

Local Law Filing

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

(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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
JAN 14 2009

County
~~CITY~~ of Erie
~~TOWN~~
~~VILLAGE~~

MISCELLANEOUS
& STATE RECORDS

Local Law No. 4 of the year 2008.

A local law increasing the per page fee collected by the County Clerk's
(Insert Title)
office for recording, entering and indexing any instrument, and
endorsing a certificate thereon, in connection with papers or
instruments relating to real property and not filed under the
uniform commercial code.

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

County
~~CITY~~ of Erie as follows:
~~TOWN~~
~~VILLAGE~~

Section 1. Title: Increase in Per Page Fee.

Section 2. Declaration of Intent:

In accordance with subparagraph (a)(2) of paragraph (4) of subdivision (a) of section 8021 of the Civil Practice Law and Rules, as amended by Chapter 288 of the Laws of 2008, the Erie County Legislature hereby increases the fee charged per page for recording, entering and indexing any instrument, and endorsing a certificate thereon.

Section 3: Per Page Fee for Recording Documents.

The per page fee for recording, entering and indexing any instrument, and endorsing a certificate thereon, is increased from three dollars to five dollars for each page or portion of a page. For the purpose of determining the appropriate per page fee, which shall be in addition to the existing fifteen dollar cover page fee and five dollar endorsement fee, the cover page shall be deemed an additional page of the instrument. A cover page shall not include any social security account number or date of birth.

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

Section 4: Severability.

If any section, subsection, sentence, clause, phrase or other portion of this local law is for any reason declared unconstitutional, or invalid or in whole or in part by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this law which remaining portions shall remain in full force and effect.

Section 5: Effective Date

This local law shall take effect thirty days after filing in the Office of the Secretary of State pursuant to 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. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 2008 of the (County)~~(City)(Town)(Village)~~ of Erie was duly passed by the Erie County Legislature on November 28, 2008, and was (approved)~~(not approved)(repassed after disapproval)~~ by the Erie County Executive and was deemed duly adopted on December 31, 2008, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

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 _____ 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.
(Elective Chief Executive Officer)*

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)*

* 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
of _____ designated by local legislative body.

Date: 1-13-9

(Seal)

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

STATE OF NEW YORK Erie
COUNTY OF _____

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

Assistant County Attorney

Title

County
~~CITY~~ of Erie
~~TOWN~~
~~VILLAGE~~

Date: 1/13/09

A Public Hearing was held on the foregoing Local Law Intro. No. 9-2008 on Tuesday, December 23, 2008, 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, CHRIS COLLINS, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 31st day of Dec., 2008



A Public Hearing was held on the foregoing Local Law Intro. No. 9-2008 on Tuesday, December 23, 2008, 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, CHRIS COLLINS, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this ____ day of _____, 2008.
