

LOCAL LAW NO. 1 OF 2016

A LOCAL LAW AMENDING LOCAL LAW NO. 6 OF 2014 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:

2016 \$ 133,988

2017 \$ 140,988

2018 \$ 140,988

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. This Local Law is subject to permissive referendum and shall take effect as provided by the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

DATED: DECEMBER 3, 2015

ENACTED BY THE FOLLOWING VOTE:

Ayes 13; Noes 8

(Noes: Anagnostakis, Benton, Berkman, Cheney,
Paduch, Ruszkiewicz, Sullivan, Turnbull)

Filed with the Secretary of State: 3/10/16

Effective: 3/10/16

This includes an increase of \$7,000 upon the effective date of this local law and an additional \$7,000 for 2016.

LOCAL LAW NO. 2 OF 2016

A LOCAL LAW IN RELATION TO PREVENTING THE CONSUMPTION OF ALCOHOL BY MINORS ON PREMISES ("ORANGE COUNTY SOCIAL HOST LAW").

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

SECTION ONE. Short Title

This law shall be known as the Orange County Social Host Law.

SECTION TWO. Legislative Intent

This Legislature finds that underage drinking is a significant societal problem that has generated widespread concern in Orange County. Although the New York State Legislature has acted to proscribe the unlawful giving, selling, and possessing of alcohol in relation to minors, it has not regulated the situation where a person eighteen (18) years of age or older knowingly permits the consumption of alcohol by a minor on premises. The underage consumption of alcohol, whether at a party or a smaller gathering, poses an immediate threat to the public health, safety, and welfare of the residents of Orange County, often leading to alcohol abuse by minors, physical altercations, accidental injuries, neighborhood vandalism, excessive noise requiring the intervention of local law enforcement, and the commission of violent crimes including sexual offenses and serious assaults. This Local Law will serve to deter the consumption of alcoholic beverages by minors, by holding those eighteen (18) years of age or older responsible when they permit on premises the consumption of alcoholic beverages by minors.

SECTION THREE. Definitions

For purposes of this Local Law the following terms shall be defined as follows:

- a. "Alcohol" shall mean ethyl alcohol, hydrated oxide of ethyl or spirits of wine, from whatever source or by whatever means produced.
- b. "Alcoholic beverage" shall mean any liquor, wine, beer, spirits, cider, or other liquid or solid, patented or not, composed of, or containing, alcohol or spirits, whether or not brewed, fermented, or distilled, and capable of being consumed by a person, except that confectionary containing alcohol as provided by subdivision twelve of section two hundred of the New York State Agriculture and Markets Law shall not be regarded as an alcoholic beverage within the meaning of this section.
- c. "Knowingly" shall mean aware of, or having reason to be aware of, the consumption of alcohol by a minor.
- d. "Minor" shall mean any person under the age of twenty-one.
- e. "Premises" shall mean any home, apartment, condominium, co-operative unit, or other dwelling unit of any kind and public and private property, including yards and open areas adjacent thereto.

SECTION FOUR. Unlawful Consumption of Alcohol by Minor on Premises

a. It shall be unlawful for any person eighteen (18) years of age or older who owns, rents, or otherwise controls premises, to knowingly allow the consumption of alcohol or alcoholic beverages by any minor on such premises, or to fail to take reasonable corrective action upon learning of the consumption of alcohol or alcoholic beverages by any minor on such premises. Reasonable corrective action shall include, but not be limited to: 1) making a prompt demand that such minor either forfeit the alcohol or alcoholic beverages and refrain from further consumption of the alcoholic beverages and 2) if such minor does not comply with such request, either promptly report such underage consumption of alcohol; i) to the local law enforcement agency; or ii) to any other person having a greater degree of authority over the conduct of such minor.

b. The provisions of subdivision a. of this section shall not apply to: i) the consumption of alcohol or alcoholic beverages by a minor whose parent or guardian is present and has expressly permitted such consumption; or ii) the use and consumption of alcohol or alcoholic beverages by a minor for religious purposes.

SECTION FIVE. Penalties

A violation of section four of this Local Law shall be punished as follows:

a. First Offense. Failure to comply with section four of this Local Law, for the first time, shall constitute a violation and be punishable by a fine of five hundred dollars (\$500.00). The Court shall also order the completion of an alcohol awareness program and/or an appropriate amount of community service not to exceed thirty hours.

b. Second Offense. Failure to comply with section four of this Local Law by a person who has previously been found guilty of failing to comply with this law, shall constitute an unclassified misdemeanor punishable by either a fine of one thousand dollars (\$1,000.00), and a term of imprisonment not to exceed one year, or both such fine and imprisonment.

c. Disposition of Fines. Any and all fines collected under this Local Law shall be deposited in an account designated by the Commissioner of Finance.

SECTION SIX. Effect on Other Laws

The provisions of section four of this Local Law shall not in any way affect the application of any other law, where appropriate, including but not limited to New York Penal Law Section 260.10 (Endangering the Welfare of a Minor) and Section 260.20(2) (Unlawfully Dealing with a Child).

SECTION SEVEN. Severability

If any clause, sentence, paragraph, or section of this Local Law shall be held invalid by any court of competent jurisdiction, or the application of this Local Law to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or operation of this Local Law directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this Local Law are hereby declared to be severable.

SECTION EIGHT. Effective Date

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

DATED: FEBRUARY 4, 2016

ENACTED BY THE FOLLOWING VOTE:

Ayes 21; Noes 0

Filed with the Secretary of State: 3/17/16

Effective: 3/17/16

LOCAL LAW NO. 3 OF 2016

A LOCAL LAW AMENDING LOCAL LAW NO. 8 OF 1968, KNOWN AS THE ORANGE COUNTY CHARTER, AND LOCAL LAW NO. 10 OF 1969, KNOWN AS THE ORANGE COUNTY ADMINISTRATIVE CODE, AS PREVIOUSLY AMENDED, AMENDING ARTICLE II, SECTIONS 2.04 and 2-4, RESPECTIVELY, AS AND FOR FILLING OF VACANCIES IN THE OFFICE OF ORANGE COUNTY LEGISLATURE.

BE IT ENACTED by the County Legislature of the County of Orange, a Local Law as follows:

LEGISLATIVE FINDINGS.

SECTION 1. LEGISLATIVE FINDINGS

The Orange County Legislature seeks to provide clarity in the manner in which a vacancy in the Office of Legislature is filled.

SECTION 2: Article II, Section 2.04 of the Orange County Charter, and Article II, Section 2-4 of the Orange County Administrative Code, are amended and restated as follows:

"County Legislature; Vacancy; Appointment of Successor."

- (a) A vacancy in the office of County Legislator shall be filled within the first forty-five (45) days of its occurrence as follows:
- (1) in a legislative district lying wholly within the boundaries of one town or city by a majority vote of the whole town board or city governing body;
 - (2) In a legislative district lying within the boundaries of two or more towns or one or more towns and a city or parts thereof, by a plurality weighted vote of the individual members of all such town board(s) and city governing board(s) assembled collectively for the purpose of filling such vacancy. **Weighted votes shall be assigned to each member of such board(s) based upon the ratio of population contained within such municipality for said legislative district as compared to that of the whole legislative district. The candidate receiving an affirmative plurality vote of the collective total of all present members of the boards casting their weighted vote shall fill said vacancy.¹ Absent Board members shall not have their votes counted nor shall the percent of the overall vote such**

¹ In *Town of Monroe vs. Amo et. al*, New York Supreme Court , County of Orange, Index No. 7084/98, Petitioners challenged the "legal interpretation" and manner in which a vacancy in a legislative seat was filled under the Orange County Charter in a multi-town legislative district.

The Orange County Charter, "County legislature; Vacancy; Appointment of Success" provided :

- (a) A vacancy in the office of County Legislator shall be filled within the first forty-five days thereafter as follows:
- (1) In a single town district, by a majority vote of the town board of said town;
 - (2) In a multiple town district, by a majority vote of the town boards of the towns composing said district assembled collectively for the purpose of filling such vacancies.

absent board member would have been entitled to cast be transferred to any other person. Any such joint municipal board meeting convened for the purpose of filling the vacancy in the office of County Legislature shall comply with New York State Open Meetings Law, as may be amended from time to time.

(b) If for any reason a vacancy in the office of County Legislator is not filled in the manner provided in paragraph (a) of this Section within forty-five (45) days after its occurrence, then such vacancy shall be filled no later than fifteen (15) days thereafter by appointment of the Chairman of the County Legislature.

(c) In the event a vacancy in the office of County Legislator shall not be filled within 60 days as herein above provided, a special election shall be held in the district wherein such vacancy shall have occurred.

(d) The person so appointed or elected under paragraphs (a), (b) or (c) of this Section to fill such vacancy shall **assume the Office of County Legislator immediately upon such appointment or upon certification and filing of said election results with the New York State Board of Elections and shall promptly take and file his or her oath of office as required by law.** At the time of his/her appointment, each such appointed County Legislator shall reside in the district whose seat he shall fill. He shall serve until the first day of January next following the next succeeding general election, at which general election such vacancy shall be filled for the unexpired term, if any.

SECTION 3. PERMISSIVE REFERENDUM

This Local Law is subject to referendum on petition pursuant to the provisions of Section 101 of N.Y.S. County Law.

SECTION 4. EFFECTIVE DATE

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

ENACTED BY THE FOLLOWING VOTE:

Ayes 18; Noes 3

(Noes: Berkman, Kulisek, Paduch)

Filed with the Secretary of State: 7/21/16

Effective: 7/21/16

By Decision of the Honorable Joseph G. Owen, dated November 20, 1998, the court held that the subdivision (a) (2) "contemplates maintaining the identity and integrity of a town board, as well as acknowledging the role of the town board in filling a legislative seat vacancy. "Had the legislative intent been to provide for a collective vote of a "super-board" comprised of all members assembled, the language would have so provided."

This amendment now clarifies that Section 2.04 (a)(2) creates a "superboard" for the filling of a vacancy in the Orange County Legislature in a multi-town/city legislative district.

LOCAL LAW NO. 4 OF 2016

A LOCAL LAW AMENDING LOCAL LAW NO. 8 OF 1972, FIXING THE COMPENSATION FOR THE COMMISSIONERS OF ELECTIONS, AS LAST AMENDED BY LOCAL LAW NO. 1 OF 2013.

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. 1 of 2013, is hereby amended as follows:

2017	\$ 83,513
2018	\$ 85,810
2019	\$ 88,170
2020	\$ 90,595

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 and be subject to referendum on petition, as provided in Section 24 of the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

ENACTED BY THE FOLLOWING VOTE:

Ayes 18; Noes 1; Absent 2
(Noes: Kemnitz)
(Absent: Eachus, Brescia)

Filed with the Secretary of State: 9/22/16

Effective: 9/22/16

LOCAL LAW NO. 5 OF 2016

A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 2013, FIXING THE COMPENSATION FOR THE CHAIRPERSON OF THE ORANGE COUNTY LEGISLATURE TO BE EFFECTIVE FOR THE TERM COMMENCING ON JANUARY 1, 2018, 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:

2018	\$ 49,684
2019	\$ 49,684
2020	\$ 49,684
2021	\$ 49,684

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

Section 3. Local Law No. 2 of 2013 is hereby amended.

Section 4. This Local Law shall take effect and be subject to referendum on petition, as provided in Section 24 of the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

ENACTED BY THE FOLLOWING VOTE:

Ayes 20; Noes 1
(Noes: Amo)

Filed with Secretary of State: 10/25/16

Effective: 10/25/16

LOCAL LAW NO. 6 OF 2016

A LOCAL LAW AMENDING LOCAL LAW NO. 3 OF 2013, FIXING THE COMPENSATION FOR THE MAJORITY AND MINORITY LEADERS OF THE ORANGE COUNTY LEGISLATURE TO BE EFFECTIVE FOR THE TERM COMMENCING ON JANUARY 1, 2018, 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:

2018	\$ 36,436
2019	\$ 36,436
2020	\$ 36,436
2021	\$ 36,436

Section 2. The rate of annual compensation for the Majority and Minority Leaders of the Orange County Legislature, 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. Local Law No. 3 of 2013 is hereby amended.

Section 5. This Local Law shall take effect and be subject to referendum on petition, as provided in Section 24 of the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

ENACTED BY THE FOLLOWING VOTE:

Ayes 20; Noes 1
(Noes: Amo)

Filed with the Secretary of State: 10/25/16

Effective: 10/25/16

LOCAL LAW NO. 7 OF 2016

A LOCAL LAW AMENDING LOCAL LAW NO. 4 OF 2013, FIXING THE COMPENSATION FOR CHAIRPERSONS OF THE STATUTORY COMMITTEES OF THE ORANGE COUNTY LEGISLATURE TO BE EFFECTIVE FOR THE TERM COMMENCING ON JANUARY 1, 2018, 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:

2018	\$ 33,124
2019	\$ 33,124
2020	\$ 33,124
2021	\$ 33,124

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

Section 3. Local Law No. 4 of 2013 is hereby amended.

Section 4. This Local Law shall take effect and be subject to referendum on petition, as provided in Section 24 of the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

ENACTED BY THE FOLLOWING VOTE:

Ayes 16; Noes 5

(Noes: Turnbull, Amo, Berkman, Dillard, Paduch)

Filed with the Secretary of State: 10/25/16

Effective: 10/25/16

LOCAL LAW NO. 8 OF 2016

A LOCAL LAW AMENDING LOCAL LAW NO. 5 OF 2013, FIXING THE COMPENSATION FOR LEGISLATORS OF THE ORANGE COUNTY LEGISLATURE TO BE EFFECTIVE FOR THE TERM COMMENCING ON JANUARY 1, 2018, 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:

2018	\$ 29,811
2019	\$ 29,811
2020	\$ 29,811
2021	\$ 29,811

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

Section 3. Local Law No. 5 of 2013 is hereby amended.

Section 4. This Local Law shall take effect and be subject to referendum on petition, as provided in Section 24 of the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

ENACTED BY THE FOLLOWING VOTE:

Ayes 19; Noes 2
(Noes: Amo, Dillard)

Filed with the Secretary of State: 10/25/16

Effective: 10/25/16

LOCAL LAW NO. 9 OF 2016

A LOCAL LAW AMENDING LOCAL LAW NO. 6 OF 2013, FIXING THE COMPENSATION FOR THE COUNTY EXECUTIVE OF ORANGE COUNTY TO BE EFFECTIVE FOR THE TERM COMMENCING ON JANUARY 1, 2018, PURSUANT TO SECTION 2.02(g) 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:

2018	\$ 182,177
2019	\$ 182,177
2020	\$ 182,177
2021	\$ 182,177

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

Section 3. Local Law No. 6 of 2013 is hereby amended.

Section 4. This Local Law shall take effect and be subject to referendum on petition, as provided in Section 24 of the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

ENACTED BY THE FOLLOWING VOTE:

Ayes 20; Noes 1
(Noes: Amo)

Filed with the Secretary of State: 10/25/16

Effective: 10/25/16

LOCAL LAW NO. 10 OF 2016

A LOCAL LAW AMENDING LOCAL LAW NO. 7 OF 2013 AND FIXING THE COMPENSATION FOR THE COUNTY CLERK OF ORANGE COUNTY TO BE EFFECTIVE FOR THE TERM COMMENCING ON JANUARY 1, 2018, PURSUANT TO SECTION 2.02(g) 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:

2018	\$ 107,650
2019	\$ 107,650
2020	\$ 107,650
2021	\$ 107,650

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

Section 3. Local Law No. 7 of 2013 is hereby amended.

Section 4. This Local Law shall take effect and be subject to referendum on petition, as provided in Section 24 of the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

ENACTED BY THE FOLLOWING VOTE:

Ayes 20; Noes 1
(Noes: Amo)

Filed with the Secretary of State: 10/25/16

Effective: 10/25/16