

Board of Supervisors
WAYNE COUNTY

RESOLUTION NO. 570-16: RESOLUTION SETTING DATE FOR PUBLIC HEARING ON PROPOSED LOCAL LAW AMENDING THE MORTGAGE RECORDING TAX WITHIN THE COUNTY OF WAYNE

Mrs. Marini presented the following:

WHEREAS, NY Tax Law, Section 253-m allows Wayne County to adopt and amend local laws imposing in Wayne County a tax of twenty-five cents for each one hundred dollars and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within the County of Wayne and recorded on or after the date upon which such tax takes effect and a tax of twenty-five cents on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than one hundred dollars; and

WHEREAS, each enactment of a local law pursuant to the authority of NY Tax Law, Section 253-m may provide for the imposition of a mortgage tax for a period no longer than three years from the date of enactment; and

WHEREAS, the existing local law enacted in Wayne County pursuant to the authority of NY Tax Law, Section 253-m will expire on April 14, 2017; and

WHEREAS, the Board of Supervisors desires to enact an amendment to the existing local law, which will have the effect of extending said local law for a time period of three (3) years, in accordance with NY Tax Law, Section 253-m(6); and

WHEREAS, NY Tax Law, Section 253-m (7) requires that any local law imposing a tax pursuant to that section shall take effect only on the first day of a calendar month, and further that such local law shall not be effective unless a certified copy of such local law is mailed by registered or certified mail to the Commissioner of Taxation and Finance at the Commissioner's office in Albany at least thirty (30) days prior to the date the local law shall take effect, and that certified copies of any local law described in this section shall also be filed with the county clerk of the county of Wayne, the secretary of state and the state comptroller within five (5) days after the date it is duly enacted; now, therefore, be it

RESOLVED, pursuant to Section 20 of the Municipal Home Rule Law, that the Board of Supervisors shall hold a public hearing on **Tuesday, November 15, 2016, at 9:10 a.m.**, in the Supervisors' Chambers in the County Court House, Lyons, New York 14489, on the following proposed local law:

COUNTY OF WAYNE - STATE OF NEW YORK
INTRO NO. 2 /LOCAL LAW NO. ____ FOR THE YEAR 2016

A local law amending Local Law No. 4-2005, as amended by Local Law No. 4-2008, as amended by Local Law No. 1 – 2011 and amended by Local Law 1-2014, entitled "Adoption of Local Law to Impose a Mortgage Recording Tax within the County of Wayne."

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WAYNE, as follows:

SECTION 1

Section 1 of Local Law 4-2005, as amended by Local Law No. 4-2008 and by Local Law No. 1 -2011, entitled "Adoption of Local Law to Impose a Mortgage Recording Tax within the County of Wayne" is hereby amended to read as follows:

Section 1. Imposition of Tax

Pursuant to Chapter 164 of the Laws of 2005, for the period beginning April 1, 2017 and ending November 15, 2019, there is hereby imposed, in the county of Wayne, a tax of \$0.25 for each \$100.00, and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within the county of Wayne and recorded on or after April 1, 2017 and a tax of \$0.25 on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than \$100.00.

SECTION 2

Section 7 of Local Law No. 04-2005 as amended by Local Law No. 1 – 2011 and as amended by Local Law 1-2014, entitled "Adoption of Local Law to Impose a Mortgage Recording Tax within the County of Wayne" is hereby amended to read as follows:

Section 7. Effective Date

This local law shall take effect on the first day of April, 2017, provided a certified copy thereof is mailed by registered or certified mail to the New York State Commissioner of Taxation and Finance at least 30 days prior to such date. Certified copies of this local law shall also be filed with the Wayne County Clerk, the Secretary of State, and the State Comptroller within five days after the date it is duly enacted.

Mr. Kolczynski moved the adoption of the resolution. Seconded by Mr. Smith. Upon roll call, adopted.

WAYNE COUNTY
Board of Supervisors
LYONS, NEW YORK

This is to Certify that I, the undersigned, Clerk of the Board of Supervisors of the County of Wayne, have compared the foregoing copy of resolution with the original resolution now on file in this office and which was duly adopted by the Board of Supervisors of said County at a session held on the 18th day of October 2016 and that the same is a true copy of said original and of the whole thereof.

In Witness Whereof, I have hereunto subscribed my name and affixed the official seal of the Board of Supervisors of the County of Wayne, this 18th day of October 2016.

Clerk of the Board

