INTRODUCTORY LOCAL LAW NO. 3 - 2014

LOCAL LAW NO. 1 - 2015

A LOCAL LAW INCREASING THE SALARIES OF SOME ELECTED COUNTY OFFICERS AND COUNTY OFFICERS APPOINTED FOR A FIXED TERM DURING THEIR TERM OF OFFICE

BE IT ENACTED by the Herkimer County Legislature of the County of Herkimer as follows:

Section 1. The base annual salary of the County Sheriff shall be the sum of Sixty Four Thousand Four Hundred Fifty-Eight Dollars ($64,458).

Section 2. The base annual salary of the County Highway Superintendent shall be the sum of Ninety Two Thousand Five Hundred Forty-Seven Dollars ($92,547).

Section 3. The base annual salary of the Commissioner of Social Services shall be the sum of Eighty-One Thousand One Hundred Eighty-Three Dollars ($81,183).

Section 4. The base annual salary of the Director of Real Property Tax Services shall be the sum of Fifty Thousand Five Hundred Seventy- Four Dollars ($50,574).

Section 5. The base annual salary of the Personnel Officer shall be the sum of Sixty Nine Thousand One Hundred Ninety-Three Dollars ($69,193).

Section 6. The base annual salary of the County Clerk shall be the sum of Fifty Eight Thousand Seven Hundred Twenty-Eight Dollars ($58,728).

Section 7. The base annual salary of the County Treasurer shall be the sum of Fifty Five Thousand Five Hundred Sixty-Three Dollars ($55,563).

Section 8. The base annual salary of the County Attorney shall be the sum of Seventy Three Thousand Two Hundred Eighty-Nine Dollars (73,289)

Section 9. The base annual salary of the County Auditor shall be the sum of Fifty Four Thousand Five Hundred Fifty Dollars ($54,550)

Section 10. The base annual salary of the Budget Officer and Purchasing Agent shall be the sum of Fifty Eight Thousand Five Hundred Eighty-Three Dollars ($58,583).

Section 11. The salary of the county coroners shall be One Hundred Twenty Two Dollars ($122.00) per call.

Section 12. This Local Law shall take effect forty-five days after its adoption and shall be subject to a permissive referendum.

Dated: November 19, 2014.

INTRODUCTORY LOCAL LAW NO. 1 – 2015

LOCAL LAW NO. 2 - 2015

A LOCAL LAW OF THE COUNTY OF HERKIMER, NEW YORK, ALLOWING FOR COMMON, SAFE ITEMS TO BE EXCLUDED FROM THE DANGEROUS FIREWORKS DEFINITION AS PERMITTED BY NEW YORK STATE PENAL LAW SECTION 405

BE IT ENACTED BY THE HERKIMER COUNTY LEGISLATURE as follows:

Section 1. Legislative Intent

A. On November 21, 2014 Governor Cuomo signed into law Chapter 477 of the Laws of 2014 (S.7888/A10141).
B. This state law amended the State Penal Law, the Executive Law and the General Business Law placing further restrictions on dangerous fireworks while at the same time recognizing that certain fireworks should not be labeled dangerous when they pose little to no danger to the public and by labeling them dangerous only restricts business and personal enjoyment.
C. The Governor signed this version of the bill into law in part due to its strong home rule authority, only allowing for certain fireworks to be sold and used in municipalities that affirmatively enact a local law authorizing such action.
D. In keeping with Chapter 477 of the Laws of 2014, and Penal Code Section 405 this Legislature further finds and determines that "sparkler devices" may be sold and enjoyed, only in the manner described below, within Herkimer County.
E. This Legislature finds that allowing our residents the use of safe "sparkler devices" will benefit them and our local businesses.
F. The National Fire Protection Association adopted a recommended safety code (NFPA 1124) for the manufacture, transportation, storage and retail sales of fireworks.
G. This local law and State Chapter 477 of the Laws of 2014 are compliant with the safety standards established in NFPA 1124.
H. This Legislature further finds that the sale and use of "sparkler devices" is permitted with the following restrictions:
    1) Sales will only be permitted on or between June 1st through July 5th and December 26th and January 2nd of each calendar year.
    2) All distributors, manufacturers, and retailers must comply with any and all state laws and regulations regarding registration requirements.
    3) Only those 18 years of age or older may purchase said products.

Definitions :

"Sparkler Devices" are defined as follows:

"Sparkler Devices" which are ground-based or hand-held devices that produce a shower of white, gold, or colored sparks as their primary pyrotechnic effect. Additional effects may include a colored flame, an audible crackling effect, an audible whistle effect, and smoke. These devices do not rise into the air, do not fire inserts or projectiles into the air, and do not explode or produce a report (an audible crackling-type effect is not considered to be a report). Ground-based or hand-held devices that produce a cloud of smoke as their sole pyrotechnic effect are also included in this category. Types of devices in this category include:

(1) cylindrical fountain: cylindrical tube containing not more than seventy-five grams of pyrotechnic composition that may be contained in a different shaped exterior such as a square, rectangle, cylinder or other shape but the interior tubes are cylindrical in shape. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle to be hand held (handle fountain). When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, and when tubes are securely attached to a base and the tubes are separated from each other on the base by a distance of at least half an inch (12.7 millimeters), a maximum total weight of five hundred grams of pyrotechnic composition shall be allowed.

(2) cone fountain: cardboard or heavy paper cone containing not more than fifty grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one cone is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, as is outlined in this subparagraph.

(3) wooden sparkler/dipped stick: these devices consist of a wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower of sparks is produced. Sparklers may contain up to one hundred grams of pyrotechnic composition per item.

(4) novelties which do not require approval from the United States department of transportation and are not regulated as explosives, provided that they are manufactured and packaged as described below:

(A) party popper: small devices with paper or plastic exteriors that are actuated by means of friction (a string or trigger is typically pulled to actuate the device). They frequently resemble champagne bottles or toy pistols in shape. Upon activation, the device expels flame-resistant paper streamers, confetti, or other novelties and produces a small report. Devices

may contain not more than sixteen milligrams (0.25 grains) of explosive composition, which is limited to potassium chlorate and red phosphorus. These devices must be packaged in an inner packaging which contains a maximum of seventy-two devices.

(B) snapper: small, paper-wrapped devices containing not more than one milligram of silver fulminate coated on small bits of sand or gravel. When dropped, the device explodes, producing a small report. Snappers must be in inner packages not to exceed fifty devices each, and the inner packages must contain sawdust or a similar, impact-absorbing material.

Section 3. Separability

If any part of or provisions of this law, or the application thereof to any person or circumstance, shall be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of or provision of, or application directly involved in the controversy in which such judgment shall have been received.

Section 4. Effective Date.

This law shall take effect immediately upon filing with the Secretary of State.

DATED: April 8, 2015.

INTRODUCTORY LOCAL LAW NO. 1 – 2015

LOCAL LAW NO. 2 - 2015

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