

**LOCAL LAW NO. 1 OF 2009****A LOCAL LAW TO INCLUDE THE RIVIERA FARMS LLC MANUFACTURING FACILITY WITHIN THE BOUNDARIES OF THE NEWBURGH-STEWART EMPIRE ZONE, TO DESIGNATE SUCH FACILITY AS A REGIONALLY SIGNIFICANT PROJECT, AND TO REQUEST APPROVAL BY THE NEW YORK STATE COMMISSIONER OF ECONOMIC DEVELOPMENT FOR SUCH DESIGNATION.**

**WHEREAS**, by Local Law No. 6 of 1997, the County of Orange authorized the submission of an application for designation of the Empire Zone, pursuant to Section 961 of the Municipal Law, and the creation of such Zone was approved by the New York State Commissioner of Economic Development and such Zone was formally designated by the Empire Zones Designation Board in June of 1998; and

**WHEREAS**, by Local Law No. 9 of 2007, and by approval of the Commissioner of Economic Development, the boundaries of the Newburgh-Stewart Empire Zone were amended and are now made up of three distinct and separate contiguous parcels which fall within the City of Newburgh, the Town of Newburgh and the Town of New Windsor; and

**WHEREAS**, Riviera Farms LLC is proposing the creation of a manufacturing facility at 20 Governor Drive in the Town of Newburgh, outside of the boundaries of the Newburgh-Stewart Empire Zone; and

**WHEREAS**, this facility will add approximately 70 jobs and will result in an investment of approximately \$1.1 million by Riviera Farms LLC for production machinery, equipment and furniture that support its on-site manufacturing facility; and

**WHEREAS**, the New York State Department of Economic Development has determined that the proposed expansion is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law; and

**WHEREAS**, the Zone Administrative Board of the Newburgh-Stewart Empire Zone has determined that the proposed project is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(I) of the General Municipal Law.

**NOW, THEREFORE,**

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

Section 1. The Legislature approves the designation of the Riviera Farms LLC manufacturing facility at 20 Governor Drive, Town of Newburgh, as a regionally significant project within the meaning of State law and regulations governing the Empire Zone. This property is also identified in the Town of Newburgh tax map as Section 89, Block 2, Lot 14.

Section 2. The Legislature requests that the New York State Commissioner of Economic Development approve this addition to the Newburgh-Stewart Empire Zone as described in Section 1.

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Section 3. The Local Law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

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Local Law No. 1 of 2009 was passed on February 5, 2009 by the following roll call vote:

Ayes: 19

Noes: 0

Absent: 2

Approved by the County Executive: February 5, 2009

Effective: March 9, 2009

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**LOCAL LAW NO. 2 OF 2009**

**A LOCAL LAW AMENDING LOCAL LAW NO. 8 OF 1972 FIXING THE COMPENSATION OF THE COMMISSIONERS OF ELECTIONS, AS LAST AMENDED BY LOCAL LAW NO. 11 OF 2004, 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. 11 of 2004, is hereby amended by adding the following salary schedule:

2009	\$ 69,079
2010	\$ 71,497
2011	\$ 73,999
2012	\$ 76,589

Section 2. The rate of annual compensation for the Commissioners of Elections 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 as provided by the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

Local Law No. 2 of 2009 was passed on April 3, 2009 by the following roll call vote:

Ayes: 21

Noes: 0

Absent: 0

Approved by the County Executive: April 30, 2009

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Effective: May 11, 2009

**LOCAL LAW NO. 3 OF 2009**

**A LOCAL LAW AMENDING LOCAL LAW NO. 14 OF 1979 TO ESTABLISH AN ORANGE COUNTY SELF-INSURANCE PLAN WITH REGARD TO WORKERS' COMPENSATION, AND TO PROVIDE FOR THE ADMINISTRATION THEREOF, PURSUANT TO ARTICLE 5 OF THE WORKERS' COMPENSATION LAW.**

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

**ARTICLE I  
ORANGE COUNTY SELF-INSURANCE PLAN-WORKERS' COMPENSATION**

Section 1. The Plan of Self-Insurance provided for in Article 5 of the Workers' Compensation Law is hereby established and shall be known as the "Orange County Self-Insurance Plan-Workers' Compensation."

**ARTICLE II  
ADMINISTRATION**

Section 1. An Administrator shall administer the Plan of Self-Insurance hereby established. Such Administrator shall be known as the "Compensation Insurance Administrator," hereafter referred to as the "Administrator." The Administrator shall be the County Executive of the County of Orange.

Section 2. The Administrator shall have the authority to administer such Plan in conformity with rules and regulations which may, from time to time, be adopted by a local law pursuant hereto. He shall have the power to contract for services deemed necessary for the operation and administration of the Plan, within the limits of the appropriation therefore, and shall approve all bills and claims against the Plan before payment is recommended. He shall also have the authority to do any matter necessary in the settlement of any case.

**ARTICLE III  
PARTICIPANTS**

Section 1. The County of Orange and Orange County Community College shall be the sole participants in the Plan.

Section 2. The provisions of sub-division 3 of Section 63, as amended from time to time, of the Workers' Compensation Law shall not apply to the Plan established by virtue of this local law, and the Plan shall exclude any compensation, assessments or other obligations under the Volunteer Firemen's Benefit Law.

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Section 3. Every new employee of any participant in the Plan shall be required to undergo a physical examination before undertaking any of the duties of employment, except in the case of an emergency, in which case a participant employing such an employee shall arrange for such physical examination at the earliest possible time after undertaking the required duties. The expense of such physical examination shall be paid from the funds of the Plan.

Section 4. The share of each participant in the Plan shall be collected as provided in Sections 67 and 71 of the Workers' Compensation Law.

**ARTICLE IV  
EXCESS OF CATASTROPHE INSURANCE**

Section 1. The Administrator, in his discretion, may purchase excess or catastrophe insurance in such limits as he deems appropriate, the cost thereof to be paid from the funds of the Plan.

**ARTICLE V  
CUSTODIAN OF FUNDS**

Section 1. The Commissioner of Finance of the County of Orange, pursuant to the provisions of Section 64 of the Workers' Compensation Law, shall be the custodian of all monies of the Plan, and shall disburse the same in conformity with the directions of Section 50(2) of such law.

**ARTICLE VI  
RULES AND REGULATIONS**

Section 1. The Administrator subject to adoption by the Legislature by local law shall promulgate such rules and regulations as he deems necessary for the fair and equitable administration of the Plan with respect to: (a) entry and withdrawal of participants, (b) medical examinations, (c) safety programs, (d) reports by participants, and (e) cooperation by participants.

**ARTICLE VII  
MISCELLANEOUS**

Section 1. Any representative or agent under contract with the Administrator shall perform such duties as may be necessary to operate the Plan in accordance with the Workers' Compensation Law, shall make the reports required by law; shall attend hearings of cases before Workers' Compensation Board; shall have the power to authorize necessary medical care which appears from medical reports and information to be justifiable; shall have the authority to purchase supplies, stationery, forms, books and equipment necessary for the operation of said Plan within the limits of the appropriation and subject to the approval of the Administrator.

**ARTICLE VIII  
EFFECTIVE DATE**

Section 1. This Local Law shall take effect immediately.

Local Law No. 3 of 2009 was passed on April 3, 2009 by the following roll call vote:

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Ayes: 21  
Noes: 0  
Absent: 0

Approved by the County Executive: April 30, 2009

Effective: May 11, 2009

**LOCAL LAW NO. 4 OF 2009**

**A LOCAL LAW AMENDING LOCAL LAW NO. 4 OF 2004 AND FIXING THE COMPENSATION FOR THE LEGISLATORS OF THE ORANGE COUNTY LEGISLATURE TO BE EFFECTIVE FOR THE TERM COMMENCING ON JANUARY 1, 2010, PURSUANT TO SECTION 2.02(s) OF THE ORANGE COUNTY CHARTER.**

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

Section 1. The annual compensation for the members of the Orange County Legislature without reference to other provisions of law is hereby established for the years indicated as follows:

2010	\$ 27,281
2011	\$ 28,099
2012	\$ 28,942
2013	\$ 29,811

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

Section 3. Local Law No. 4 of 2004 is hereby amended by rescinding paragraph 4.

Section 4. This Local Law shall take effect as provided by the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

Local Law No. 4 of 2009 was passed on March 5, 2009 by the following roll call vote:

Ayes: 14  
Noes: 7  
Absent: 0

Approved by the County Executive: March 27, 2009

Effective: July 28, 2009

**LOCAL LAW NO. 5 OF 2009**

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**2009 LOCAL LAWS OF ORANGE COUNTY 2009**  
**A LOCAL LAW AMENDING LOCAL LAW NO. 5 OF 2004 AND FIXING THE COMPENSATION FOR THE CHAIRPERSON OF THE ORANGE COUNTY LEGISLATURE TO BE EFFECTIVE FOR THE TERM COMMENCING ON JANUARY 1, 2010, PURSUANT TO SECTION 2.02(s) OF THE ORANGE COUNTY CHARTER.**

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

Section 1. The annual compensation for the Chairperson of the Orange County Legislature without reference to other provisions of law is hereby established for the years indicated as follows:

2010	\$ 45,468
2011	\$ 46,832
2012	\$ 48,237
2013	\$ 49,684

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

Section 3. Local Law No. 5 of 2004 is hereby amended by rescinding paragraph 4.

Section 4. This Local Law shall take effect as provided by the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

Local Law No. 5 of 2009 was passed on March 5, 2009 by the following roll call vote:

Ayes: 14  
Noes: 7  
Absent: 0

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Approved by the County Executive: March 27, 2009

Effective: July 28, 2009

**LOCAL LAW NO. 6 OF 2009**

**A LOCAL LAW AMENDING LOCAL LAW NO. 7 OF 2004 AND FIXING THE COMPENSATION FOR THE CHAIRPERSONS OF THE STATUTORY COMMITTEES OF THE ORANGE COUNTY LEGISLATURE TO BE EFFECTIVE FOR THE TERM COMMENCING ON JANUARY 1, 2010, PURSUANT TO SECTION 2.02(s) OF THE ORANGE COUNTY CHARTER.**

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

Section 1. The annual compensation for the Chairpersons of the Statutory Committees of the Orange County Legislature without reference to other provisions of law is hereby established for the years indicated as follows:

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2010	\$ 30,313
2011	\$ 31,222
2012	\$ 32,159
2013	\$ 33,124

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

Section 3. Local Law No. 7 of 2004 is hereby amended by rescinding paragraph 4.

Section 4. This Local Law shall take effect as provided by the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

Local Law No. 6 of 2009 was passed on March 5, 2009 by the following roll call vote:

Ayes: 14  
Noes: 7  
Absent: 0

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Approved by the County Executive: March 27, 2009

Effective: July 28, 2009

**LOCAL LAW NO. 7 OF 2009**

**A LOCAL LAW AMENDING LOCAL LAW NO. 8 OF 2004 AND FIXING THE COMPENSATION FOR THE COUNTY EXECUTIVE OF ORANGE COUNTY TO BE EFFECTIVE FOR THE TERM COMMENCING ON JANUARY 1, 2010, PURSUANT TO SECTION 2.02(s) OF THE ORANGE COUNTY CHARTER.**

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

Section 1. The annual compensation for the County Executive of Orange County without reference to other provisions of law is hereby established for the years indicated as follows:

2010	\$ 166,718
2011	\$ 171,720
2012	\$ 176,871
2013	\$ 182,177

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

Section 3. Local Law No. 8 of 2004 is hereby amended by rescinding paragraph 4.

Section 4. This Local Law shall take effect as provided by the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

Local Law No. 7 of 2009 was passed on March 5, 2009 by the following roll call vote:

Ayes: 16

Noes: 5

Absent: 0

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Approved by the County Executive: March 27, 2009

Effective: July 28, 2009

**LOCAL LAW NO. 8 OF 2009**

**A LOCAL LAW AMENDING LOCAL LAW NO. 9 OF 2004 AND FIXING THE COMPENSATION FOR THE COUNTY CLERK OF ORANGE COUNTY TO BE EFFECTIVE FOR THE TERM COMMENCING ON JANUARY 1, 2010, PURSUANT TO SECTION 2.02(s) OF THE ORANGE COUNTY CHARTER.**

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

Section 1. The annual compensation for the County Clerk of Orange County without reference to other provisions of law is hereby established for the years indicated as follows:

2010	\$ 98,515
2011	\$ 101,470
2012	\$ 104,515
2013	\$ 107,650

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

Section 3. Local Law No. 9 of 2004 is hereby amended by rescinding paragraph 4.

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Section 4. This Local Law shall take effect as provided by the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

Local Law No. 8 of 2009 was passed on March 5, 2009 by the following roll call vote:

Ayes: 16

Noes: 5

Absent: 0

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Approved by the County Executive: March 27, 2009

Effective: July 28, 2009

**LOCAL LAW NO. 9 OF 2009**

**A LOCAL LAW AMENDING LOCAL LAW NO. 10 OF 2004 AND FIXING THE COMPENSATION FOR THE DISTRICT ATTORNEY OF ORANGE COUNTY TO BE EFFECTIVE FOR THE TERM COMMENCING ON JANUARY 1, 2010, PURSUANT TO SECTION 183-a OF THE N.Y.S. JUDICIARY LAW.**

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

Section 1. In accordance with N.Y.S. Judiciary Law § 183-a, the annual compensation for the District Attorney of Orange County is hereby established for the years indicated as follows:

2010	\$ 136,700
2011	\$ 140,801
2012	\$ 145,025
2013	\$ 149,376

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

Section 3. Local Law No. 10 of 2004 is hereby amended by rescinding paragraph 7.

Section 4. This Local Law shall take effect as provided by the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

Local Law No. 9 of 2009 was passed on March 5, 2009 by the following roll call vote:

Ayes: 18

Noes: 3

Absent :0

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Approved by the County Executive: March 27, 2009

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Effective: July 28, 2009

**LOCAL LAW NO. 10 OF 2009**

**A LOCAL LAW AMENDING LOCAL LAW NO. 13 OF 2004 AND FIXING THE COMPENSATION FOR THE SHERIFF OF ORANGE COUNTY, PURSUANT TO SECTION 201 OF THE N.Y.S. COUNTY LAW.**

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

Section 1. The annual compensation for the Sheriff of Orange County, without reference to other provisions of law, is hereby established for the years indicated as follows:

2011	\$ 109,806
2012	\$ 113,100
2013	\$ 116,493
2014	\$ 119,988

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

Section 3. Local Law No. 13 of 2004 is hereby amended by rescinding paragraph 4.

Section 4. This Local Law shall take effect as provided by the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

Local Law No. 10 of 2009 was passed on April 3, 2009 by the following roll call vote:

Ayes: 21  
Noes: 0  
Absent: 0

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Approved by the County Executive: April 30, 2009

Effective: July 28, 2009

**LOCAL LAW NO. 11 OF 2009**

**A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 2004 SECTION 5.04 OF THE ORANGE COUNTY CHARTER AND SECTION 5.06(a)(1) OF THE ORANGE COUNTY ADMINISTRATIVE CODE ELIMINATING THE REQUIREMENT THAT EVERY, OR ANY, CLAIM SUBMITTED FOR THE PAYMENT OF MONIES FOR THE RENDERING OF SERVICES ON BEHALF OF THE COUNTY BE**

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**SUPPORTED BY A CERTIFICATION SUBMITTED BY THE CLAIMANT (VENDOR), PURSUANT TO**  
**THESE SECTIONS OR PURSUANT TO NEW YORK COUNTY LAW SECTION 369(2).**

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

**Section 1.** Legislative History, Findings and Conclusions.

New York County Law Section 369(2) gave Counties the discretion to require that claims for the payment of money be certified or verified by the claimant. Furthermore, this Legislature has the discretion to determine whether or not to make such certification mandatory and if so, under what conditions such certifications shall be required. Pursuant to said Section 369(2), the County of Orange enacted the last unlettered paragraph of Section 5.04 of the Orange County Charter and Section 5.06(2)(1) of the Orange County Administrative Code. Each section requires that claims for the payment of money be certified by the claimant in the form of a "Vendor Certification Form." The County Executive, by and through the Commissioner of Finance has now determined that with respect to all purchases made, such Vendor Certification Form is no longer necessary, and the elimination of same will reduce the number of man-hours necessary to process each request for payment, expedite the processing of such claims and remittance of such payments to the County's Vendors and/or contractors.

Therefore, the County Executive hereby recommends to this Legislature that the Vendor Certification requirement be eliminated as to all types of procurements including but not necessarily limited to utilities, service and non-service (commodity) related procurements. Furthermore, that this Legislature wishes to extend all exemptions previously granted pursuant to Local Law No. 2 of 2004, Local Law No. 2 of 2000, as well as amend the Orange County Charter and Administrative Code, so as to eliminate the necessity for requiring the use of a Vendor Certification form in any type of procurement.

**Section 2.** Local Law Amendment.

A. Local Law No. 2 of 2004 and Local Law No. 2 of 2000 amended Local Law No. 8 of 1968, which established the Orange County Charter. Said Charter is further amended as follows:

(i) **Section 2.** Charter Amendment

Section 5.04 of the Orange County Charter is hereby amended by deleting the last unlettered paragraph from this Section in its entirety.

B. Local Law No. 2 of 2004 and Local Law No. 2 of 2000 amended Local Law No. 10 of 1969, which established the Orange County Administrative Code. Said Administrative Code shall be amended as follows:

(i) **Section 3.** Administrative Code Amendment

Section 5.06(a)(1) of the Orange County Administrative Code shall be amended by deleting this paragraph in its entirety.

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**Section 3. Effective date.**

This Local Law shall take effect immediately upon filing in the office of the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

Local Law No. 11 of 2009 was passed on April 3, 2009 by the following roll call vote:

Ayes: 21

Noes: 0

Absent: 0

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Approved by the County Executive: April 30, 2009

Effective: July 28, 2009

**LOCAL LAW NO. 12 OF 2009**

**A LOCAL LAW REGULATING SECONDHAND PRECIOUS METAL OR GEM DEALERS FOR THE COUNTY OF ORANGE.**

**BE IT ENACTED**, by the Orange County Legislature, as follows:

**Section 1. Legislative intent.**

It is hereby declared and found that, because of the increase of incidents of property theft, the increase of the price of precious metals and gems, the ease with which some secondhand dealers buy and sell precious metals or gems without requiring identification or proof of ownership, these secondhand precious metal or gem dealers represent to persons involved in crime an opportunity to dispose of stolen property. For business enterprises to be allowed to continue to operate without laws to control and regulate the purchase of such articles not only jeopardizes the property rights of many people but also extremely hampers the police agencies in their efforts to recover stolen property and identify suspects. If the law enforcement agencies are to function in this area, a local law regulating secondhand precious metal or gem dealers is necessary. Thereby, the public health, morals and general welfare of the County of Orange will be protected and promoted and the best interest of the people would be served by the control and regulation of secondhand precious metal or gem dealers. It is the intention of the Legislature of Orange County that this Local Law be established and shall constitute the complete law in relation to the control and regulation of secondhand precious metal or gem dealers for the County of Orange.

**Section 2. Definitions.**

Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

Whenever used in this Local Law, the words "dealer in secondhand precious metals or gems" shall mean any person, corporation, partnership, association, joint-stock company, or other business entity, who, in any way or as a principal broker or agent:

1. Deals in the purchase or sale of secondhand metals or gems as defined herein; or

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2. Accepts or receives secondhand precious metals or gems in exchange for credits on any other articles or merchandise; or
3. Deals in the purchase of secondhand precious metals or gems for the purpose of melting or refining; or
4. Engages in melting secondhand metal items for the purpose of selling; or
5. Engages in resetting secondhand precious gems for the purpose of selling; or
6. Deals in the purchase or sale of pawnbroker tickets or other evidence of pledged articles containing precious metals or gems; or
7. Not being a pawnbroker, deals in the redemption or sale of pledged articles made from precious metals or gems.

This Local Law shall not apply to the acceptance of merchandise which is not secondhand as a return, exchange, or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving same, nor to the resale of such merchandise.

The burden of proof that an article was originally purchased from the person accepting it or receiving it, that it was the first subsequent sale or exchange thereof to a person other than an ultimate consumer or that it was a first sale at retail of such factory rebuilt merchandise shall be upon the person asserting the same.

The term "gems" or "precious stones" as referred to herein shall include but is not limited to mean diamonds, alexandrite, cymophane, ruby, sapphire, opal, amethyst, smoky quartz, citrine, rose quartz, spinel, malachite, turquoise, emerald, aquamarine, morganite, garnet, lapis lazuli, jadeite, kunzite, topaz, tourmaline, zircon, amber, jet, pearl, coral, tanzanite.

The term "precious metals" as referred to herein shall mean gold, silver, platinum, iridium, ruthenium, osmium, or any alloys of any one or more of said metals.

Section 3. License required; display.

- A. No person shall, within the County of Orange, establish, engage in or carry on, directly or indirectly, the business of dealing in secondhand precious metals or gems either separately or in conjunction with some other business, without first having obtained and having in full force and effect a license as provided herein.
- B. Such license shall be displayed in a conspicuous place at the designated place of business of the licensee.
- C. Such license shall not in any way supplant the licensing and display requirements of any applicable State or Federal laws.

**Section 4. Application for license; fee; bond.**

A. Applications for secondhand precious metal and gem dealer licenses shall be made to the Commissioner of Consumer Affairs and Weights and Measures, [hereinafter the "Sealer"]. The application shall contain the following information:

1. Name and description of the applicant's business enterprise. Individuals operating under a trade name shall present a certified copy of the trade name certificate filed in the Orange County Clerk's office. A partnership conducting business, whether or not under a trade name, shall submit a certified copy of the partnership certificate which was filed in the Orange County Clerk's office when the partnership was formed. A corporation shall furnish a copy of its certificate of incorporation, as well as its certificate of Good Standing and, if a foreign corporation, its application for authority to do business in New York State.

2. The applicant's legal address and address of all places of business within Orange County and the address of a designated agent for service of process.

3. A description of the nature of the business to be conducted and/or being conducted by the applicant in Orange County.

4. The name and address of the owner or owners of the business premises and the nature of the right of occupancy of the applicant to the use of said premises.

5. A statement that the applicant is at least 18 years of age.

6. A statement as to whether or not the applicant has, within the past 10 years, been convicted of a crime or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore and such other facts or evidence as is deemed necessary to establish that the applicant is a person fit and capable of properly conducting the activity or business for which the license is sought.

7. Two photographs of the applicant, taken not more than 60 days prior to the date of application, which clearly depict the head and shoulders of the applicant and which shall be 2 inches wide by 2 inches tall.

8. All applicants must submit fingerprints of: the individual owner, if the applicant is a sole proprietorship; the general partners if the applicant is a partnership; and the officers, principals, directors, and stockholders holding more than 5% of the outstanding stock if the applicant is a corporation. Fingerprints will be submitted to the Division of Criminal Justice Services for a criminal background check. The Sealer shall secure from the applicant the required fee for said background check in the form of a check or money order made payable to the New York State Department of Criminal Justice Services.

B. Such application for a secondhand precious metal or gem dealer's license shall be accompanied by a non-refundable application fee of \$200.

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C. Every applicant shall submit a bond or other surety to the County of Orange in the sum of Two Thousand Dollars (\$2,000), or for a renewal license, evidence of a bond issued in favor of the licensee. The bond shall be for the purpose of guaranteeing payments up to the face amount of the bond for bank drafts or other negotiable instruments issued by the licensee in exchange for the purchase of precious metals. All bonds must be conditioned so that the licensee will observe all laws in relation to secondhand precious metal and gems dealers and will conduct business in conformity thereto. Such bond shall remain in force during the entire period for which the license is valid. The Sealer may establish rules and regulations concerning the amount of a bond to be posted, upon proper notice to the licensee.

**Section 5. Issuance of license**

A. Upon receipt of the license application, fee and bonds required of the applicant, the Sealer shall review the application and, if appropriate, issue a license to the applicant.

B. The Sealer shall keep a record of all licenses issued, as well as any other matters herein described.

**Section 6. Expiration and renewal of license**

Every license shall expire one year after its issuance. Every license may be renewed upon payment of the required renewal fee in the amount of \$100.00 and filing a renewal application with the Sealer no earlier than 30 days, and no later than 15 days before the license is due to expire, certifying that no changes have occurred with respect to any of the fact or information required or supplied on the original application, or, if there have been any changes, the applicant shall furnish the facts and information relating to such changes and shall comply with the requirements of this law.

**Section 7. Denial or revocation of license; appeals**

A. A license may be denied, suspended, or revoked when the applicant or licensee, or any of its principals, officers or directors, or any of its stockholders owning more than 5% of its outstanding stock of the corporation has been convicted of a crime which, in the judgment of the [Commissioner or Sealer], has a direct relationship to such person's fitness or ability to perform any of the activities for which a license is required under this Local Law, or has been convicted of any other crime which, in accordance with Article 23a of the Correction Law, would provide a justification for the Commissioner to refuse to issue or renew, or to suspend or revoke, such license.

B. A license may be denied, suspended, or revoked when the applicant or licensee, or any of its principals, officers or directors, or any of its stockholders owning more than 5% of its outstanding corporate stock has omitted or misrepresented the facts or circumstances underlying any information contained in the license application.

C. A license may be denied or revoked when a person has been found by a court of any state to have practiced civil fraud, deceit, misrepresentation in conjunction with a secondhand dealer business or other business.

D. The initial determination to deny, suspend, or revoke a license under this subsection shall be made in writing by the Commissioner [or Sealer].

E. Within 60 days of the initial determination to deny or revoke a license under paragraphs A through D above, an aggrieved applicant or licensee may request a formal hearing. Such request shall be addressed via certified mail to the Commissioner of Consumer Affairs. Within a reasonable time thereafter, the Commissioner shall appoint an independent hearing officer with the authority to compel the attendance of witnesses, administer oaths, take the testimony of any person under oath and in connection therewith require the production of any evidence relating to any matters affecting the determination. See Section 18.06 of the Orange County Administrative Code. The applicant shall be advised of the hearing date and his/her right to be represented by counsel at said hearing. The hearing officer shall render his/her Decision and Recommendation to the Commissioner within 30 days of the date of hearing. The Commissioner will notify the applicant/licensee within a reasonable time thereafter of his/her Final Determination with respect to the disposition of his license/application for license.

Any further appeal shall be to the court of this state with appropriate jurisdiction.

#### **Section 8. Non-transferability of license.**

No license under the provisions of this chapter shall be transferred or assigned to any person or used by any person other than the licensee to whom it was issued, his agents, employees or duly authorized representatives, said agents, employees or duly authorized representatives having been approved by the Sealer.

#### **Section 9. Restrictions.**

A. It shall be unlawful for any dealer of secondhand precious metals or gems to engage in buying activities in any place within Orange County other than the place of business designated in such license, except to meet with a customer at his home, bank or suitable place of business. A dealer in secondhand precious metals or gems may, upon application to the Sealer and receiving approval of the Sealer, temporarily extend his license to cover other locations, such as flea markets, fairs, bazaars or religious or charitable organization functions.

B. It shall be unlawful for any dealer of secondhand precious metals or gems to purchase any secondhand precious metals or gems from any person whom he knows to be, or has reason to believe to be, under the age of 18 years.

C. It shall be unlawful for a secondhand precious metal or gem dealer to purchase secondhand precious metals or gems from any person between the hours of 10:00 p.m. and 6:00 a.m.

D. It shall be unlawful for any dealer in secondhand precious metals or gems to sell or dispose of any secondhand precious metals or gems until the expiration of 15 days after the acquisition by such dealer of said precious metals or gems.

E. It shall be unlawful for a secondhand precious metal or gem dealer to continue to carry on business after his license is suspended, revoked or has expired and has not been renewed.

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F. It shall be unlawful to cause, allow or approve of the blockage, obstruction or concealment from the view of the consumer any scale, machine, weighing device or part thereof used to weigh or calculate the value of precious metals or gems.

G. It shall be unlawful for any dealer of secondhand precious metals or gems to damage, destroy, alter or in any way change or direct or request anyone else to alter or change the structure or makeup of a precious metal or gem so as to make it unidentifiable within 15 days after the acquisition by said dealers of such precious metal or gem. In the event that said precious metal or gem dealer damages, destroys, alters or in any way changes the precious metal or gem, the secondhand precious metal or gem dealer shall restore the precious metal or gem to its original condition as much as is possible, provided that the secondhand precious metal or gem dealer receives a written request to do so from the owner of said item and law enforcement agency within the time limits set forth in this Subsection G.

**Section 10. Display of daily price required.**

The price upon which the dealer bases his quotation for gold and silver shall be clearly and conspicuously displayed in Arabic numbers in such a manner that the public will be informed.

**Section 11. Lost or stolen property.**

If any articles composed wholly or in part of precious metals or gems shall be advertised in any newspaper printed in the County of Orange or reported by any law enforcement agency as having been lost or stolen, and if any articles answering such description or any part thereof shall be or come into the possession of any licensed dealer, such dealer, upon receiving actual written or oral notice of the similarity of description of such articles, shall immediately give information relating thereto to the appropriate law enforcement agency. No disposition of such articles shall be effected until authorization to do so shall be given to such dealer by said law enforcement agency. The failure of the law enforcement agency within 30 days to give the dealer further written notice that the articles are actually lost or are believed to be stolen and are needed in connection with a pending investigation or prosecution shall constitute authorization to dispose of said articles.

**Section 12. Records.**

A. Every dealer in secondhand precious metals or gems by the close of the business day shall keep a written record in triplicate and on a form prescribed by the Sealer of consecutively numbered transactions, legibly written in English, which shall contain a complete, thorough description of every secondhand precious metal or gem article so purchased, utilizing accepted trade words and phrases such as, but not limited to, serpentine, herringbone, braided herringbone, rope, crosscut, woven link, cobra, basket weave, tricolor, Florentine, twist, beveled, gem names as listed, quantities of gems, number or numbers of said articles and any monograms, inscriptions or other marks of identification that may appear on such articles. The record shall also include the name, residence address and description of the person from whom such purchase was made, including the day and hour of the purchase. Within 48 hours of the close of business on the day of purchase, the dealer in precious metals or gems shall forward by mail, to the Orange County Sheriff's Office and municipal police department within whose jurisdiction the dealer's business is located a copy of the record of purchase, as provided herein, of each transaction which had taken place on that day. The Orange County Sheriff's Office shall act as the central repository for such records.

B. Such record shall be kept on the business premises of the secondhand precious metal or gem dealership or at the place designated on the fully approved license, at all times during normal business hours. Such record shall be open to the inspection of any police officer or the Sealer or any person duly authorized for such purposes by the Sealer.

C. The dealer is mandated to use the forms prescribed by the Sealer and shall reimburse the Sealer for the cost of said forms.

D. The Dealer must include a digital picture or a photo copy of the items purchased along with a brief description of the items purchased, including any identifying marks or engravings.

### **Section 13. Identity of person from who purchase is made.**

A. It shall be the duty of every secondhand precious metal or gem dealer to verify the identity of every person from whom he makes a purchase and to make and keep a written record of the nature of the evidence submitted by such person to prove his identity and attach a copy of the identification taken to the reporting form.

B. Only the following shall be deemed acceptable evidence of identity:

1. Any official document, except a Social Security Account number card, issued by the United States Government, any state, County, municipality or subdivision thereof, any public agency or department thereof or any public or private employer, which requires and bears signature of the person to whom issued.

2. Other identification documentation which, under the circumstances of any particular purchase, would lead a reasonable person to believe to be accurate and reliable, when identification under Subsection B (1) is not available.

C. It shall be the duty of every dealer in secondhand precious metal or gem articles to require that every person from whom an article is purchased sign his or her name in the presence of the secondhand precious metal or gem dealer and to compare the signature on the identifying document, if any, and retain on said premises the person's signature, together with the number and description of the identifying document, if any.

### **Section 14. Reporting of records information.**

Every secondhand precious metal or gem dealer shall furnish to the Sealer or his agent or the appropriate law enforcement agency all information requested relative to all records required to be kept under this chapter.

### **Section 15. Duty to enforce.**

It shall be the duty of the Sealer or any police officer having jurisdiction at the site where a person is seen dealing in secondhand precious metals or gems to require such person seen so dealing and who is not known to the Sealer or such police officer to be duly licensed to produce or display his secondhand

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precious metal dealer's license and to enforce the provisions of this chapter against any person found to be in violation of the same. It shall be the duty of the Sealer or any police officer as described herein to require the immediate closure of any business dealing in the purchase of secondhand metals or gems as defined herein who is operating said business without a license as required by this Local Law.

**Section 16. Disclaimer of liability.**

This chapter shall not create any liability on the part of the County of Orange, its officers, agents or employees or any police officer for any act or damage caused as a result of reliance on this chapter or any administrative decision lawfully made thereunder.

**Section 17. Penalties**

A. Failure to comply with any provision of this law shall constitute a Class A misdemeanor and shall be subject to any sentence authorized under the Penal Law of the State of New York.

B. In addition to the penalties provided in paragraph A above, any offense against the provisions of this Local Law shall subject the person or business entity committing the offense to civil penalties, not to exceed \$500 for each day that the offense shall continue. Any such penalty shall be collectible by and in the name of the County of Orange.

**Section 18. Effective Date**

This Local Law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

Local Law No. 12 of 2009 was passed on July 1, 2009 by the following roll call vote:

Ayes: 19

Noes: 1

Absent: 1

Approved by the County Executive: July 27, 2009

Effective: August 10, 2009

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**LOCAL LAW NO. 13 OF 2009**

**A LOCAL LAW ESTABLISHING THE ORANGE COUNTY HOTEL AND MOTEL ROOM OCCUPANCY TAX.**

Sec. 01 Short Title and Statement of Intent.

Sec. 02 Definitions.

Sec. 03 Imposition of Tax.

Sec. 04 Transitional Provisions.

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- Sec. 05 Exempt Organizations.
- Sec. 06 Territorial Limitations.
- Sec. 07 Registration.
- Sec. 08 Administration and Collection.
- Sec. 09 Records to be Kept.
- Sec. 10 Returns.
- Sec. 11 Payment of Tax.
- Sec. 12 Determination of Tax.
- Sec. 13 Disposition of Revenues.
- Sec. 14 Refunds.
- Sec. 15 Reserves.
- Sec. 16 Remedies Exclusive.
- Sec. 17 Proceedings to Recover Tax.
- Sec. 18 General Powers of the County Official.
- Sec. 19 Administration of Oaths and Compelling Testimony.
- Sec. 20 Reference to Tax.
- Sec. 21 Penalties and Interest.
- Sec. 22 Confidential Returns.
- Sec. 23 Notices and Limitations of Time.
- Sec. 24 Severability
- Sec. 25 Limitation of Effect of Local Law.
- Sec. 26 Effective Date.

**BE IT ENACTED**, by the Orange County Legislature, as follows:

**Section 01. Short Title and Statement of Intent.**

This local law shall be known as the "Orange County Hotel and Motel Room Occupancy Tax Local Law."

The intent of this local law shall be to impose a tax on facilities providing lodging on an overnight basis and provide for the collection thereof in order to make funds available for deposit in the general fund of Orange County to be allocated to enhance the general economy of Orange County.

**Section 02. Definitions.**

When used in this local law, the following terms shall mean:

- a. **County.** Orange County, New York
- b. **Commissioner of Finance.** The Commissioner of Finance of the County of Orange
- c. **Effective Date.** The date set forth in Section 26 of this local law.

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d. **Exempt Occupant.** Any occupant of any room or rooms in a tourist home, hotel or motel whose rent is paid from public assistance from the County of Orange shall be deemed an "exempt occupant" with respect to the period of such occupancy, regardless of the length thereof.

e. **Hotel or Motel.** A building or portion thereof which is regularly used and kept open as such for lodging on an overnight basis. The term "hotel" includes, but is not limited to, hotels, motels, tourist homes, motel courts or similar facilities, whether or not meals are served to guests or residents thereof, and shall include those facilities designated and commonly known as "bed and breakfast", "inn", "housekeeping cottages," and "tourist" facilities.

f. **Occupancy.** The use or possession or the right to the use or possession of any room in a hotel or motel.

g. **Occupant.** A person who, for a consideration, uses, possesses or has the right to use or possess any room in a hotel or motel under any lease, concession, permit, right of access, license to use or other agreement or otherwise.

h. **Operator.** Any person operating a hotel or motel in the County of Orange including but not limited to the owner, proprietor, lessee, sub-lessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel or motel.

i. **Permanent Resident.** Any person occupying any room or rooms in a hotel or motel for at least 30 consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

j. **Person.** An individual, partnership, society, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

k. **Rent.** The charge and/or consideration received for occupancy valued in money, whether received in money or otherwise for the occupancy of a room in a hotel or motel for any period of time.

l. **Return.** Any return filed or required to be filed as herein provided.

m. **Room.** Any room or rooms or suite of rooms with sleeping accommodations, whether or not such accommodations are used, of any kind in any part or portion of a hotel which is available for or let out for any purpose.

n. **Sheriff.** The Sheriff of Orange County.

o. **State.** The State of New York.

**Section 03. Imposition of Tax.**

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On and after the 15th day of September, 2009, there is hereby imposed and there shall be paid a tax of five percent upon the rent for every occupancy of a room or rooms in a hotel or motel in the County, except that the tax shall not be imposed upon (1) a permanent resident, or (2) exempt occupant.

**Section 04. Transitional Provisions.**

The tax imposed by this local law shall be paid upon any occupancy on and after the 15th day of September, 2009, although such occupancy is pursuant to a prior contract, lease or other arrangement. Where rent is paid on a weekly basis, the rent shall be subject to the tax imposed by this local law to the extent that it covers any period on and after September 15, 2009.

**Section 05. Exempt Organizations.**

Except as otherwise provided in this Section, any use or occupancy by any of the following shall not be subject to the tax imposed by this local law:

1. The State of New York, or any of its agencies or instrumentalities, public corporations (including a public corporation created pursuant to agreement or compact with another state or Canada), improvement districts or political subdivisions of the state;
2. The United States of America, or any of its agencies and instrumentalities, insofar as it is immune from taxation;
3. Any corporation, or association, or trust or community chest, fund or foundation, organized and operated exclusively for religious, charitable, or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this subsection shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this subsection. Where any organization described in this subsection carries on its activities in furtherance of the purposes for which it was organized, in premises in which, as part of said activities, it operates a hotel or motel, occupancy of rooms in the premises and rents therefrom received by such corporation or association shall not be subject to tax hereunder.

**Section 06. Territorial Limitations.**

The tax imposed by this local law shall apply only within the territorial limits of the County of Orange.

**Section 07. Registration.**

1. Within ten business days after the effective date of this local law or, in the case of operators commencing business after such effective date, within three business days after such commencement or opening, every operator shall file with the Commissioner of Finance a certificate of registration in a form prescribed by the Commissioner of Finance.

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2. The Commissioner of Finance shall, within five business days after such registration, issue without charge to each operator a certificate of authority empowering such operator to collect the tax from the occupant and a duplicate thereof for each additional hotel or motel of such operator. Each certificate or duplicate shall state the hotel or motel to which it is applicable. Such certificate of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such certificate shall be nonassignable and nontransferable and shall be surrendered immediately to the Commissioner of Finance upon the cessation of business of the hotel or motel named or upon its sale or transfer.

**Section 08. Administration and Collection.**

1. The tax imposed by this local law shall be administered and collected by the Commissioner of Finance or such other County employees as he/she may designate by such means and in such manner as are other taxes which are now collected and administered or as otherwise are provided by this local law.

2. The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement of charges made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the County, and the operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this local law, and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant, as if the tax were part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he may have in the event of nonpayment of rent by the occupant; provided, however that the Commissioner of Finance or employees or agents duly designated by him/her shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.

3. The Commissioner of Finance may, wherever he/she deems it necessary for the proper enforcement of this local law, provide that the occupant shall file returns and pay directly to the Commissioner of Finance the tax imposed at such times as returns are required to be filed and payment over made by the operator.

4. For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator, except that, where an occupant is required to file returns and pay directly to the Commissioner of Finance the tax herein imposed, the burden of proving that a rent for occupancy is not taxable shall be upon the occupant.

5. Where an occupant claims exemption from the tax under the provision of Section 5 of this local law, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the occupant is its agent, representative, or employee, together with a certificate executed by the occupant that his/her occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the occupant's duties as a representative of

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such corporation or association. Where deemed necessary, the operator may further require that any occupant claiming exemption from the tax furnish a copy of a certificate issued by the Commissioner of Finance certifying that the corporation or association therein named is exempt from the tax under Section 5 of this local law.

**Section 09. Records to be Kept.**

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the Commissioner of Finance may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the Commissioner of Finance or his/her duly authorized agent or employee and shall be preserved for a period of three (3) years, except that the Commissioner of Finance may consent to their destruction within that period or may require that they be kept longer.

**Section 10. Returns.**

1. Every operator shall file with the Commissioner of Finance a return of occupancy and of rents and of the taxes payable thereon for the periods ending the last day of February, May, August, and November on and after the effective date of this local law. Such returns shall be filed within 20 days from the expiration of the period covered thereby. The Commissioner of Finance may permit or require returns to be made by other periods and upon such dates as he/she may specify. If the Commissioner of Finance deems it necessary in order to ensure the payment of the tax imposed by this local law, he/she may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this Section and upon such dates as he/she may specify.

2. The forms of return shall be prescribed by the Commissioner of Finance and shall contain such information as he/she may deem necessary for the proper administration of this local law. The Commissioner of Finance may require amended returns to be filed within 20 days after notice and to contain the information specified in the notice.

3. If a return required by this local law is not filed, or if a return is incorrectly filed or is insufficient on its face, the Commissioner of Finance shall take such steps as he/she deems necessary to enforce the filing of such returns or of a corrected return.

**Section 11. Payment of Tax.**

At the time of filing a return of occupancy and of rents, each operator shall pay to the Commissioner of Finance the taxes imposed by this local law upon the rents required to be included in such return, as well as other moneys, if any, collected by the operator acting or purporting to act under the provisions of this local law; even though it be judicially determined that the tax collected is invalidly required to be filed, it shall be due from the operator and payable to the Commissioner of Finance on the date prescribed herein for the filing of the return for such period, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and taxes due thereon. Where the Commissioner of Finance in his/her discretion deems it necessary to protect revenues to be obtained under this local law, he/she may require any operator required to collect the tax imposed by this local law to file with him/her a bond, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this state as to solvency and responsibility, in

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such amount as the Commissioner of Finance may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator. In the event that the Commissioner of Finance determines that an operator is to file such bonds, he/she shall give notice to such operator to that effect, specifying the amount of the bond required. The operator shall file such bond within ten business days after the giving of such notice unless, within such ten business days, the operator shall request in writing a hearing before the Commissioner of Finance at which the necessity, propriety and amount of the bond shall be determined by the Commissioner of Finance. Such determination shall be final and shall be complied with within 15 business days after the giving of notices thereof. In lieu of such bond, securities approved by the Commissioner of Finance or cash in such amount as he/she may prescribe may be deposited with him/her, which shall be kept in the custody of the Commissioner of Finance, who may at any time, without notice of the depositor, apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him/her at public or private sale without notice to the depositor thereof.

**Section 12. Determination of Tax.**

If a return required by local law is not filed or if a return, when filed, is incorrect or insufficient, the amount of tax due shall be determined by the Commissioner of Finance from such information as may be obtainable, and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, locations, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall be given to the person liable for the collection and/or payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within 30 days after giving notice of such determination, shall apply to the Commissioner of Finance for a hearing or unless the Commissioner of Finance of his/her own motion shall redetermine the same. After such hearing, the Commissioner of Finance shall give notice of his/her determination to the person against whom the tax assessed. The determination of the Commissioner of Finance shall be reviewable for error, illegality, unconstitutionality or any other recognizable basis whatsoever by proceeding under Article 78 of the Civil Practice Law and Rules if application thereof is made to the Supreme Court within 30 days after giving of the notice of such determination. A proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless the amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited with the Commissioner of Finance and there shall be filed with the Commissioner of Finance an undertaking, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this state as to solvency and responsibility, in such amount as a justice of the Supreme Court shall approve to the effect that, if such proceedings be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue, including reasonable counsel fees, in the prosecution of the proceeding, or, at the option of the applicant, such undertaking filed with the Commissioner of Finance may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination plus the costs and charges, including reasonable counsel fees, which may accrue against it in the prosecution of the proceedings, in which event the applicant shall not be required to deposit such taxes, penalties and interest as a condition precedent to the application.

**Section 13. Disposition of Revenues.**

All revenue resulting from the imposition of the tax under this local law shall be paid into the Treasury of Orange County and shall be credited to and deposited in the general fund of the County.

**Section 14. Refunds.**

1. In the manner provided in this Section, the Commissioner of Finance shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the Commissioner of Finance for such refund shall be made within one (1) year from the payment thereof. Whenever a refund is made by the Commissioner of Finance, he/she shall state his/her reason therefor in writing. Such application may be made by the occupant, operator or other person who has actually paid the tax. Such application may also be made by an operator who has collected and paid over such tax to the Commissioner of Finance, provided that the application is made within one (1) year of the payment by the occupant to the operator, but no actual refund of moneys shall be made to such operator until he/she shall first establish to the satisfaction of the Commissioner of Finance, under such regulations as the Commissioner of Finance may prescribe, that he/she has repaid to the occupant the amount for which the application for refund is made. The Commissioner of Finance may, in lieu of any refund required to be made, allow credit therefor on payments due or to become due from the applicant.

2. An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty or interest complained of, and the Commissioner of Finance may receive evidence with respect thereto. After making his/her determination, the Commissioner of Finance shall give notice thereof to the applicant, who shall be entitled to review such determination by a proceeding pursuant to Article 78 of the Civil Practice Law and Rules, provided that such proceeding is instituted within 30 days after the giving of the notice of such determination, and provided that a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the Commissioner of Finance in such amount and with such sureties as a justice of the Supreme Court shall approve to the effect that, if such proceeding be dismissed or the tax confirmed, the petitioner will pay costs and charges which may accrue in the prosecution of such proceeding.

3. A person shall not be entitled to a revision, refund or credit under this Section of a tax, interest or penalty which had been determined to be due pursuant to the provisions of Section 12 of this local law where his/her has had a hearing or an opportunity for a hearing, as provided in said Section, or has failed to avail himself/herself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the Commissioner of Finance made pursuant to Section 12 of this local law unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the Commissioner of Finance after a hearing or on his/her own motion or in a proceeding under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of said Section, in which event refund or credit without interest shall be made of the tax, credit/interest or penalty found to have been overpaid.

**Section 15. Reserves.**

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review a determination adverse to him on his application for refund, the Commissioner of Finance shall have the option of crediting future tax payments to meet the cost of any settlements or judgments or, at his option, may, in the first instance, set up appropriate reserves to meet any decision adverse to the County.

**Section 16. Remedies Exclusive.**

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The remedies provided by Sections 12 and 14 of this local law shall be the exclusive remedies available to any person for the review of tax liability imposed by this local law, and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by any action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding in a nature of a certiorari proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if he/she institutes suit within 30 days after a deficiency assessment is made and pays the amount of deficiency assessment to the Commissioner of Finance prior to the institution of such suit and posts a bond for costs as provided in Section 12 of this local law.

**Section 17. Proceedings to Recover Tax.**

1. Whenever any operator or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this local law as herein provided, or whenever any occupant shall fail to pay any such tax, penalty or interest, the County Attorney shall, upon the request of the Commissioner of Finance bring or cause to be brought an action to enforce the payment of the same on behalf of the County of Orange in any court of the State of New York or of any other state or of the United States.

2. Notwithstanding any other provision of this Section, if the Commissioner of Finance, in its discretion, believes that any such operator, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty to be immediately due and payable and may issue a warrant, as provided in this Section, immediately.

3. As an additional or alternate remedy, the Commissioner of Finance may issue a warrant, directed to the Sheriff, commanding him to levy upon and sell the real and personal property of the operator or officer of a corporate operator or other person liable for the tax which may be found within the County for the payment of the amount thereof, with any penalties and interest and the cost of executing the warrant, and to return such warrant to the Commissioner of Finance and to pay to him the money collected by virtue thereof within 60 days after the receipt of such warrant. The Sheriff shall, within 5 days after the receipt of the warrant, file with the County Clerk a copy thereof, and thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant in the same manner and with like effect as that provided by law in respect to executions issued against property upon judgments of a court of record, and for services in executing the warrant he shall be entitled to the same fees, which he may collect in the same manner. In the discretion of the Commissioner of Finance, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the Commissioner of Finance, and in the execution thereof such officer or employee shall have all the powers conferred by law upon Sheriffs, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the Commissioner of Finance may from time to time issue new warrants and shall also have the same remedies to enforce the amount due there under as if the County had recovered judgment therefor and execution thereon has been returned unsatisfied.

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4. Whenever an operator shall make a sale, transfer or assignment in bulk of any part of the whole of his hotel or motel or its assets or his lease, license or other agreement or right to possess or operate such facility or of the equipment, furnishings, fixtures, supplies or stock of merchandise or the said premises or lease, license or other agreement or right to possess or operate such hotel or motel and the equipment, furnishings, fixtures, supplies and stock or merchandise pertaining to the conduct or operation of said hotel or motel otherwise than in the ordinary and regular prosecution of business, the purchaser, transferee or assignee shall, at least 10 days before taking possession of the subject of said sale, transfer or assignment or paying therefor, notify the Commissioner of Finance by registered mail of the proposed sale and of the price terms and condition thereof, whether or not the seller, transferor or assignor has represented to or informed the purchaser, transferee or assignee that it owes any tax pursuant to this local law and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing and whether any such taxes are in fact owing. Whenever the purchaser, transferee or assignee shall fail to give notice to the Commissioner of Finance as required by the preceding subsections or whenever the Commissioner of Finance shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or chooses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over, the seller, transferor or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or chooses in action to the extent of the amount of the County's claim. For failure to comply with the provisions of this subsection, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of the Uniform Commercial Code, shall be personally liable for the payment to the County of any such taxes theretofore or thereafter determined to be due to the County from the seller, transferor or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this local law.

**Section 18. General Powers of the Commissioner of Finance.**

In addition to the powers granted to the Commissioner of Finance by the County Law, the Orange County Charter, the Orange County Administrative Code, and this local law, he/she is hereby authorized and empowered:

1. To make, adopt and amend rules and regulations appropriate to the carrying out of this local law and the purposes thereof;
2. To extend, for cause shown, the time of filing any return for a period not exceeding 30 business days; and, for cause shown, to remit penalties but not interest computed at the rate of one per centum per annum per month or fraction thereof during which a tax is unpaid although due; and to compromise disputed claims in connection with the taxes hereby imposed;
3. To request information from the Tax Commission of the State of New York or the Treasury Department of the United States relative to any person; and to afford information to such Tax Commission or such Treasury Department relative to any person, any other provision of this local law to the contrary notwithstanding.
4. To delegate his/her functions hereunder to a deputy of Commissioner of Finance or any employee or employees of the Commissioner of Finance.

5. To prescribe methods for determining the rents for occupancy and to determine the taxable and nontaxable rents;

6. To require any operator within the County of Orange to keep detailed records of the nature and type of hotel or motel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this local law, and to furnish such information upon request to the Commissioner of Finance.

7. To assess, determine, revise, and readjust the taxes imposed under this local law.

8. To require any operator to submit with the return required hereunder a copy of any tax return for sales, occupancy or use taxes submitted to the Tax Commission or other instrumentality of the State New York.

#### **Section 19. Administration of Oaths and Compelling Testimony.**

1. The Commissioner of Finance or his employees or agents duly designated and authorized by him shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this local law. The Commissioner of Finance shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents, to secure information pertinent to the performance of his duties hereunder and of the enforcement of this local law and to examine them in relation thereto and to issue commissions for the examination of witnesses who are out of the state or unable to attend before him or excused from attendance.

2. A justice of the Supreme Court, either in court or at chambers, shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Commissioner of Finance under this local law.

3. Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Commissioner of Finance under this local law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$ 1,000.00) or imprisonment for not more than one year, or both such fine and imprisonment.

4. The officers who serve the summons or subpoena of the Commissioner of Finance and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the Sheriff and his duly appointed deputies or any officers, employees or other persons of the Commissioner of Finance designated by him/her to serve such process.

#### **Section 20. Reference to Tax.**

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Wherever reference is made in placards or advertisements or in any other publications to this tax, such reference shall be substantially in the following form: "Tax on occupancy of hotel or motel rooms"; except that in any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator, the words "occupancy tax" will suffice.

**Section 21. Penalties and Interest.**

1. Any person failing to file a return or to pay over any tax to the Commissioner of Finance within the time required by this local law shall be subject to a penalty of five percent (5%) of the amount of tax due. In addition to the aforementioned penalty, interest at the rate of one percent (1%) of such tax for each month of delay, excepting the first month after such return was required to be filed or such tax became due, shall accrue. The Commissioner of Finance, if satisfied the delay was excusable, may remit or waive all or any part of the penalty, but not interest owed. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this local law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this local law.

2. Any operator or occupant and any officer of an operator or occupant failing to file a return required by this local law, or filing or causing to be filed or making or causing to be made or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this local law which is willfully false, and any operator and any officer of a corporate operator willfully failing to file a bond required to be filed pursuant to Section 12 of this local law or failing to file a registration certificate and such data in connection therewith as the Commissioner of Finance may by regulation or otherwise require or to display or surrender the certificate of authority as required by this local law or assigning or transferring such certificate of authority, and any operator or any officer of a corporate operator willfully failing to charge separately from the rent the tax herein imposed or willfully failing to state such tax separately on any evidence of occupancy and on any bill or statement or receipt of rent issue or employed by the operator or willfully failing or refusing to collect such tax from the occupant, any operator or any officer of a corporate operator who shall refer or cause reference to be made to this tax in a form or manner other than that required by this local law, and any such person or operator failing to keep records required by this local law, shall, in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishable by a fine of up to \$1,000.00, imprisonment for not more than one year, or both such fine and imprisonment. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this local law and penalties and interest thereon and subject to the fines and imprisonment herein authorized.

3. The certificate of the Commissioner of Finance to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this local law shall be presumptive evidence thereof.

**Section 22. Confidential Returns.**

1. Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the Commissioner of Finance or employee or designee of the Commissioner of Finance to divulge or make known in any manner the rents or other information relating to the business of a taxpayer contained in any return required under this local law. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any

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action or proceeding in any court, except on behalf of the Commissioner of Finance in an action or proceeding under the provisions of this local law or on behalf of any party to any action or proceeding under the provisions of this local law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative of a certified copy of any return filed in connection with his tax nor to prohibit the publication of statistics so classified to prevent the identification of particular returns and the items thereof, or the inspection by the County Attorney or other legal representatives of the County or by the District Attorney of any county of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three years and thereafter until the Commissioner of Finance permits them to be destroyed.

2. Any violation of subsection (1) of this Section shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or both, in the discretion of the court.

**Section 23. Notices and Limitations of Time.**

1. Any notice authorized or required under the provisions of this local law may be given to the person to whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him/her pursuant to the provisions of this local law or in any application made by him/her or, if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this local law by the giving of notice shall commence five days after the date of mailing of such notice.

2. The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this local law. However, except in the case of a willfully false, or fraudulent return with the intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three (3) years from the date of filing of a return; provided, however, that, in the case of a return which should have been filed and has not been filed as provided by the law, the tax may be assessed at any time.

3. Where, before expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

**Section 24. Severability.**

If any provision of this local law, or the application thereof to any person or circumstance, is held invalid, the remainder of this local law, and the application of such provision to other persons or circumstances, shall not be affected thereby.

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**Section 25. Limitation of Effect of Local Law.**

This local law shall remain in full force and effect for a period of three (3) years from the effective date of its enactment; except nothing shall prohibit or prevent the adoption and enactment of subsequent local laws continuing or imposing the tax authorized hereby after the expiration of this local law.

**Section 26. Effective Date.**

This local law shall take effect immediately upon filing in the Office of the Secretary of State of New York State.

Local Law No. 13 of 2009 was passed on August 6, 2009 by the following roll call vote:

Ayes: 19

Noes: 1

Absent: 1

Approved by the County Executive: August 20, 2009

Effective: September 15, 2009

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**LOCAL LAW NO. 14 OF 2009**

**A LOCAL LAW TO INCLUDE THE ONDAMED INC. MANUFACTURING FACILITY WITHIN THE BOUNDARIES OF THE NEWBURGH-STEWART EMPIRE ZONE, TO DESIGNATE SUCH FACILITY AS A REGIONALLY SIGNIFICANT PROJECT, AND TO REQUEST APPROVAL BY THE NEW YORK STATE COMMISSIONER OF ECONOMIC DEVELOPMENT FOR SUCH DESIGNATION.**

**WHEREAS**, by Local Law No. 6 of 1997, the County of Orange authorized the submission of an application for designation of the Newburgh-Stewart Empire Zone, pursuant to Section 961 of the General Municipal Law, and the creation of such Zone was approved by the New York State Commissioner of Economic Development and such Zone was formally designated by the Empire Zones Designation Board in June of 1998; and

**WHEREAS**, the Newburgh-Stewart Empire Zone is principally made up of three distinct and separate contiguous parcels which fall within the City of Newburgh, the Town of Newburgh and the Town of New Windsor; and

**WHEREAS**, Ondamed Inc. is proposing the creation of a manufacturing facility on 2570 Route 9W, in the Town of Cornwall, outside of the boundaries of the Empire Zone; and

**WHEREAS**, this facility will add approximately 50 jobs and will result in a substantial investment of over \$1.6 million by Ondamed for purchase of production equipment, office machinery and building expenses that support its on-site manufacturing facility; and

**WHEREAS**, the New York State Department of Economic Development has preliminarily determined that the proposed expansion is eligible for Empire Zone benefits as a "regionally significant project" under Section 957(d)(i) of the General Municipal Law; and

**WHEREAS**, the Zone Administrative Board of the Newburgh-Stewart Empire Zone has determined that the proposed project is eligible for Empire Zone benefits as a "regionally significant project" under Section 957(d)(I) of the General Municipal Law.

**NOW, THEREFORE,**

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

Section 1. The Legislature approves the allocation of zone lands for the proposed creation of the Ondamed Inc. manufacturing facility as a regionally significant project as determined by the Zone Administrative Board and the New York State Department of Economic Development, said zone lands to constitute the property described as Section 14, Block 2, Lot 17.1 in the Town of Cornwall, and more specifically described in Schedule A attached hereto.

Section 2. The Legislature requests that the New York State Commissioner of Economic Development approve this addition to the Newburgh-Stewart Empire Zone as described in Section 1.

Section 3. The Local Law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

**SCHEDULE A**

The certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Cornwall, Orange County, New York, as shown on a plan entitled, "Plan for Anthony Missere, Mary Missere and Louis Bona, Proposed lot line change," said plan having been approved by the Town of Cornwall Planning Board on August 1, 1988 and filed in the Orange County Clerk's Office on September 26, 1988 as Map 9111 which said lot is bounded and described according to said map as follows:

**BEGINNING** at a point in the southeasterly line of the New York State Highway known as Route 9W, said point being at the intersection of said line with the Northeasterly line or lands now or formerly of Bologna, Liber 2109, Cp. 781 OCCO and running thence, the following courses:

1. Along said southeasterly line of Route 9W North 58 degrees 28 minutes 00 seconds east 34.48 ft to a point;
2. Still along said road line, North 60 degrees 25 minutes 00 seconds East 207.43 ft. to a point;
3. Along a new lot line as shown on the above reference plan, South 28 degrees 37 minutes 14 seconds East 143.71 ft to a point;
4. Still along said new lot line, North 60 degrees 25 minutes 00 seconds East 110.00 ft. to a point;
5. Still along said new lot line, South 63 degrees 22 minutes 00 seconds East 51.14 ft to a point;
6. Along lands now or formerly of Leach, South 36 degrees 32 minutes 45 seconds West 257.67 Ft. to a point;

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7. Along lands now or formerly of bologna, first mentioned, North 55 degrees 45 minutes 23 seconds West 322.39 ft. to the point or place of beginning.

Local Law No. 14 of 2009 was passed on September 3, 2009 by the following roll call vote:

Ayes: 21

Noes: 0

Absent: 0

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Approved by the County Executive: September 25, 2009

Effective: October 5, 2009

**LOCAL LAW NO. 15 OF 2009**

**A LOCAL LAW AMENDING LOCAL LAW NO. 8 OF 2008 TO CHANGE THE NAME OF THE PROJECT APPLICANT FROM EPSILON INDUSTRIES, LLC TO EPSILON DAIRY INDUSTRIES, LLC.**

**WHEREAS**, Local Law No. 8 of 2008 included the Epsilon Industries, LLC manufacturing facility within the boundaries of the Newburgh-Stewart Empire Zone, designated such facility as a regionally significant project, and authorized the County Executive to request approval by the New York State Commissioner for such designation; and

**WHEREAS**, Epsilon Industries, LLC has informed the County of Orange that it has changed its name from Epsilon Industries, LLC to Epsilon Dairy Industries, LLC, but said name change will not include any substantive change to the project.

**NOW, THEREFORE,**

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

Section 1. The project applicant currently identified as Epsilon Industries, LLC has changed to Epsilon Dairy Industries, LLC and the Legislature approves such name change to Local Law No. 8 of 2008.

Section 2. Such name change shall not alter or diminish the prior approval of Local Law No. 8 of 2008 nor require any further action by this body, and the name change does not imply or include any substantive change to the project or any other part of the application made by Epsilon Industries, LLC to this body.

Local Law No. 15 of 2009 was passed on November 5, 2009 by the following roll call vote:

Ayes: 19

Noes: 0

Absent: 2

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Approved by the County Executive: November 30, 2009

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Effective: December 8, 2009

**LOCAL LAW NO. 16 OF 2009**

**A LOCAL LAW AMENDING LOCAL LAW NO. 9 OF 2008 TO CHANGE THE NAME OF THE PROJECT APPLICANT FROM PRESIDENT CONTAINER, INC. TO PRESIDENT CONTAINER HOLDINGS, INC.**

**WHEREAS**, Local Law No. 9 of 2008 included the President Container, Inc. manufacturing facility within the boundaries of the Newburgh-Stewart Empire Zone, designated such facility as a regionally significant project, and authorized the County Executive to request approval by the New York State Commissioner for such designation; and

**WHEREAS**, President Container, Inc. has informed the County of Orange that it has changed its name from President Container, Inc. to President Container Holdings, Inc., but said name change will not include any substantive change to the project.

**NOW, THEREFORE,**

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

Section 1. The project applicant currently identified as President Container, Inc. has changed to President Container Holdings, Inc. and the Legislature approves such name change to Local Law No. 9 of 2008.

Section 2. Such name change shall not alter or diminish the prior approval of Local Law No. 9 of 2008 nor require any further action by this body, and the name change does not imply or include any substantive change to the project or any other part of the application made by President Container, Inc. to this body.

Local Law No. 16 of 2009 was passed on November 5, 2009 by the following roll call vote:

Ayes: 19  
Noes: 0  
Absent: 2

Approved by the County Executive: November 30, 2009

Effective: December 8, 2009

**LOCAL LAW NO. 17 OF 2009**

**A LOCAL LAW TO INCLUDE THE ADVANCED RECOVERY INC. MANUFACTURING FACILITY WITHIN THE BOUNDARIES OF THE NEWBURGH-STEWART EMPIRE ZONE, TO DESIGNATE SUCH FACILITY AS A REGIONALLY SIGNIFICANT PROJECT, AND TO REQUEST APPROVAL BY THE NEW YORK STATE COMMISSIONER OF ECONOMIC DEVELOPMENT FOR SUCH DESIGNATION.**

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**WHEREAS**, by Local Law No. 6 of 1997, the County of Orange authorized the submission of an application for designation of the Empire Zone, pursuant to Section 961 of the Municipal Law, and the creation of such Zone was approved by the New York State Commissioner of Economic Development and such Zone was formally designated by the Empire Zones Designation Board in June of 1998; and

**WHEREAS**, the Newburgh-Stewart Empire Zone is principally made up of three distinct and separate contiguous parcels which fall within the City of Newburgh, the Town of Newburgh and the Town of New Windsor; and

**WHEREAS**, Advanced Recovery Inc. is proposing the creation of a manufacturing facility on 100 Skyline Drive in the City of Port Jervis; and

**WHEREAS**, this facility will add approximately 60 jobs and will result in an investment of over \$7 million by Advanced Recovery Inc. for building renovation, production machinery, and equipment that supports its on-site manufacturing facility; and

**WHEREAS**, the New York State Department of Economic Development has determined that the proposed expansion is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law; and

**WHEREAS**, the Zone Administrative Board of the Newburgh-Stewart Empire Zone has determined that the proposed project is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law.

**NOW, THEREFORE,**

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

Section 1. The Legislature approves the allocation of zone lands for the proposed creation of the Advanced Recovery Inc. manufacturing facility as a regionally significant project as determined by the Zone Administrative Board and the New York State Department of Economic Development, said zone lands to constitute the property described as Section 7, Block 1, Lot 1 in the City of Port Jervis, and more specifically described in Schedule A attached hereto.

Section 2. The Legislature requests that the New York State Commissioner of Economic Development approve this addition to the Newburgh-Stewart Empire Zone as described in Section 1.

Section 3. The Local Law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

**SCHEDULE A**

**BEGINNING** at a point along the northerly line of Skyline Drive, said point being marked by a found tall iron pipe in the line of lands now or formerly City of Port Jervis Elks-Bronx Memorial Park, Liber 550, Page 513, Liber 559, Pages 508 and 510 and Liber 606, page 409, said point being in the northerly line of a 100 foot wide right-of-way to Orange and Rockland Utilities, running thence along said lands now

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or formerly City of Port Jervis Elks-Bronx Memorial park and along the northerly line of Skyline Drive, the following 5 courses and distances:

(1) On a curve to the left, said curve having a radius of 215.42 feet and an arc length of 131.58 feet, and having a chord bearing North 76 degrees 28 minutes 03 seconds West 129.55 feet; (2) North 86 degrees 02 minutes 03 seconds West 54.51 feet; (3) North 88 degrees 00 minutes 38 seconds West 147.26 feet; (4) North 82 degrees 51 minutes 02 seconds West 160.63 feet; (5) On a curve to the left, said curve having a radius of 415.00 feet, and an arc length of 226.99 feet, and a chord bearing South 81 degrees 28 minutes 49 seconds West 224.17 feet, to a found iron pipe, laying almost flat; thence continuing along said lands now or formerly city of Port Jervis Elks-Bronx Memorial Park North 35 degrees 27 minutes 33 second West 642.59 feet; thence along the line between the City of Port Jervis and the Town of Deerpark and along lands now or formerly Norman Segal, Howard Segal and Robert Hirsch, Liber 1787, Page 261, North 54 degrees 32 minutes 27 seconds East 1271.19 feet to a found iron rod in a stone pile; thence along said lands now or formerly City of Port Jervis Elks-Bronx Memorial Park the following two (2) courses and distances.

(1) South 35 degrees 27 minutes 33 seconds East 772.33 feet to a found bent iron pipe; (2) South 31 degrees 44 minutes 03 seconds West 764.50 feet, also along the northerly line of the above mentioned right-of-way to the point or place of **BEGINNING and CONTAINING** 25.588 acres of land, more or less.

**BEING** the same premises conveyed by Robin D. Waizenegger, as City Clerk-Treasurer, to the City of Port Jervis, by Deed dated December 27, 2004 and recorded in the Office of the Orange County, New York Clerk on January 10, 2005 in Liber 11718 of Deeds at Page 970.

Local Law No. 17 of 2009 was passed on November 5, 2009 by the following roll call vote:

Ayes: 19

Noes: 0

Absent: 2

Approved by the County Executive: November 30, 2009

Effective: December 8, 2009

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**LOCAL LAW NO. 18 OF 2009**

**A LOCAL LAW FIXING THE COMPENSATION FOR THE MAJORITY AND MINORITY LEADERS OF THE ORANGE COUNTY LEGISLATURE TO BE EFFECTIVE FOR THE TERM COMMENCING ON JANUARY 1, 2010, PURSUANT TO SECTION 2.02(s) OF THE ORANGE COUNTY CHARTER.**

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

Section 1. The annual compensation for the Majority and Minority Leaders of the Orange County Legislature without reference to other provisions of law is hereby established for the years indicated as follows:

2010           \$ 33,344

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2011	\$ 34,344
2012	\$ 35,375
2013	\$ 36,436

Section 2. The rate of annual compensation for the Majority and Minority Leaders of the Orange County Legislature, as increased pursuant to Section 1 hereof, shall commence as of January 1 of each year, respectively.

Section 3. In the event that there is a tie in the number of members in the two major political parties, as that term is defined by New York State Election Law Section 1-104(24), so that a Majority and Minority Leader cannot be determined, then the party leaders with the two highest numbers of members of the Legislature shall be entitled to compensation as provided in this Local Law.

Section 4. This Local Law shall take effect as provided by the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

Local Law No. 18 of 2009 was passed on October 1, 2009 by the following roll call vote:

Ayes: 20  
Noes: 1  
Absent: 0

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Approved by the County Executive: October 21, 2009

Effective: December 18, 2009

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