

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 Rensselaer

Local Law No. 1 of the year 2004

A local law Authorizing Administrative Fees and Charges by Rensselaer County

(Insert Title)

Board of Health of the Rensselaer County Department of Health

By: Kelleher

Be it enacted by the Legislature of the

(Name of Legislative Body)

County of Rensselaer as follows:

Section 1. Legislative Intent

This Legislature finds that the County Board of Health, which is already vested with the power to formulate, adopt, promulgate, amend or repeal such rules and regulations as may affect public health within the County, as well as numerous other powers set forth in Article 8 of the Rensselaer County Charter, is in the best position to responsibility determine, fix, levy, collect and administer fees for the processing of applications, waivers, permits and variances that are issued by the Department of Health. It is the intent of this law to delegate the power to charge and the decision of the amount to charge for such items and services to the County's Board of Health.

Section 2. Delegation of Power to Determine, Assess and Collect Department of Health Related Fees

In accordance with Section 10(1)(ii)(a)(9-a) of the Municipal Home Rule Law of the State of New York, the Rensselaer County Board of Health is hereby authorized to fix, levy, collect and administer fees for processing of applications, waivers, permits and variances to be issued by the Department of Health, and it is further authorized to increase said fees collected in accordance with annual increases incurred in the costs of administering the related programs and services.

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

(1)

Section 3. Effective Date

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

Local Law ADOPTED by the following vote:

Ayes: 18
Nays: 1 (Salisbury)
Abstain: 0
December 18, 2003

Approved by the County Executive:

Dated: 12/30/03

Kathleen M. Jimino
Kathleen M. Jimino, County Executive

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. 2 of the year 2004

A local law Amending Local Law No. 5 of the Year 1997
(Insert Title)

By: Kelleher

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)

Percentage of Assessed
Valuation Exempt From
Taxation

Annual Income

\$24,000 or less	50%
More than \$24,000 but less than \$25,000	45%
\$25,000 or more but less than \$26,000	40%
\$26,000 or more but less than \$27,000	35%
\$27,000 or more but less than \$27,900	30%
\$27,900 or more but less than \$28,800	25%
\$28,800 or more but less than \$29,700	20%
\$29,700 or more but less than \$30,600	15%
\$30,600 or more but less than \$31,500	10%
\$31,500 or more but less than \$32,400	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, 2004.

Local Law ADOPTED by the following vote:

Ayes: 19
Nays: 0
Abstain: 0
February 10, 2004

Approved by the County Executive:

Dated: 2/23/04



Kathleen M. Jimino
County Executive

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. 3 of the year 2004

A local law Modifying the Publication Requirements of Section 214(2) of the County Law
(Insert Title)
of the State of New York

By: Brownell, Herrington

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

County of Rensselaer as follows:

Section 1. Legislative Intent. Pursuant to the provisions of Section 214(2) of the County Law of the State of New York, this legislative body annually designates two official newspapers for the publication "...of all local laws, notices and other matters required by law to be published." Due to financial constraints occasioned by current economic and budgetary circumstances, this legislative body finds that it is obliged to reduce non-mandated county expenditures whenever such cost savings can be effected without injury to the public interest. Accordingly, in order to eliminate the expense attendant the publication of the full text of each local law adopted by this legislature, we further find and determine that it is in the best interests of the taxpayers of this county that a modification of the requirements of Section 214(2) of the County Law be adopted.

Section 2. Full Publication Not Required. Notwithstanding the provisions of Section 214(2) of the County Law to the contrary and unless the text of any local law hereafter adopted shall otherwise expressly require the same, the full text of any local law adopted by this legislature shall not be required to be published in the official newspapers of this county. In the place and instead of such full text, the Clerk of the Legislature shall cause to be published in such official newspapers an abstract of the local law giving notice of the general content thereof, together with notice of the location and availability of the full text of such local law.

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

(1)

Section 3. Effective Date. This local law shall take effect pursuant to the provisions of the Municipal Home Rule Law of the State of New York and shall further be subject to the publication requirements of Section 214(2) of the County Law.

Local Law ADOPTED by the following vote:

Ayes: 19
Nays: 0
Abstain: 0
March 9, 2004

Approved by the County Executive:

Dated: March 24, 2004

Kathleen M. Jimino
Kathleen M. Jimino
County Executive

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. 4 of the year 2004

A local law Authorizing the Rensselaer County Auxiliary Police and Extending Workers' Compensation Coverage to Such Organization Pursuant to Section 2 of the Workers' Compensation Law
(Insert Title)

By: Durkee, Walsh, Monahan

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

County of Rensselaer as follows:

Section 1. Legislative Intent. After due consideration, it is the consensus of this legislative body that it is in the best interests of the citizens of the County of Rensselaer that, in order to encourage volunteer participation in the Rensselaer County Auxiliary Police, Workers' Compensation Coverage should be afforded to the members of such organization. Accordingly, it is the intent of this legislature that this local law shall satisfy the legal requirements of Section 2, Subdivision 4, of the Workers' Compensation Law of the State of New York and authorize (a) the existence of such organization and (b) the extension of workers' compensation coverage and benefits to the membership thereof.

Section 2. Authorization. The existence of an auxiliary police organization known as the Rensselaer County Auxiliary Police shall be and hereby is authorized for the purposes of Section 2, Subdivision 4, of the Workers' Compensation Law of the State of New York.

Section 3. Employee Defined. Within the meaning and intent and for the purposes of Section 2, Subdivision 4, of the Workers' Compensation Law of the State of New York, all members of the Rensselaer County Auxiliary Police shall be and hereby are deemed to be employees of the County of Rensselaer and workers' compensation coverage shall be and hereby is extended to such individuals during the course of their employment, as that term is further defined by Section 2, Subdivision 5, of the Workers' Compensation Law of the State of New York.

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

(1)


Section 4. Effective Date. This local law shall take effect upon filing with the Office of the Secretary of State, pursuant to the applicable provisions of the Municipal Home Rule Law of the State of New York.

Local Law ADOPTED by the following vote:

Ayes: 15
Nays: 0
Abstain: 0
April 13, 2004

Approved by the County Executive:

Dated: 4/27/04



Kathleen M. Jimino
County Executive

(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. 5 the year 2004

A local law TO PROHIBIT THE SALE, PURCHASE, AND USE OF ALCOHOL

WITHOUT LIQUID (AWOL) MACHINES OR ALCOHOL VAPOR

DEVICES IN RENSSELAER COUNTY

(Insert Title)

By: Bauer, McHugh

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

County of Rensselaer as follows:

Section 1. Legislative Intent This Legislature hereby finds and determines that AWOL, an acronym for Alcohol With Out Liquid, is a machine that mixes spirits with pure oxygen. A cloudy alcohol vapor is created by pouring a spirit into a "diffuser capsule" connected to an oxygen pipe, which can then be inhaled or snorted.

This Legislature also finds and determines that an AWOL machine enables people to "snort" drinks such as vodka or absinthe through a tube into the nose or mouth, rather than drinking through the mouth.

This Legislature further finds and determines that by bypassing the stomach and the filter of the liver, the alcohol vapor is absorbed through blood vessels in the nose or lungs, creating a quicker and more intense effect on the brain.

This Legislature finds that experts have claimed that the practice of inhaling alcohol vapor is linked to causing brain damage.

This Legislature determines that the popularity of these AWOL machines is increasing in the nightclub and bar businesses throughout the country. It is being marketed as a way to get high without the hangover as well as a "dieter's dream" way of drinking since there are no calories derived from inhaling the alcohol.

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

This Legislature further finds and determines that during the past two decades, five major studies have estimated the economic costs of alcohol abuse in the United States at approximately \$185 billion for 1998.

This Legislature further finds that more than 70 percent of the estimated costs of alcohol abuse for 1998 were attributed to lost productivity (\$134.2 billion), including losses from alcohol-related illness (\$87.6 billion), premature death (\$36.5 billion), and crime (\$10.1 billion). The remaining estimated costs included health care expenditures (\$26.3 billion), as well as property and administrative costs of alcohol related motor vehicle crashes (\$16.7 billion), and criminal justice system costs of alcohol related crime (\$6.3 billion).

This Legislature further determines that by the time they reach the eighth grade, nearly 50 percent of adolescents have had at least one drink, and over 20 percent report having been "drunk". Approximately 20 percent of the 8th graders and almost 50 percent of 12th graders have consumed alcohol within the past 30 days. Approximately 30 percent of 12th graders engage in heavy episodic drinking, now popularly termed "binge" drinking - that is, having at least five or more drinks on one occasion within the past 2 weeks - and it is estimated that 20 percent do so on more than one occasion. Apart from being illegal, underage drinking poses a high risk to both the individual and society. For example, the rate of alcohol-related traffic crashes is greater for drivers ages 16 to 20 than for drivers age 21 and older.

This Legislature further finds that AWOL machines have been banned in parts of Britain and Australia, but are gaining more popularity in the United States. They are available for sale and distribution through the Internet and dealerships are in the process of being established in Florida, California and New York.

Therefore, the purpose of this law is to ban the sale, purchase, and use of Alcohol With Out Liquid (AWOL) machines and alcohol vapor devices in Rensselaer County.

Section 2. Definitions As used in this law, the following terms shall have the meaning indicated:

"AWOL" shall mean a device which mixes spirits with pure oxygen to produce a cloudy vapor which can be inhaled or snorted.

"Person" shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity or business organization of any kind.

Section 3. Prohibitions Pursuant to Article 9, Section 2(c) 10 of the NEW YORK STATE CONSTITUTION, governing protection, health, safety, and well-being of persons, no person shall purchase, offer for sale or use an AWOL machine or alcohol vapor device within the County of Rensselaer.

Section 4. Penalties Any person who intentionally violates any provision of Section 3 of this law shall be guilty of an unclassified misdemeanor, punishable by a fine of up to One Thousand Dollars (\$1,000.00). Each such violation shall constitute a separate and distinct offense.

Section 5. Applicability This law shall apply to any actions occurring on or after the effective date of this law.

Section 6. Reverse Preemption This law shall be null and void on the day that Statewide or Federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent State or Federal administrative agency issues and promulgates regulations preempting such action by the County of Rensselaer. This County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions of this section.

Section 7. Severability If any clause, sentence, paragraph, subdivision, section, or part of this 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 or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 8. Effective Date This law shall take effect immediately upon filing in the Office of the Secretary of State.

Local Law ADOPTED by the following vote:

Ayes: 18
Nays: 0
Abstain: 0
December 1, 2004

Approved by the County Executive:

Dated: 12/15/04

Kathleen M. Jimino
Kathleen M. Jimino County Executive

