

COUNTY OF ERIE

LOCAL LAW INTRO. NO. 4-1 -2024

LOCAL LAW NO. ____-2024

A Local Law amending Local Law 1-1959, constituting the Erie County Charter, as amended, in relation to the repeal and replacement of Section 2516 for the purpose of authorizing the Erie County Legislature, when required by the state, to extend the County's current imposition of the state authorized 1% and 0.75% sales and compensating use tax by majority vote.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. LEGISLATIVE INTENT

The intent of this legislation is to authorize the Erie County Legislature, when required by the state, to extend the County's current imposition of the state authorized 1% and 0.75% sales and compensating use tax upon the affirmative vote of a majority of the whole number of the membership of the County Legislature without the necessity of a referendum.

Section 2. REQUIRING MAJORITY VOTE FOR SALES TAX EXTENSION

Erie County Local Law number one of nineteen hundred fifty-nine, as amended, constituting the Erie County Charter, is hereby amended as follows:

Article 25, Section 2516 of the Erie County Charter is hereby repealed in its entirety and replaced with a new Section 2516 to read as follows:

Section 2516. Imposing and increasing County taxes, fees and charges. No new form of county tax shall be imposed, and no other fee or charge of the County shall be established or increased except by a resolution approved by: (a) the affirmative vote of two thirds of the whole number of the membership of the County Legislature, or, (b) the affirmative vote of a majority of the whole number of the membership of the County Legislature submitting a proposition for such imposition, establishment or increase to a mandatory referendum to be held pursuant to article three of New York State County law or article three of New York State Municipal Home Rule law as applicable. Notwithstanding the provisions above or any other provision of local legislation, so long as local action is required by the state to extend the County's 1% and 0.75% sales and use tax authorized by New York State Tax law Article 29 Section 1210, such action shall be taken upon the affirmative vote of a majority of the whole number of the membership of the County Legislature without the necessity of a referendum.

Section 3. EFFECTIVE DATE

This Local Law shall take effect after receiving an affirmative vote of a majority of the qualified

electors of the County of Erie in a manner consistent with the provisions of New York State Municipal Home Rule Law Section 3 and upon its subsequent filing with the New York Secretary of State.

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, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Sponsor:

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