



County Local Law #3-2014
State Local Law #4-2014

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

November 17, 2014

Cindy Urtz
Clerk
138 N Court Street
PO Box 635
Wampsville NY 13162

RE: County of Madison, Local Law 4 2014, filed on November 14, 2014

Dear Sir/Madam:

The above referenced material was filed by this office as indicated.
Additional local law filing forms can be obtained from our website,
www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492

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.

X County

- ~~City~~ of Madison
- ~~Town~~
- ~~Village~~

Local Law No. 4 of the year 2014

A local law Authorizing an Administrative Supervision Fee for Supervising of DWI
(Insert Title)
Probationers, Pursuant to Executive Law Section 257-c

Be it enacted by the Board of Supervisors of the
(Name of Legislative Body)

X County

- ~~City~~ of Madison as follows:
- ~~Town~~
- ~~Village~~

"See Attached Page"

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

MADISON COUNTY LOCAL LAW

A LOCAL LAW AUTHORIZING AN ADMINISTRATIVE SUPERVISION FEE FOR SUPERVISING OF DWI PROBATIONERS, PURSUANT TO EXECUTIVE LAW SECTION 257-c

BE IT ENACTED, by the Madison County Board of Supervisors, as follows:

Section 1. Title: This law shall be known as the "Local Law Authorizing an Administrative Supervision Fee for Supervising of DWI Probationers Pursuant to Executive Law Section 257-c".

Section 2. Declaration of Intent: Pursuant to Executive Law section 257-c, Madison County has the authority to adopt a local law authorizing the Madison County Probation Department to collect an administrative fee from individuals currently serving or who shall be sentenced to a period of probation upon conviction of any crime under Article 31 of the Vehicle and Traffic Law to reimburse in part the costs of the probation supervision provided by the department.

Section 3. Fees:

A. An individual currently serving or who shall be sentenced to a period of probation upon conviction of any crime under Article 31 of the Vehicle and Traffic Law shall pay to the Madison County Probation Department, as the local probation department with the responsibility of supervising the probationer, an administrative fee of \$30.00 per month.

B. The Probation Department, with the express approval of the Probation Director, shall waive all or part of such fee where, because of the indigence of the probationer, the payment of said fee would work an unreasonable hardship on the person convicted, his/her immediate family, or any other person who is dependent on such person for financial support. Within thirty (30) days of adoption of this local law, the Probation Director is to establish specific criteria (including what documentation is to be provided by the probationer) for determining what constitutes "indigence" or "unreasonable hardship" for a probationer seeking a waiver of all or part of said fee pursuant to this section.

C. The probation administrative fee authorized by this local law shall not constitute nor be imposed as a condition of probation.

D. Monies collected pursuant to this local law shall be utilized for probation services by the Madison County Probation Department. Such monies shall not be considered by the division when determining state aid pursuant to Executive Law section 246, and shall not be used to replace federal funds otherwise utilized for probation services.

E. In the event non-payment of any fees which have not been waived by the Madison County Probation Department, the County may seek to enforce payment in any manner permitted for enforcement and collection of a debt.

Section 4. Accounting:

A. The Madison County Probation Department shall collect and maintain data on a monthly basis regarding the number and amount of fees imposed, the number of fees satisfied, and the total amount of fees collected.

B. The Madison County Probation Department shall submit all fees collected to the Madison County Treasurer within the first fifteen (15) days following the end of the month.

Section 5. Severability: If any provision of this local law or the application thereof to any person or circumstance is held to be invalid, the remainder of this local law and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 6. Effective Date: This Local Law shall take effect upon the filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

(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. 4 of 20 14 of the (County)(City)(Town)(Village) of Madison was duly passed by the ~~City Council~~ Board of Supervisors on November 10 20 14 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. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____ and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 2 _____ 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) (repassed after disapproval) by the _____ on _____ 2 _____

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) (repassed after disapproval) 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 _____ 1_____, above.



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

Date: November 10, 2014

(Seal)