

(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 Niagara
~~CITY~~ of
~~TOWN~~
~~VILLAGE~~ 3 94
Local Law No. of the year 19

A local law Establishing the Power to Claim Against Real Property Fire Insurance
(Insert Title) Proceeds to Protect Real Property Liens

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

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

Section 1. Title

This Local Law shall be known as the Procedure to Claim Against Real Property Fire Insurance Proceeds.

Section 2. Purpose

The purpose of this Local Law is to allow the County to collect delinquent taxes out of fire insurance proceeds if the proceeds are not used to restore the property to the same or improved condition that it was in prior to the time the lien arose.

Section 3. Grant of Authorization and Power to County Treasurer

Pursuant to General Municipal Law Section 22, the County Treasurer shall be "authorized and empowered to claim against the proceeds of a policy of fire insurance insuring the interest of an owner and issued on real property located therein to the extent of any lien thereon". In the exercise of the powers granted, the County of Niagara shall be subject to all the restrictions and conditions as provided in General Municipal Law Section 22.

The County of Niagara shall release or return to the insured any amounts to which it would otherwise be entitled to claim provided that the insured agrees with the County in writing to restore the affected premises to the same or improved condition that it was in prior to the time that the lien against the fire insurance proceeds arose.

The Legislature, by resolution, shall specify the conditions necessary to guarantee performance of such obligation, including, but not limited to, an agreement to deposit such process in an escrow account or that the insured shall obtain a performance bond.

Section 4. Separability

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgement, decree, or order 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 thereof directly involved in the controversy in which such judgement, decree, or order shall have been rendered and the remainder of this Local Law shall not be affected thereby and shall remain in full force and effect.

Section 5. Effective Date

This Local Law shall take effect on the last day of the month following the date of adoption and compliance with the requirements of law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 19 94 the ~~(County)(City)(Town)(Village)~~ of Niagara was duly passed by the Legislature on May 3 19 94, in accordance with the applicable provisions of law. (Name of Legislative Body)

(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 19 ____ the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 ____, and was (approved)(not disapproved)(repassed after _____ (Name of Legislative Body) disapproval) by the _____ and was deemed duly adopted on _____ 19 ____, (Elective Chief Executive Officer*) in accordance with the applicable provisions of law.

(Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 ____, and was (approved)(not disapproved)(repassed after _____ (Name of Legislative Body) disapproval) by the _____ on _____ 19 ____. Such local law was (Elective Chief Executive Officer*) 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 _____ 19 ____, 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 19 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 ____, and was (approved)(not disapproved)(repassed after _____ (Name of Legislative Body) disapproval) by the _____ on _____ 19 ____. Such local law was subject to (Elective Chief Executive Officer*) permissive referendum and no valid petition requesting such referendum was filed as of _____ 19 ____, 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 chairman 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 19____ 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 _____ 19____, 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 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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 of 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 _____, above.

Jan K. McB.
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

Date: 5/16/94

(Seal)

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

STATE OF NEW YORK
COUNTY OF Niagara

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 Niagara
~~Town~~
~~Village~~

Date: 5/12/94