Local Law Filing

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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 / City / Town / Village of Hamilton

Local Law No. 9 **of the year 20** 06

A local law Entitled "A Local Law to Impose a Mortgage Recording Tax within the County of Hamilton"
(Insert Title)

Be it enacted by the Board of Superviors *(Name of Legislative Body)* **of the**

County / City / Town / Village of Hamilton **as follows:**

BE IT ENACTED, By the Board of Supervisors of the County of Hamilton, State of New York as follows:

Section 1. Imposition of Tax
Pursuant to Chapter 326 of the Laws of 2006, for the period beginning January 1, 2007 and ending December 1, 2009, there is hereby imposed, in the County of Hamilton, 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 Hamilton and recorded on or after January 1, 2007 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. Applicability
The taxes imposed under the authority of this Article shall be administered and collected in the same manner as the taxes imposed under subdivision 1 of section 253 of the Tax Law and paragraph (b) of subdivision 1 of section 255 of the Tax Law.
Section 3. Additional Taxes
A tax imposed pursuant to this Article shall be in addition to the taxes imposed by section 253 of the Tax Law.

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

Section 4. Real property located in more than one county

Where real property covered by the mortgage subject to the tax imposed pursuant to this Article is situated in the State of New York but within and without the County of Hamilton, the amount of such tax due and payable to the County shall be determined in the same manner that is prescribed in paragraph 1 of section 260 of the Tax Law. Where such property is situated within and without the County imposing such tax the recording officer of the jurisdiction in which the Mortgage is first recorded shall be required to collect the taxes imposed herein.

Section 5. Disposition of taxes

Notwithstanding any provision of Article 11 of the Tax Law to the contrary, the balance of all monies paid to the recording office of the County of Hamilton during each month upon account of the tax imposed pursuant to this Local Law, after deduction the necessary expenses of his office as provided in Section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of this section or section 260 of the Tax Law are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by such officer on or before the tenth day of each succeeding month to the treasurer of the County of Hamilton and, after the deduction by such treasurer of the necessary expenses of his or her office provided in section 262 of the Tax Law shall be deposited in the general fund of the County of Hamilton for expenditure on any county purpose. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of this section or section 260 of the Tax law are first to be apportioned by the Commissioner of Taxation and Finance, shall be paid over by the recording officer receiving same as provided by the determination of said Commissioner of Taxation and Finance.

Section 6. Payment of tax

The tax imposed pursuant to this Article shall be payable on the recording of each mortgage of real property subject to taxes thereunder. Such tax shall be paid to the recording officer of the county in which the real property or any part thereof is situated, except where real property is situated within and without the County of Hamilton, the recording officer of the county in which the mortgage is first recorded shall collect the tax imposed by this article, as required by subdivision 3 of section 253-j of the Tax Law. It shall be the duty of such recording officer to endorse upon each mortgage a receipt for the amount of the tax so paid. Any mortgage so endorsed may thereupon or thereafter be recorded by any recording officer and the receipt for such tax endorsed upon each mortgage shall be recorded therewith. The record of such receipt shall be conclusive proof that the amount of tax stated therein has been paid upon such mortgage.

Section 7. Effective date

This local law shall take effect on the first day of January, 2007, 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 Hamilton County Clerk, the Secretary of State and the State Comptroller within five days after the date it is duly enacted.