

LOCAL LAW NO.

TITLE

1 of 2003	AMENDING LOCAL LAW NO. 5 OF THE YEAR 1997
2 of 2003	AMENDING LOCAL LAW NO. 4 OF THE YEAR 2002
3 of 2003	REGULATING ATV OPERATION
4 of 2003	AMENDING THE RENSSELAER COUNTY CHARTER AND ESTABLISHING THE OFFICE OF CONFLICT DEFENDER

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231-0001

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County of Rensselaer

Local Law No. i of the year 2003

A local law Amending Local Law No. 5 of the Year 1997

(Insert Title)

By: Kelleher, VanDeusen, Reid, Mirch, Bauer, Brearton, Brownell, Durkee,

Herrington, McHugh, Salisbury, Stammel, Swartz, Walsh, Wright,

Dedrick, Hammond, O'Brien, Monahan

Be it enacted by the County Legislature of the

(Name of Legislative Body)

County of Rensselaer as follows:

Section 1. Pursuant to Section 459-c of the Real Property Tax Law, Section Two of Local Law No. 5 of the year 1997, entitled "A LOCAL LAW OF THE COUNTY OF RENSSELAER, NEW YORK GRANTING A PARTIAL TAX EXEMPTION OF REAL PROPERTY OWNED BY PERSONS WITH LIMITED INCOMES WHO ARE DISABLED IN ACCORDANCE WITH THE PROVISIONS OF REAL PROPERTY TAX LAW SECTION 459-c", which local law is otherwise known as the "Rensselaer County Disabled Homeowner Tax Exemption Law", is hereby amended as follows:

Section Two. Persons with Disabilities and Limited Income. Effective as hereinafter provided, there shall be an exemption from taxation for general county purposes to the extent of the percentage of assessed valuation provided in the following schedule, determined by the maximum income exemption eligibility level also provided in the following schedule up to a maximum of fifty percent (50%) of the assessed valuation of real property owned by one (1) or more persons with disabilities, at least one of whom has a disability and whose income, as hereinafter defined, is limited by reason of such disability:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(1)

<u>Annual Income</u>	<u>Percentage of Assessed Valuation Exempt From Taxation</u>
\$21,500 or less	50%
More than \$21,500 but less than \$22,500	45%
\$22,500 or more but less than \$23,500	40%
\$23,500 or more but less than \$24,500	35%
\$24,500 or more but less than \$25,400	30%
\$25,400 or more but less than \$26,300	25%
\$26,300 or more but less than \$27,200	20%
\$27,200 or more but less than \$28,100	15%
\$28,100 or more but less than \$29,000	10%
\$29,000 or more but less than \$29,900	5%

Section 2. This local law shall take effect upon filing with the Office of the Secretary of State of the State of New York and shall apply to assessment rolls based upon a taxable status date occurring on or after January 1, 2003.

Local Law ADOPTED by the following vote:

Ayes: 19

Nays: 0

Abstain: 0

February 11, 2003

Approved by the County Executive:

Dated: February 24, 2003

Kathleen M. Jimino
Kathleen M. Jimino, County Executive

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County of Rensselaer

Local Law No. 2 of the year 2003

A local law amending Local Law No. 4 of the year 2002
(Insert Title)

By: Kelleher

Be it enacted by the County Legislature of the
(Name of Legislative Body)

County of Rensselaer as follows:

Section 1. Section 3 of Local Law No. 4 of the year 2002, entitled "A local law authorizing the Rensselaer County Executive to make application for designation as an Empire Zone area within the County of Rensselaer", is hereby amended as follows:

Section 3. The boundaries of said areas to be included in said Empire Zone shall be as set forth in Schedule A-1, which is attached hereto and made a part hereof.

Section 2. 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 ADOPTED by the following vote:

Ayes: 18

Nays: 0

Abstain: 0

July 8, 2003

Approved by the County Executive:

Dated: 7/23/03 Kathleen M. Jimino
Kathleen M. Jimino, County Executive

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(1)

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County of Rensselaer

Local Law No. 3 of the year 2003

A local law Regulating ATV Operation
(Insert Title)

By: Swartz

Be it enacted by the County Legislature of the
(Name of Legislative Body)

County of Rensselaer as follows:

Section 1. Legislative Intent

This Legislature finds that the improper and illegal operation of all terrain vehicles (ATVs) in Rensselaer County has in many instances had a deleterious effect on the quality of life of our citizens. We have found many cases of property damage, including severe damage to crops and livestock, as well as harassment to landowners. This legislature seeks to address this problem in furtherance of its goal of safeguarding the property of all landowners in the County and encouraging safe and legitimate recreational enjoyment of ATV riders within our county.

Section 2. Definitions

1. (a) The term "ATV" shall have the same meaning as set forth in §2401(1) and §2401(4) or (b) §2401(6) respective of the Vehicle and Traffic Law.

2. The term, "operate" and "operation" shall have the same meaning as set forth in §2401(1) and §2401(4) respective of the Vehicle and Traffic Law.

3. A 2-Wheel Off Road motorcycle shall be included under classification ATV and all shall follow Article 48-C 2400 to 2413.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(1)

Section 3. Registration Requirement

No person shall operate an ATV in Rensselaer County unless said ATV has been registered and numbered in accordance with the provisions of §2282 of New York State Vehicle and Traffic Law.

Section 4. Prohibitions

No person shall operate an ATV on the property of another landowner without first obtaining the prior written consent of said landowner. Each property that an operator travels upon without said written permission shall constitute a separate violation of this law.

Section 5. Penalties and Creation of Victims Fund

All penalties imposed by this law shall be in addition to any other penalties that may be imposed pursuant to any other statute or common law causes of action, be they civil or criminal. A first conviction of this article shall be punishable by a fine of \$100.00. A second or a subsequent conviction shall be punishable by a fine of \$150.00. To the extent allowable by state law, all fines collected pursuant to this Article shall be deposited with the Rensselaer County Treasurer and shall be administered to provide restitution for landowners whose land has been damaged and who are unable to either identify or obtain restitution from an ATV operator who has damaged said landowner's land. Unregistered ATV's or motorcycles carries a mandatory County fine of first offense \$50.00 and second offense here after \$100.00.

Section 6. Effective Date

This law shall take effect upon filing with the office of the Secretary of State in the State of New York.

Local Law ADOPTED by the following vote:

Ayes: 18

Nays: 0

Abstain: 0

August 12, 2003

Approved by the County Executive:

Dated: 8/27/03

Kathleen M. Jimino
Kathleen M. Jimino, County Executive

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County of Rensselaer

Local Law No. 4 of the year 2003

A local law Amending The Rensselaer County Charter and Establishing the Office of

Conflict Defender

(insert Title)

By: Durkee, Walsh

Be it enacted by the County Legislature of the

(Name of Legislative Body)

County of Rensselaer as follows:

Section 1. Legislative Intent. The County of Rensselaer hereby acknowledges its continuing responsibility to provide legal counsel to persons charged with a crime and to those persons entitled to counsel pursuant to Section 262 or Section 1120 of the Family Court Act or Section 411 of the Surrogate's Court Procedure Act in those circumstances in which such persons are financially unable to obtain such counsel on their own. Prior to this enactment, such responsibility was fulfilled through funding of the office of the Rensselaer County Public Defender and a panel of attorneys who volunteer for and are eligible for assignment as such counsel pursuant to Article 18-B of the County Law, also known as the Rensselaer County Assigned Counsel Program, whenever the Public Defender is disqualified from acting in a particular case. However, this legislative body is also mindful of its responsibilities to the citizens of this county to provide public services in the most efficient and cost effective manner. Accordingly, in anticipation of a substantial, unreimbursed increase in costs as a consequence of the mandated increase in fees payable to assigned counsel pursuant to Section 722-b of the County Law, as amended by the state legislature during the past legislative session, the Rensselaer County Legislature hereby finds and determines that it is in the best interests of the citizens of this county to amend the Rensselaer County Charter for the purpose of establishing the Office of the Conflict Defender in and for the County of Rensselaer.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 2. Amendment of Charter. Local Law No. 3 for the year 1972, as subsequently amended, also known as the County Charter of the County of Rensselaer, New York, shall be and the same hereby is further amended to add a new Article 13-A, entitled "Conflict Defender", to read as follows:

Article 13-A

Conflict Defender

Sections

- 13.02 Appointment and Term
- 13.03 Powers and Duties

Section 13.02. Appointment and Term.

There shall be a Conflict Defender who shall be appointed by the County Executive subject to confirmation by the County Legislature. He or she shall serve at the pleasure of the County Executive, except that the Conflict Defender may be removed from office by the County Executive only with the consent of the County Legislature. At the time of such appointment and throughout his or her term of office, the Conflict Defender and his or her assistants shall be and remain duly licensed to practice law in the State of New York and shall have such other qualifications as may be required by law, except that neither the Conflict Defender nor any assistant thereto shall be deemed a public officer of the County of Rensselaer by virtue of such title and position.

Section 13.03. Powers and Duties.

The Office of the Conflict Defender shall exist and function separately and distinctly from the Office of the Public Defender. The Conflict Defender shall serve in the place and stead of the Public Defender whenever the Public Defender is disqualified from acting to discharge his or her duties in a particular case. The Conflict Defender shall further have and exercise all powers, and perform all duties, now or hereafter otherwise imposed upon such position by applicable law.

Section 3. Effective Date. This local law shall take effect January 1, 2004 following filing with the Secretary of State of the State of New York pursuant to the applicable provisions of the Municipal Home Rule Law.

Local Law ADOPTED by the following vote:

Ayes: 19

Nays: 0

Abstain: 0

November 10, 2003

Approved by the County Executive:

Dated: 11/24/03

Kathleen M. Jimino
Kathleen M. Jimino, County Executive