of any parcel pursuant to this Local Law, the Enforcing Officer shall, with the assistance of the Orange County Real Property Manager and such other persons as the Enforcing Officer may deem necessary, establish a reasonable current market value for each subject parcel. Such determination shall be made by taking into account the assessed values, any outstanding liens which are not by law extinguished by the foreclosure proceeding, title issues and the physical condition of the real property. However, the value of the parcel shall not be less than the outstanding real property taxes, assessments and other charges, except as specified herein.

SECTION FIVE: SALE OF PROPERTY ACQUIRED BY THE COUNTY

A. PUBLIC AUCTION

1. After the Court renders judgment in favor of the County, granting it title to one or more parcels, but in no event later than six months after the Court renders such judgment, the Enforcing Officer shall conduct a public auction. This provision applies to all properties to which the County took title, as discussed in Section 3 herein, regardless of whether a person served an answer with respect to any parcel referred to in the judgment. All parcels except those parcels sold through a release of the County's interest, pursuant to Section 5(B) herein, shall be subject to a Public Auction. Public notice of the Public Auction shall be given once per week for at least three successive weeks in such newspapers published in the County as the Enforcing Officer deems appropriate and as required by law. The description of the parcel offered for sale in such notice shall be that contained in the petition with such other description, if any, as the Court may direct.
2. The Enforcing Officer shall sell the subject parcels to the highest bidder therefor, but shall reject any bid below the value placed upon it pursuant to Section 4 hereof. At the time of acceptance by the Enforcing Officer of a bid on any parcel at the public auction, the successful bidder shall tender a non-refundable deposit of ten percent (10%) of the parcel's selling price at 5:00 p.m. on the date of the public auction. The successful bidder shall have forty-five (45) days from the date of the public auction to remit the balance thereof. The successful bidder may request a thirty (30) day extension from the Enforcing Officer, who shall grant such extension if he/she believes it is in the best interest of the County to grant such extension.
3. The Enforcing Officer may, from time to time, in his or her discretion, hold more than one public auction during the course of the year. The minimum bid for any property offered for bid at any such additional auction may be less than the outstanding

real property taxes, assessments and such other charges, as specified in Section 4, if the property had been offered at an earlier auction, at a price equal to or higher than the accrued taxes, penalties and interest, and there was no successful bid.

4. After all unredeemed parcels have been offered for sale at public auction, the Enforcing Officer shall attempt to sell any unsold unredeemed parcels at private sale.

B. RELEASE OF COUNTY'S INTEREST

1. The Enforcing Officer may, prior to the public auction, permit the previous owner of record to purchase his or her parcel through a release of the County's interest. The purchase price of such parcel shall be the total of the outstanding real property taxes, assessments, charges, interest, fees and penalties due and owing prior to the expiration of the redemption period, plus any interest and charges which have accrued up to the time the release of the County's interest is approved. All releases of the County's interest must be approved by a majority vote of the County Legislature.
2. The County Attorney shall effect the release of the County's interest in property acquired as discussed in Section 3 herein, by preparing and submitting to the appropriate Court, an Order discontinuing the in rem tax foreclosure action as to said property, canceling the Notice of Pendency of such action as to said property, and vacating and setting aside the judgment of foreclosure and the deed executed and recorded pursuant to such judgment of foreclosure as to said property. The entry of such Order shall restore all parties, including owners, mortgagees and any and all lienors, receivers and administrators and encumbrancers, to the status they held at the time the County acquired title to said property, as if the judgment had never been rendered, and shall render said property liable for all taxes, deficiencies, management fees and liens, penalties, interest, and other charges which shall accrue subsequent to those paid in order to obtain the release provided for in this section, or which were, for whatever reason, omitted from the payment made to obtain such release.

C. PRIVATE SALE

1. At any time after the public auction, the Enforcing Officer may sell at private sale any parcel of real property which was included in, but not sold at, the public auction. The County Executive shall have the power to enter into an agreement with the successful bidder upon such terms and conditions as he/she believes to be in the best interest of the County, in consultation with the Enforcing Officer. Any such private sale agreements must be approved by a majority vote of the Legislature.
2. At the time the Enforcing Officer receives a bid on any parcel pursuant to a private sale, the bidder shall tender a deposit of ten (10) percent of the bid price. Thereafter, upon acceptance of the bid by a majority vote of the Legislature, the bidder shall have forty-five (45) days from the date of said approval to remit the balance thereof. The approved bidder may request a thirty (30) day extension from the Enforcing Officer, who shall grant such extension if he or she believes it is in the best interest of the County to grant such extension.

3. The ten percent (10%) deposit described in this section shall be non-refundable, except in the event the Legislature fails to accept the bid by a majority vote.
4. In the event any parcels remain unsold after the public auction, the Enforcing Officer may engage the services of a properly licensed real estate broker to assist him or her with the sale of such parcels.

D. CONVEYANCE OF SUBJECT PARCELS

The County shall convey all parcels to be conveyed by the terms of this local law by quitclaim deed.

SECTION SIX: EFFECTIVE DATE

This local law shall become effective immediately, as provided in the Municipal Home Rule Law, provided that this local law shall apply only to such properties mentioned in judgments pursuant to Real Property Tax Law Article 11 entered by the Clerk of the Court on a date after the effective date of this local law.

Local Law No. 7 of 2001 was passed March 9, 2001 by the following roll call vote:

Ayes:	20
Noes:	0
Absent:	1

Approved by the County Executive: March 29, 2001

Effective: April 9, 2001

LOCAL LAW NO. 8 OF 2001

A LOCAL LAW AMENDING LOCAL LAW NO. 9 OF 1979, AS LAST AMENDED BY LOCAL LAW NO. 2 OF 1981, PROVIDING FOR THE SALE OF PARCELS NOT REDEEMED FOR DELINQUENT REAL PROPERTY TAXES IN ACCORDANCE WITH NEW YORK STATE REAL PROPERTY TAX LAW ARTICLE 10.

BE IT ENACTED by the County Legislature of the County of Orange of the State of New York, as follows:

SECTION ONE: PURPOSE

The purpose of this Local Law is to amend Local Law No. 9 of 1979, as amended by Local Laws No. 12 of 1979; No. 5 of 1980 and No. 2 of 1981, to provide the Commissioner of Finance with the discretion to offer more than once certain parcels of land at public auction in accordance with New York State Real Property Tax Law Article 10. The purpose of this law is to also clarify the renumbering of the subdivisions to Section 6 of said Local Law.

SECTION TWO. The Subdivisions contained in Section 6 of Local Law No. 9 of 1979, were renumbered by amendment as follows: a new Subdivision "B" was added by Local Law No. 2 of 1981. The existing Subdivisions "B", "C", and "D" were renumbered "C", "D" and "E".

SECTION THREE. Subdivision "C" (as renumbered) of Section 6 of Local Law No. 9 of 1979, as amended, and which currently reads: "Thereafter the Commissioner shall conduct a public auction in the month of September of the subject parcels after giving notice thereof as provided for herein" is hereby amended by adding to said Subdivision "C" the following:

"The Commissioner may, from time to time, in his or her discretion, hold more than one public auction of the subject parcels if the property had been offered at an earlier auction and there was no successful bid."

SECTION FOUR: EFFECTIVE DATE. This local law shall become effective immediately, as provided in the Municipal Home Rule Law.

Local Law No. 8 of 2001 was passed March 9, 2001 by the following roll call vote:

Ayes: 20
Noes: 0
Absent: 1

Approved by the County Executive: March 29, 2001

Effective: April 9, 2001

LOCAL LAW NO. 9 OF 2001

A LOCAL LAW AMENDING LOCAL LAW NO. 10 OF 1969, KNOWN AS THE ORANGE COUNTY ADMINISTRATIVE CODE, SPECIFYING THE DUTIES OF THE DIRECTOR OF REAL PROPERTY TAX SERVICES UNDER SECTION 5.05 A THEREOF.

Be it Enacted by the Legislature of the County of Orange as follows:

Section 1. Findings and Purposes:

Whereas, Section 5.02(a) of the Orange County Charter provides that the Commissioner of Finance shall ". . . collect, receive, have custody of, deposit, invest and disburse all fees, revenues and other funds of the County or for which the County is responsible; . . .", it is the purpose of this Local Law to clarify and to specify in Section 5.05 A of the Orange County Administrative Code that the duties of the Finance Commissioner include the administration of leases of County-owned and/or County-managed properties including those which are leased and for which rent and other monies are collected; and that the Director of Real Property Tax Service shall be responsible for same as said agency is within the Department of Finance and for said purpose is responsible to the Commissioner of Finance; in keeping with Resolution No. 61 of 2001 as previously adopted by this Legislature.

Section 2. Administrative Code Amended:

Local Law No. 10 of 1969, known as the Orange County Administrative Code, is hereby amended by adding the following new paragraph (n) to Article V, Section 5.05 A thereof as follows:

“(n) Administer all matters relating to the leasing of County-owned and/or County-managed property, including but not limited to the negotiation of leases; the enforcement of the terms thereof in cooperation with the Orange County Attorney; the establishment and collection of rents, security and utility and other deposits; and all other matters appertaining thereto.”

Section 3. Effective Date:

This Local Law shall take effect immediately, as provided under the Municipal Home Rule Law.

Local Law No. 9 of 2001 was passed April 6, 2001 by the following roll call vote:

Ayes:	21
Noes:	0
Absent:	0

Approved by the County Executive: April 24, 2001

Effective: May 11, 2001

LOCAL LAW NO. 10 OF 2001**A LOCAL LAW TO PROVIDE AN EXEMPTION FROM TAXES FOR RECONSTRUCTION OR REHABILITATION OF HISTORIC BARNs, PURSUANT TO SECTION 483-b OF THE REAL PROPERTY TAX LAW.**

Be it enacted by the County Legislature of the County of Orange, as follows:

Section 1. Purpose This local law is adopted pursuant to Section 483-b of the Real Property Tax Law (“RPTL”) for the purpose of exempting reconstruction or rehabilitation improvements to historic barns from taxation as hereinafter provided and shall be applied in accordance with that statute, as amended from time to time.

Section 2. Definitions

a. “Historic barn” means a building or structure upon which construction commenced prior to January 1, 1936, designed and used exclusively for storing farm equipment or agricultural products or for housing livestock, and not used for human residential purposes.

b. “Reconstruction and rehabilitation” shall not include ordinary maintenance and repairs.

Section 3. Exemption

- a. Historic barns reconstructed or rehabilitated subsequent to the effective date of this local law shall be exempt from taxation to the extent provided under Section 483-b of the Real Property Tax Law.
- b. No such exemption shall be granted for reconstruction or rehabilitation of an historic barn unless:
- i. such reconstruction or rehabilitation does not materially alter the historic appearance of the barn; and
 - ii. such reconstruction or rehabilitation commenced no earlier than January 1, 2000; and
 - iii. such structure does not now and has not received an exemption under RPTL Section 483 as an agricultural building within ten (10) years of the date of the application for the exemption provided hereunder.

Section 4. Application for and Grant of Exemption

- a. An exemption shall be granted only upon application by the owner of the building on a form prescribed by the State Board of Real Property Services, which shall be filed with the assessor of the local municipality having the power to assess property for taxation on or before the appropriate taxable status date of such local municipality.
- b. If satisfied that the applicant is entitled to an exemption pursuant to this local law, the assessor shall approve the application and such historic barn shall thereafter be exempt from taxation as provided under RPTL Section 483-b commencing with the assessment roll prepared on the basis of the taxable status date. The assessed value of any exemption granted pursuant to this local law shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

Section 5. Termination of Exemption In the event that a building granted an exemption pursuant to this local law ceases to be used exclusively as defined herein, the exemption shall cease.

Section 6. Effective Date This local law shall become effective upon filing in the office of the Secretary of State, as provided and in the manner described in the Municipal Home Rule Law. Following its adoption, a copy of this local law shall be sent to and filed with the New York State Board of Real Property Services, with the Director of the Real Property Tax Service Agency of Orange County, and with all the assessors of local municipal governments of Orange County.

Local Law No. 10 of 2001 was passed May 11, 2001 by the following roll call vote:

Ayes:	21
Noes:	0
Absent:	0

Approved by the County Executive: June 1, 2001

Effective: June 11, 2001

LOCAL LAW NO. 11 OF 2001

A LOCAL LAW DECLARING COMPENSATION EQUIVALENCY FOR VOLUNTEER EMERGENCY RESPONDERS FOR WORKERS COMPENSATION PURPOSES.

Be it hereby enacted by the Legislature of the County of Orange as follows:

Section 1. Findings and Purposes

The People of Orange County are most fortunate in having numbers of dedicated citizens willing to sacrifice their time and efforts and to put their own safety and health at risk without receiving a salary therefor, in order to serve their fellow citizens as volunteer emergency responders. Such volunteers are worthy of the appreciation and esteem of their fellow citizens, and of certain benefits to which they may be entitled under State law, including specifically compensation for lost wages during such times as they may be unable to work at gainful employment as a result of injuries sustained during their service as volunteer emergency responders. It is the purpose of this Local Law to establish a fiscal parameter which shall be employed for the calculation of Workers Compensation benefits under State law, to fairly sustain these valued citizens during their recovery from injuries suffered during voluntary and most honorable service to their fellow citizens.

Section 2. Declaration of Compensation Equivalency

It is hereby found and declared after due deliberation and study, that for the purposes of the New York State Workers Compensation Law, and the regulations pertaining thereto, that in the case of volunteers who perform services as authorized members of the Orange County Hazardous Materials Response Team and of the Orange County Fire Investigation Team, that if the volunteers were in a paid position, the salary of \$600.00 per week shall be deemed the compensation equivalency used to calculate the benefits to which they shall be entitled under said law.

Section 3. Effective Date

This Local Law shall take effect immediately, as provided under the New York State Municipal Home Rule Law.

Local Law No. 11 of 2001 was passed May 11, 2001 by the following roll call vote:

Ayes:	21
Noes:	0
Absent:	0

Approved by the County Executive: June 1, 2001

Effective: June 11, 2001

LOCAL LAW NO. 12 OF 2001**A LOCAL LAW PROVIDING FOR RESIDENCY REQUIREMENTS FOR CERTAIN COUNTY OFFICERS.**

BE IT ENACTED by the Legislature of the County of Orange, State of New York, as follows:

SECTION ONE: PURPOSE

The County of Orange desires to establish residency requirements for persons holding non-elective public office in Orange County government that would allow residents of counties contiguous to the County of Orange to hold certain public offices, as this will allow the County to attract a larger pool of qualified persons to apply for and hold management positions and other public offices in County Government.

Section A. Definitions

- a. **Public Officer.** The term "Public Officer" shall have the same meaning as "local officer," as that term is defined in Section 2 of the New York State Public Officers Law, including, but not limited to, deputy sheriffs and corrections officers, and excluding elected officials.
- b. **Public Office.** The term "Public Office" shall mean any position or title held by a public officer of Orange County including, but not limited to its agencies, departments, boards, districts, offices and authorities and excluding elected officials.

SECTION TWO: RESIDENCY REQUIREMENTS

- a. No person shall be eligible to hold a public office who has not become a resident of the County of Orange, or a resident of a County within the State of New York contiguous to the County of Orange, within six months after being appointed to a position or title.
- b. The provisions of this Local Law shall not apply to any elective office, and may not be used to disqualify from public office any person who holds a public office as of the effective date of this Local Law.
- c. Notwithstanding the provisions of Section 2(a) of this Local Law, this Local Law shall not apply to any public officer who is required by any law of the State of New York, other than Sections 3 and 30 of the Public Officers Law, to be a resident of the County of Orange, except that all such public officers shall be required to be a resident of the County of Orange within six months after taking office.
- d. Any public officer who, after establishing residency in accordance with the provisions of this Local Law, or applicable State law, ceases to be a resident of the County or, where applicable, a contiguous county within the State of New York, shall be deemed to have vacated his or her office.

SECTION THREE: AMENDMENT AND REPEAL OF INCONSISTENT LOCAL LAWS

Local Law No. 15 of 1982, entitled "A Local Law Amending Section 2(b)(2) of Local Law No. 4 of 1975, With Regard to Qualifications of Deputy Sheriffs" is hereby repealed.

Local Law No. 4 of 1975, entitled "Orange County Deputy Sheriff Employment Security Law" is hereby amended by deleting therefrom Section 2(b)(2).

SECTION FOUR: EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the New York Secretary of State.

Local Law No. 12 of 2001 was passed May 11, 2001 by the following roll call vote:

Ayes:	19
Noes:	2
Absent:	0

Approved by the County Executive: June 1, 2001

Effective: June 11, 2001

LOCAL LAW NO. 13 OF 2001

A LOCAL LAW ESTABLISHING LAWS, RULES AND REGULATIONS GOVERNING THE USE OF LANDS AND PROPERTIES COMPRISING THE ORANGE COUNTY PARKS SYSTEM.

Be it enacted, by the County Legislature of the County of Orange, State of New York, as follows:

Section 1. PURPOSES

The purpose of this Local Law and the rules and regulations authorized hereunder is to harmonize, organize, clarify and collect all laws relating to the governance of the use of the lands and facilities of the Orange County Park system by the public to preserve and protect the Orange County Park System and all associated properties and facilities, so that they may endure and be used and enjoyed in peace and safety by the citizens of and visitors to the County of Orange in perpetuity. This Local Law is intended to supercede all prior enactments on the subject, including Local Laws No. 5 of 1978 and No. 2 of 1995.

Section 2. DEFINITIONS

1. As used herein the terms "Park(s)" and "Parks system" shall mean all lands and facilities under the jurisdiction, supervision and control of the Orange County Commissioner of Parks, Recreation and Conservation, including but not limited to park lands, golf courses, museums, visitor centers, trails (including the Heritage Trail,) ball fields, historic sites, arboretums, nature preserves and all other recreational facilities; and shall also include water courses, buildings, structures, parking areas for vehicles, equipment, machinery, County-owned vehicles and supplies; and all other County-

owned property assigned to and/or used by or for the Orange County Department of Parks, Recreation and Conservation.

2. "Commissioner" shall mean the Orange County Commissioner of Parks unless otherwise specified.

3. "County" shall mean the County of Orange of the State of New York unless otherwise defined herein.

4. "Facilities" shall hereinafter refer to all property; real, personal and mixed, of whatsoever kind and nature and wheresoever situated, owned by and/or in the care, custody and control of the County of Orange, devoted to and/or designated as serving the purposes of the Orange County Department of Parks, Recreation and Conservation, and including, but not limited to, parking areas, storage, offices, vehicles, equipment and other facilities.

5. "User(s)" shall hereinafter refer to all persons entering upon and/or using the Parks and/or Park Facilities for any purpose, other than to carry out their duties and responsibilities as agents or employees of the County of Orange, to be interpreted herein in the singular or plural as the sense shall require.

Section 3. GENERAL USE

1. The Parks and Park Facilities are for the peaceful use and safe enjoyment of citizens and residents of the County of Orange and visitors to the County of Orange. Use of the Parks and Park Facilities shall conform to this Local Law and to all rules and regulations promulgated hereunder.

2. The Parks and Park Facilities, except as may be excluded or limited by the Commissioner, shall be open for public use on such days, at such times and according to such schedule as the Commissioner may determine or designate. The Commissioner may publish such schedule, which shall be subject to such temporary or permanent amendment or variation as the Commissioner may determine.

3. The Parks and Park Facilities shall not be used other than during such times as the Commissioner shall have determined and designated. Exceptions for special uses at times not specified for use by the general public shall require the advance written permission of the Commissioner. Groups, clubs, businesses or other organizations wishing to use the Parks or Park Facilities for an event must first secure the prior written approval therefor from the Commissioner.

4. The Parks or any portion or portions thereof and Park Facilities or any part thereof may be closed or rendered unavailable for access or use, for such interval of time as may be deemed appropriate or necessary, by the Commissioner, the County Executive or the Orange County Legislature, or by such deputy as any of them may designate in writing as authorized to so determine, who in any event shall be an official of the County of Orange. Such closing may be accompanied by the posting of notices and/or signs to such effect upon the affected property and/or facilities, and as otherwise may best give notice of same to the public.

5. The Commissioner is authorized to adopt a schedule of fees, which shall be charged for the use of Park Facilities and/or equipment. The Commissioner is authorized to require the posting of

security, in the form of cash, check, bonds, insurance or other form or manner, as a condition of the use of the Parks or Park Facilities and/or equipment.

6. Use of the Parks and Park Facilities shall be at the sole and complete risk of the User. The County of Orange assumes no responsibility and is not liable for any injury, damage or loss to any persons or property arising from the use of the Parks and/or Park Facilities.

7. Entering upon and using the Parks and/or Park Facilities shall constitute an agreement by the User to hold the County of Orange harmless from all claims for any injury, damage or loss to any persons or property arising from the use of the Park and/or Park Facilities. Injury, damage or loss of property of the County of Orange, including the Parks and/or Park Facilities, resulting from the use of the Parks and/or Park Facilities, shall be the responsibility of the User, who shall be liable to the County of Orange for the actual cost or value of such injury, damage or loss; in addition to such other claims and sanctions as may be allowed or imposed by law.

8. All Federal, State and local laws, rules, regulations and ordinances which apply or shall hereinafter apply in and for the County of Orange shall apply in and for the Orange County Parks and Park Facilities, including insofar as same require prior notice of actions, claims, suits and other proceedings; and in all other forms and for such other purposes as are or may be provided therein.

Section 4. CONDUCT AND PROHIBITIONS

1. The Orange County Commissioner of Parks and any individual who may be designated in writing by the Commissioner and who shall be, in any event, an official of the County, shall have the authority to monitor compliance and seek enforcement of the provisions of this Local Law and any rules and regulations promulgated hereunder.

2. The Orange County Commissioner of Parks shall have the authority to promulgate rules and regulations regarding the use of the Parks or Park Facilities. Such rules and regulations shall be consistent with the terms and provisions of this Local Law. A current copy of all such rules and regulations shall be maintained on file at the headquarters of the Orange County Department of Parks and with the County Executive and the Clerk of the Orange County Legislature.

3. The following activities are permitted in or on the Parks and/or Park Facilities; on those portions or areas designated for same and in compliance with all rules and regulations pertaining thereto:

a. walking, hiking, jogging, running, exercising, recreating, bird-watching, sight-seeing, touring, observing, studying and contemplating nature; bicycling on designated bicycle paths, horseback riding on areas and paths designated for same, using motorized and non-motorized wheelchairs and other appliances by disabled persons, using Park Facilities in a safe and prescribed manner, visiting sites, attractions and features located on Park property, and peacefully using and enjoying Park resources; except as otherwise limited or prohibited by the lawful authority of the County of Orange.

4. All persons are prohibited from doing any of the following in or upon the Parks and Park Facilities:

- a. entering, remaining upon and/or using the Parks and/or Park Facilities at any time other than as scheduled or made available for use by County authority. Any such unauthorized entry and/or use shall constitute a trespass and be subject to civil and criminal prosecution, in addition to any other penalties and sanctions authorized by this Local Law.
- b. without permission or invitation of the private owner, entering onto private property adjacent to Park property by means of the Parks and/or Park Facilities. Violation of this sub-section may be prosecuted hereunder in addition to any other sections of law.
- c. failing to obey all signs, signals and other directions and instructions from County or other lawful authorities in or on Park property and Park Facilities.
- d. acting, behaving and/or using language in a disorderly, disturbing, indecent or obscene manner; or harassing, annoying, disturbing or interfering with other persons using the Parks and/or Park Facilities.
- e. making or causing loud noise and/or music in or on Park property and Park Facilities in such manner as disturbs or interferes with other users; or in any fashion impairing the ability of any person to quietly enjoy and use same.
- f. possessing and/or using explosives, fireworks, rockets, dangerous chemical and/or electrical devices or substances in or on the Parks and Park Facilities, unless specifically approved by the Commissioner in advance.
- g. littering, dumping, disposing or otherwise placing household trash, solid or liquid waste or debris in or on the Park property or Park Facilities except in appropriate receptacles provided therefor. No person shall use Park receptacles for household waste, construction and demolition debris or waste, medical waste, radioactive waste, chemical waste or other waste material which is generated or originated anywhere except on or from Parks property.
- h. starting or maintaining a fire or open flame; operating a portable stove, grill or any other device for the heating, cooking or preparation of food, except in designated picnic areas and campgrounds, or with the advance written permission of the Commissioner, and then only with the approval and/or under the direct supervision and control of the Commissioner and/or Park staff.
- i. carrying or possessing any kind of weapons in or on Park property or Park Facilities, including but not limited to firearms, bows, slingshots, air or spring guns; or firing or discharging firearms or weapons on, from, into or across Park property or Park Facilities.
- j. secreting, storing, burying, abandoning or otherwise emplacing privately owned or abandoned materials, items or property in or upon Park property and/or Park Facilities.
- k. selling, vending or conducting or soliciting private business, commerce or commercial transactions or for-profit activities on Park property or Park Facilities or using same in pursuit thereof; using or renting for private profit or charging a private fee for the use of the Parks or Park Facilities by any individual or group or entity, corporate or otherwise, for any purpose whatsoever, without the prior written knowledge and approval therefor of the Commissioner, and then only under the direct supervision and control of the Commissioner and/or Park staff.

l. obstructing, impairing, burdening, damaging, altering or destroying the Parks, Park Facilities and property; disturbing, destroying, injuring, damaging or removing any property within the Parks, including, but not limited to, vegetation, wildlife, ruins, chattels, fossils, artifacts, geological formations and specimens, signs, equipment or facilities except as unavoidably impacted by normal minimal wear and tear resulting from authorized use of the Park and Park Facilities; erecting, displaying or affixing unauthorized signs, placards, bills or notices for any purpose whatsoever.

m. possessing, using, selling or conveying to another person alcohol or substances containing alcohol except as hereinafter provided; or illegal chemicals, compounds or drugs; being in or upon or using the Parks or Park Facilities while intoxicated or under the influence of alcohol or drugs or while abilities are impaired by same.

n. using, operating, riding in or upon, or bringing onto the Parks or Park Facilities any motorized vehicle or method of conveyance howsoever powered, driven or propelled, except in such manner and in such areas as authorized and designated in advance by the Commissioner. Specifically excluded from this prohibition is the use of motorized wheelchairs by persons with disabilities in appropriate areas and in or on the Park property and Park Facilities designated for same. Motorized vehicles may enter upon Park property only on established and marked roads, and only with the exercise of due care and caution and in obedience to signage, speed limits and signalization and in accordance with the directives of the Commissioner and/or authorized police or other officers charged with the control of traffic and the protection of public safety and order.

o. taking upon or intentionally or negligently allowing upon Park property or Park Facilities any unleashed, unconfined or otherwise uncontrolled animal, or any animal under any circumstances which poses a danger or threat to the health or safety of any person or to any person's right and opportunity to quietly use and enjoy the Parks or Park Facilities.

p. using or employing sporting equipment in any manner which poses a danger or threat to the quiet and peaceful enjoyment of the Parks or Park Facilities by any person, including but not limited to balls, clubs, sticks, racquets, frisbees, bats, remote-controlled models, hunting and fishing equipment, climbing gear; or otherwise propelling objects through the air or along the ground such as may pose the threat of striking another person or persons using the Parks or Park Facilities, or interfering with their right to quietly enjoy same; except in areas designated therefor and only at such time as permitted by Park rules and regulations.

q. pitching a tent or erecting any temporary or permanent shelter on Park property or Park Facilities; except in areas designated and approved by the Commissioner; camping, hunting, parachuting, hang-gliding, sky-diving, or undertaking any other sport or activity prohibited by law, code, rule or regulation on Park property or Park Facilities; or any activity inconsistent with and tending to interfere with any lawful and permitted use of the Parks or Park Facilities.

r. parking any vehicle, trailer or other human or animal conveyance or apparatus anywhere other than in designated parking areas, or contrary to the instructions of lawful authority. Parking overnight in or on any Park parking facility or area is prohibited. Parking areas are for use by vehicles or persons using the Parks or other Park Facilities. Parking areas shall not be used by persons not using the Parks or Park Facilities.

s. The Commissioner may grant a one-time exemption from any prohibition only upon advance written request therefor. Such exemption shall be made in writing and may contain such conditions and limitations as the Commissioner deems appropriate.

Section 5. ALCOHOLIC BEVERAGES

1. Individuals must purchase alcoholic beverages only from the concessionaire designated and authorized by the County and may consume same only at locations designated for same. The possession and consumption of alcoholic beverages in the Parks or on Park property facilities is prohibited except as provided herein.

2. a. Groups wishing to have alcoholic beverages available for group events must first obtain a written permit from the Commissioner.

b. To obtain an Alcohol Permit the following conditions must be met:

i. The permit will be issued only to a bona fide group, club or business which has secured the prior approval of the Commissioner for the use of the Park for their event.

ii. The permit shall specify the name, address and other contact information of the group and of the responsible individual to whom the permit is issued. The permit shall also state the date, time and place of the event, and shall only be valid as so stated.

c. No permit shall be issued to a commercial or business group unless the County is provided with documentation showing that adequate insurance covering the County has been provided. Such documentation shall be in the form of a Certificate of Insurance specifically naming the County as an additional insured. In each case the Commissioner shall determine the sufficiency of coverage, with the advice of the Orange County Risk Manager and the Orange County Attorney. Such insurance shall hold the County harmless from all claims and actions for damages and injuries sustained by any person or property as a direct or indirect consequence of the holding of such event, including but not limited to traveling to or from the Parks. Family groups or not-for-profit organizations are specifically exempt from the insurance requirements, as may be approved by the Commissioner.

3. Groups must obtain all other necessary permits and approvals from the Commissioner prior to obtaining an Alcoholic Beverage Permit. All permits must be available for inspection during the event. Sale of alcoholic beverages is prohibited at all events, except as approved by the Commissioner and the New York State Alcoholic Beverages Control Board.

4. In any event, no alcoholic beverage shall be provided to or consumed by persons who are or appear to be intoxicated or disorderly.

5. All permits are subject to revocation by the Commissioner and/or his authorized agents for non-compliance with any governing laws, rules or regulations.

Section 6. ENFORCEMENT

1. Any person who violates any provision of this law or any rule or regulation promulgated hereunder shall be, upon conviction thereof, subject to a fine not to exceed Five Hundred (\$500.00)

Dollars or by imprisonment for a term not to exceed ninety (90) days, or both, for each such violation.

2. Any vehicle or conveyance which is operated or parked in such a manner as to violate any provision of this law or any rule or regulation promulgated hereunder is subject to towing and/or impoundment at the sole and entire expense of the owner of said vehicle or conveyance. Such vehicle or conveyance when towed and/or impounded may not be released prior to payment of the cost and fees chargeable for same, plus any outstanding fines or other lawful obligations regarding such vehicle shall be payable to the County of Orange.

3. All police officers, including members of local, county and state departments and agencies, shall be authorized to enforce this law and all rules and regulations promulgated hereunder.

4. Actions brought under this law may be heard in the courts of the local municipality wherein the violation occurred, or in the County and/or Supreme Courts of the County of Orange.

Section 7. AUTHORITY: SEVERABILITY, CONFLICTS, EFFECTIVE DATE

1. This law is enacted pursuant to the authority granted under Article IX of the Constitution of the State of New York, the Municipal Home Rule Law, and Section 215 of the County Law.

2. Should any part or portion of this Law be ruled invalid or otherwise rendered unenforceable or null and void, the balance shall not be affected thereby and shall remain in full force and effect.

3. In the event of inconsistency between or among the provisions of this law and the rules and regulations promulgated hereunder and any other law, rule or regulation, the more restrictive provision shall apply.

4. This Law shall become effective on January 1, 2002, in the time and manner provided in the Municipal Home Rule Law.

5. All permits, contracts, agreements and other obligations affected by this Local Law by and between the County of Orange and any private party which shall have been entered into prior to the effective date hereof shall be exempted from the provisions hereof; and shall be governed by the terms of such laws, permits, contracts and agreements as shall have been in effect at the time they shall have been made.

Local Law No. 13 of 2001 was passed August 10, 2001 by the following roll call vote:

Ayes:	19
Noes:	2
Absent:	0

Approved by the County Executive: August 30, 2001

Effective: September 10, 2001

LOCAL LAW AMENDING SECTION 8.02 OF THE ORANGE COUNTY CHARTER CONCERNING MAINTENANCE AND REPAIR OF BUILDINGS AT THE ORANGE COUNTY RESIDENTIAL HEALTH CARE FACILITY.

BE IT ENACTED by the County Legislature of the County of Orange, State of New York, as follows:

SECTION ONE: PURPOSE

The purpose of this Local Law is to provide that it is within the powers and duties of the Commissioner of Public Works to have charge and supervision of the maintenance and repair of the buildings at the Orange County Residential Health Care Facility.

SECTION TWO: ORANGE COUNTY CHARTER AMENDED:

Local Law No. 8 of 1968, known as the Orange County Charter, is hereby amended as follows:

Paragraph (4) of Section 8.02 ("Commissioner of Public Works; Powers and Duties") is amended by deleting therefrom the words: "and infirmary structures."

SECTION THREE: EFFECTIVE DATE

This Local Law shall become effective immediately, as provided in the Municipal Home Rule Law.

Local Law No. 14 of 2001 was passed August 10, 2001 by the following roll call vote:

Ayes:	20
Noes:	0
Absent:	1

Approved by the County Executive: August 30, 2001

Effective: September 10, 2001

LOCAL LAW NO. 15 OF 2001

A LOCAL LAW APPROVING AN APPLICATION TO AMEND THE BOUNDARIES OF THE ORANGE COUNTY NEWBURGH-STEWART EMPIRE ZONE.

PREAMBLE: The County of Orange is the grantee of Empire Zone No. 60, awarded by the State of New York to promote economic development, employment and private investment in our communities by offering substantial tax incentives and benefits.

Under the laws, rules and regulations of the Empire Zone Program, an application may be submitted to the State Department of Economic Development to modify the boundaries of the Empire Zone to transfer Zone-eligible acreage to heretofore undesignated areas.

The Orange County Newburgh-Stewart Empire Zone originally was granted and designated on acreage located within the City of Newburgh and the Towns of Newburgh and New Windsor; and in keeping therewith the Administrative Board of the Empire Zone has adopted standards and requirements including that no application for a boundary modification shall be approved if a new Zone client can be accommodated within said three original municipalities.

The subject application complies with such requirements and has the approval of the Zone Administrative Board and the affected local municipalities, which have held public hearings and passed local Resolutions supporting the subject amendments.

BE IT ENACTED, by the County Legislature of the County of Orange, State of New York, as follows:

SECTION 1. BOUNDARY AMENDMENT APPLICATION APPROVED

We, the Legislature of the County of Orange, do hereby endorse and approve the submission of the application for boundary modification of the Orange County Newburgh-Stewart Empire Zone, as indicated on the attached Schedule, as in keeping with the purposes and policies of the Empire Zone Program of the State of New York and the best interests of Orange County, subject to the approval of the State Department of Economic Development.

SECTION 2. EFFECTIVE DATE

This Local Law shall take effect immediately, as provided by the Municipal Home Rule Law of the State of New York.

Local Law No. 15 of 2001 was passed December 6, 2001 by the following roll call vote:

Ayes:	19
Noes:	0
Absent:	2

Approved by the County Executive: December 21, 2001

Effective: January 2, 2002

