

Local Law Filing

(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

City of Erie

Town

Village

Local Law No. 4 of the year 20 07

A local law amending Local Law No. 12-1974 known as the "Erie County Hotel Occupancy Tax Law."
(Insert Title)

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

County

City of Erie

Town

Village

as follows:

Section 1: LEGISLATIVE INTENT

The purpose of this Local Law is to amend Local Law No. 12-1974 known as the "Erie County Hotel Occupancy Tax Law":

This change would add a new Subdivision C of Section 21 to clarify the intent of the confidentiality provisions set forth in Subdivision B of Section 21. This amendment will clarify that the confidentiality provisions of Subdivision B will only be honored so long as any Person or Operator subject to the reporting, filing and payment provisions of the Hotel Occupancy Tax Law is in compliance with the Hotel Occupancy Tax Law's reporting, filing and payment requirements.

Section 2: AMENDMENT TO ERIE COUNTY LOCAL LAW 12-1974:

NEW SUBDIVISION C OF SECTION 21

(c) In the event that any Person or Operator fails to timely and accurately file a Return and/or collect and remit the tax due and owing to the County, and/or fail(s) to adhere to the terms and conditions of any agreement said party enters into with the County for the payment of taxes due hereunder, the restriction on county officers and employees contained in subdivision (b) of this section compelling them to keep certain information secret shall be lifted. Only authorized officers or employees of the Office of Comptroller, Division of Budget and Management, Division of Real Property Tax, and/or Department of Law are permitted to release limited identifying information regarding the delinquency, including, but not limited to, an Operator, Person or taxpayer's name, including the names of the principals of said Operator and/or taxpayer, and the amount of the delinquency.

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

(continued from page 1 of Local Law Filing form)

Section 3: EFFECTIVE DATE

Immediately.

Section 4: SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order of judgment shall not affect, impair, or invalidate the remainder thereof, and shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or its application to the person, individual, corporation, firm, partnership, entity, or circumstances directly involved in the controversy in which such judgment or order shall be rendered.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 20 07 of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on July 26, 20 07, and was (approved)(not approved) ~~(repassed after disapproval)~~ by the Erie County Executive and was deemed duly adopted on August 10, 20 07, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) _____ by the _____ on _____ 20 _____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) _____ by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2 _____, above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 8/13/07

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Erie

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature Meredith A. Conner

Title Assistant County Attorney

County
~~City~~ of Erie
~~Town~~
~~Village~~

Date: 8/13/07

A Public Hearing was held on the foregoing Local Law Intro. No. 6-2007 on Thursday, August 9, 2007 at 10:15 a.m., due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 10th day of August, 2007.



A handwritten signature in cursive script, appearing to read "Joel A. Giambra", is written over a horizontal line.

A Public Hearing was held on the foregoing Local Law Intro. No. 6-2007 on Thursday, August 9, 2007 at 10:15 a.m., due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this _____ day of _____, 2007.
