October 5, 2026

Finance Committee: 9-28-2026

RESOLUTION NO. 327-2026

SETTING A DATE FOR A PUBLIC HEARING ON PROPOSED LOCAL LAW C (NO. _) FOR THE YEAR 2026, "AMENDING LOCAL LAW B (NO. _) FOR THE YEAR 2026, 'THE ST. LAWRENCE COUNTY ROOM OCCUPANCY TAX AND RESCINDING ALL PREVIOUS HOTEL AND MOTEL OCCUPANCY TAX LOCAL LAWS AND AMENDMENTS IN ST. LAWRENCE COUNTY AND OPTING OUT OF THE NEW YORK STATE SHORT TERM RENTAL REGISTRY'"

By Mr. Lightfoot, Chair, Finance Committee

WHEREAS, Local Law No. 6 for the Year 1991, "Imposing a Tax on Occupants of Hotel or Motel Rooms in St. Lawrence County", adopted an occupancy tax for hotel and motel rooms in the County for the first time and was amended in 2004 to reduce the number of units to six (6) or less and amended again in 2016 to regulate the collection of taxes on transient lodging within the County, and since 2016, there have been additional changes in the manner in which the industry conducts business, so this necessitate a review and update to the local law, and

WHEREAS, since 2016, there have been additional changes in the manner in which the industry conducts business, so this necessitates a review and update to the local law, and

WHEREAS, as a part of the ratification discussion on Local Law 'B' for the Year 2026, the Board of Legislators discussed the prospect of reviewing the imposed rate of occupancy tax, a rate which had not changed in over a decade and was less than many of the neighboring counties of the State of New York, and

WHEREAS, by way of Resolution No. 147-2026, the St. Lawrence County Board of Legislators requested that the State of New York enact enabling legislation authorizing the increase of the Occupancy Tax imposed from three (3%) percent to five (5%) percent in order to stay in conformity with neighboring counties and the majority of the State of New York imposed occupancy taxes, and

WHEREAS, August 21, 2026, New York State Governor Kathy Hochul enacted New York State Assembly Bill A11193 and New York State Senate Bill S10029, titled "AN ACT to amend the tax law, in relation to increasing the occupancy tax in the county of St. Lawrence" which granted St. Lawrence County authority to increase the current occupancy tax rate, and

WHEREAS, the law requires that said Local Law amendment be preceded by a public hearing,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes setting a date for a public hearing on proposed Local Law C (No. _) for the Year 2026, "Amending Local Law B (No. _) for the Year 2026, 'The St. Lawrence County Room Occupancy Tax and Rescinding all Previous Hotel and Motel Occupancy Tax Local Laws and Amendments in St. Lawrence County and Opting Out of the New York State Short Term Rental Registry'" to be held at 5:15 p.m. on November 2, 2026, in the Board of Legislators' Chambers

October 5, 2026

PROPOSED LOCAL LAW C (NO._) FOR THE YEAR 2026, "AMENDING LOCAL LAW B (NO. _) FOR THE YEAR 2026, 'THE ST. LAWRENCE COUNTY ROOM OCCUPANCY TAX AND RESCINDING ALL PREVIOUS HOTEL AND MOTEL OCCUPANCY TAX LOCAL LAWS AND AMENDMENTS IN ST. LAWRENCE COUNTY AND OPTING OUT OF THE NEW YORK STATE SHORT TERM RENTAL REGISTRY'"

BE IT ENACTED by the Board of Legislators of St. Lawrence County as follows:

Section 1. The adoption of this local law is intended to replace any and all laws and amendments previously adopted by the Board of Legislators relating to the Hotel and Motel Room Occupancy Tax in St. Lawrence County, as well as declare the County of St. Lawrence hereby opts not to establish a registration system for short-term rental units pursuant to Subdivision (1) of Section 447-c of the New York Real Property Law.

Section 2. This local law shall take effect upon filing in the Office of the Secretary of State.

Section 3. Legislative Findings

The St. Lawrence County Board of Legislators finds that:

1.) Short-term rental activity is increasing throughout New York State and presents land use, housing, and enforcement concerns best addressed at the local municipal level.

2.) The County, City of Ogdensburg, various towns, and villages within St. Lawrence County possess authority and regulatory frameworks tailored to their communities.

3.) Establishment of a county-wide registry system would require administrative infrastructure, staffing, enforcement mechanisms, and data management systems not currently maintained by the County.

4.) The New York State Legislature expressly authorized counties to opt out of participation in the registry system by local law.

5.) It is in the best interests of St. Lawrence County residents to decline participation in the statewide registry system.

6.) It is in the best interests of St. Lawrence County residents to alter and amend the definitions of those entities subject to this local law to establish and maintain clarity in the law and uniformity in the application of the law.

Section 4. The Board of Legislators adopts the following Room Occupancy Tax Law: A local law "The St. Lawrence County Room Occupancy Tax Local Law,"

1. Short Title
2. Purpose
3. Definitions
4. Impositions of Tax

5. Transitional Provisions
6. Exempt Organizations
7. Territorial Limitations
8. Registration
9. Administration and collections
10. Records to be kept
11. Returns
12. Payment of Taxes
13. Determination of Tax
14. Refunds
15. Reserves
16. Remedies
17. Proceedings to Recover Tax
18. General Powers to the County Treasurer
19. Administration of Oaths
20. Reference to Tax
21. Penalties and Interest
22. Returns to be Confidential
23. Notices and Limitations of Time
24. Separability
25. Effective Date

1. Short Title:

This Local Law shall be known as the "St. Lawrence County Room Occupancy Tax Local Law".

2. Intent and Purpose:

The purpose of this Local Law shall be to enhance the general economy and quality of life in St. Lawrence County, pursuant to Section 1202 of the Tax Law. The adoption of this local law is intended to replace any and all laws and amendments previously adopted by the Board of Legislators relating to the Hotel and Motel Room Occupancy Tax in St. Lawrence County.

3. Definitions: When used in this local law, the following terms shall mean:

Person: An individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee and any other person acting in a fiduciary or representative capacity, whether appointed by the court or otherwise, and any combinations of the foregoing.

Operator: Any person operating a hotel, motel, tourist home, inn, cottages, condominium, bed & breakfast, and short term or vacation rental in the County of St. Lawrence, including, but not limited to the owner or proprietor of such premises, lessee sub-lessee, mortgagee in possession, licensee or any other person otherwise operating such hotel or motel.

Hotel, motel, tourist home, inn, cottages, condominium, bed & breakfast, and short term or vacation rental in the County of St. Lawrence: "Short term or vacation rental" shall mean a

building or portion of it that is used for the lodging of guests. The term "short term rental unit" includes a house, an apartment, a condominium, a cooperative unit, a cabin, a cottage, a bungalow, or a similar furnished living unit, or one or more rooms therein, where sleeping accommodations are provided for the lodging of paying occupants, the typical occupants are transients or travelers, and the relationship between the operator and occupant is not that of a landlord and tenant. It is not necessary that meals are served. A building or portion of a building may qualify as a short term rental unit whether or not amenities, including but not limited to daily housekeeping services, concierge services, or linen services, are provided. The term "hotel or motel" includes an apartment, hotel or motel, guest house, hostel, boarding house, motor court or club which has available for occupancy rooms for rent, whether or not meals are served, or linens provided. The provisions of this section relating to campgrounds shall only apply to those leases and rentals in which the campground provides overnight shelter or lodging, and shall not apply to the provision of services by a campground when the customer provides his or her own shelter or lodging such as a motorhome, RV, camper or tent.

Occupancy: The use or possession, or the right to the use or possession, of any room in a hotel, motel, tourist home, inn, cottages, condominium, bed & breakfast, and short term or vacation rental in the County of St. Lawrence.

Occupant: Person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel, motel, tourist home, inn, cottages, condominium, bed & breakfast, and short term or vacation rental in the County of St. Lawrence under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

Permanent Resident: Any occupant of any room or rooms in a hotel, motel, tourist home, inn, cottages, condominium, bed & breakfast, and short term or vacation rental in the County of St. Lawrence for at least thirty (30) consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

Rent: The consideration received for occupancy valued in money, whether received in money or otherwise.

Room: Any room or rooms of any kind in any part or portion of a hotel or motel, which is available for or let out for any purpose other than a place of assembly.

Return: Any return file or required to be filed as herein provided.

County Treasurer: The Treasurer of St. Lawrence County.

4. <u>Imposition of Tax:</u>

In addition to any other tax presently authorized and imposed (pursuant to Article 29 of the Tax Law), there is hereby imposed and there shall be paid a tax of ~~three (3%) percent~~ **five (5%) percent** upon the rent for every occupancy of a room in a hotel, motel, tourist home, inn, cottages, condominium, bed & breakfast, and short term or vacation rental in the County of St. Lawrence, except that the tax shall not be imposed upon a permanent resident.

5. Transitional Provisions:

The tax imposed by this Local Law shall be paid upon any occupancy on and after the effective date of this local law, although such occupancy is pursuant to a prior contract, lease or other arrangement. Where rent is paid a weekly, monthly or other term basis, the rent shall be subject to the tax imposed by this Local Law to the extent that it is not in violation of this law.

6. Exempt Organizations:

(a) Except as otherwise provided in this section, any use or occupancy by any of the following shall be subject to the tax imposed by this Local Law:

i. The State of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or Canada), improvement district or political subdivision of the state;

ii. The United States of America, insofar as it is immune from taxation;

iii. Any corporation, association, trust or community chest fund or foundation, organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which insures to the benefit of any private shareholder or individual and not substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this subdivision shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this subdivision.

(b) Where any organization described in paragraph (3) of subdivision (a) of this subdivision carries on its activities in furtherance of the purposes for which it was organized, in premises in which, as part of said activities, it operates a hotel, occupancy of rooms in the premises and rents therefrom received by such corporation or association shall not be subject to tax hereunder.

7. Territorial Limitations:

The tax imposed by this Local Law shall apply only within the territorial limits of the County of St. Lawrence.

8. Registration:

(a) Every person required to collect any tax imposed by this Local Law presently operating, commencing business or opening a new place of business, and every person who takes possession of or pays for business assets under circumstances requiring notification by such person to the County Treasurer pursuant to subdivision (d) of Section 17 of this Local Law shall file with the County Treasurer a certificate of registration, in a form prescribed by it, at least twenty (20) days prior to commencing business or opening a new place of business or such purchasing or taking of possessing or payment, whichever comes first.

(b) The certificate of registration shall contain information with respect to the notice requirements of the purchaser, transferee or assignee and his liability for the payment of taxes pursuant to subdivision (d) of Section 17 of this local law. The County Treasurer shall, within five (5) days after such registration, issue without charge to each registrant a certificate of authority empowering the Treasurer to collect the tax and a duplicate thereof for each additional place of business of such registrant.

(c) The County Treasurer shall issue within five (5) business days of its receipt of the certificate of authority general information about the tax imposed under this Local Law, including information on records to be kept, returns and payments, notification requirements, and forms. Each certificate or duplicate shall state the place of business to which it is applicable. Such certificates of authority shall be prominently displayed in the places of business of the registrant. Such certificates shall be non-assignable and non-transferable and shall be surrendered to the County Treasurer immediately upon the registrant's ceasing to do business at the place named or in the event that such business never commenced.

9. <u>Administration and Collection:</u>

(a) The tax imposed by this local law shall be administered and collected by the County Treasurer, or such other employees of the County as the County Treasurer may designate, by such means and in such manner as are other taxes which are now collected and administered or as otherwise are provided by this local law.

(b) Every person required to collect the tax shall collect the tax from the occupant when collecting the rent to which it applies. If the occupant is given any receipt or other statement or memorandum of rent paid or payable, the tax shall be stated, charged and shown separately on the first of such documents given to him. The tax shall be paid to the person required to collect it as trustee for and on account of the County.

(c) The County Treasurer shall, by regulation, prescribe a method or methods or a schedule or schedules of the amounts to be collected from occupants in respect to rent upon which a tax is imposed by this Local Law so that the aggregate collection of taxes by a person required to collect tax shall, as far as practicable, equal to three (3) five (5) percent of the total rents of such person upon whom a tax is imposed by this Local Law.

(d) For the purpose of the proper administration of this Local Law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents for occupancy of a hotel, motel, tourist home, inn, cottages, condominium, and bed & breakfast, and short-term or vacation rental in the County of St. Lawrence are subject to tax until the contrary is established, and the burden of proving that any rent is not taxable shall be upon the person required to collect tax or the occupant. Unless an occupant, prior to taking possession, furnished to the operator a statement which the County Treasurer may require demonstrating that the occupant is an exempt organization described in Section 6 of this Local Law, the sale shall be deemed a taxable transaction, where such a statement has been furnished to the operator, the burden of proving that the rent is not taxable hereunder shall be solely upon the occupant. The operator shall not be required to collect tax from occupants who furnish an exempt organization statement in proper form.

(e) The County Treasurer may provide, by regulation, for the exclusion from taxable rent, rent which has been ascertained to be uncollectible or, in case the tax has been paid upon such rent, for refund of or credit for the tax so paid. Where the County Treasurer provides for a credit for the tax so paid, the Treasurer shall require an application for credit to be filed, but the Treasurer may also allow the applicant to immediately take the credit on the return which is due coincident with or immediately subsequent to the time the applicant files his/her application for credit. However, the taking of the credit on the return shall be deemed to be part of the application for credit and shall be subject to the provisions in respect to applications for credit in Section 14 of the Local Law.

10. Records to be kept:

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such for as the County Treasurer may by regulation require. Such records shall include a true copy of each receipt or statement separately stating the tax charged. Such records shall be available for inspection, examination, and audit at any time upon demand by the County or his duly authorized agent or employees and shall be preserved for a period of three (3) years, except that period or may require that they be kept longer.

11. Returns:

(a) Every operator required to register pursuant to Section 8 hereof shall file a return quarterly with the County Treasurer. The return shall show all rents received or charged and the amount of tax thereon. The returns to be filed quarterly shall be filed for the quarterly periods ending on the last day of February, May, August, and November of each year, and shall be filed within twenty (20) days after the end of the quarterly period covered thereby. The County Treasurer may permit or require returns to be made by other periods and upon such dates they may specify. If the County Treasurer deems it necessary in order to insure the payment of the tax imposed by this Local Law, they may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as he may specify.

(b) The form of returns shall be prescribed by the County Treasurer and shall contain such information as he or she may deem necessary for the proper administration of this Local Law. The County Treasurer may require amended returns to be filed within twenty (20) days after notice and to contain the information specified in the notice.

(c) If a return required by this Local Law is not filed, or a return when filed is incorrect or insufficient on its face, the County Treasurer shall take the necessary steps to enforce the filing of such a return or of a corrected return.

12. Payment of Tax:

Every operator required to file a return under the preceding section shall, at the time of filing such return, pay to the County Treasurer ~~three (3%) percent~~ **five (5%) percent** of the total of all rents subject to tax pursuant to this Local Law, as well as all other moneys collected by the operator acting or purporting to act under the provisions of this Local Law. The amount payable for the period for which a return is filed shall be due and payable to the County Treasurer on the

date limited for filing the return, whether or not the return is filed, or whether or not the return filed correctly shows the rent or the taxes due thereon. Where the County Treasurer in his or her discretion deems it necessary to protect revenues to be obtained under this Local Law, he or she may require any operator required to collect the tax imposed by this Local Law to file with him or her a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the County Treasurer may fix to secure the payment of any tax or penalties or interest due or which may become due from such operator. In the event that the County Treasurer determines that an operator is to file such a bond, he or she shall give notice to such operator to that effect, specifying the amount of the bond required. The operator shall file such bond within five (5) days after the giving of such notice unless within such five (5) days after the giving of such notice unless within such five (5) days, the operator shall request in writing a hearing before the County Treasurer at which the necessity, propriety and amount of the bond shall be determined by the County Treasurer. Such determination shall be final and shall be complied with within fifteen (15) business days of the giving of notice thereof, in lieu of such bond, securities approved by the County Treasurer or cash in such amount as he or she may prescribe, may be deposited with and shall be kept in the custody of the County Treasurer, who may at any time without notice of the depositor, apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him or her at public or private sale without notice to the depositor thereof.

13. <u>Determination of Tax:</u>

(a) If a return required by this Local Law is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be determined by the County Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors, notice of such determination shall be given to the person liable for the collection and/or payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within ninety (90) days after giving notice of such determination, shall apply to the County Treasurer for a hearing, or unless the County Treasurer, on his or her own motion, shall re-determine the same.

(b) Whenever such tax is estimated as provided for in this section, such notice shall contain a statement in bold face type conspicuously placed on such notice advising the person that the amount of tax was estimated, that the tax may be challenged through a hearing process, and that the petition for such challenge must be filed with the County Treasurer within thirty (30) days.

(c) After such hearing, the County Treasurer shall give notice promptly, by registered or certified mail, of his or her determination to the applicant. The determination of the County Treasurer shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by proceeding under Article 78 of the Civil Practice Law and Rules if application, therefore, is made to the Supreme Court within four (4) months after the giving of notice of such determination. A proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless the amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited with the County Treasurer, and there shall be filed with the County Treasurer and undertaking, issued by a surely company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency

and responsibility, in such amount as a Justice of the Supreme Court shall approve to the effect that is such proceeding be dismissed, or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding or at the option of the applicant, such undertaking filed with the County Treasurer may be in a sum sufficient to cover taxes, penalties, and interest thereon stated in such determination plus the costs and charges with may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such taxes, penalties, and interest as a condition precedent to the application.

14. <u>Refunds:</u>

(a) In the manner provided in this section, the County Treasurer shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if an application to the County Treasurer for such refund shall be made within one (1) year from the payment thereof. Whenever a refund is made by the County Treasurer, he or she shall state his or her reason therefor in writing. Such an application may be made by the occupant, operator or other person who has actually paid the tax. No actual refund of moneys shall be made to any operator, of tax which has been collected from an occupant, until the alleged taxpayer shall first establish, to the satisfaction of the County Treasurer under such regulations as the County Treasurer may prescribe, that he or she has repaid to the occupant the amount for which the application for refund is made. The County Treasurer may, in lieu of any refund required, be made. The County Treasurer may, in lieu of any refund required to be made, allow credit therefor on payments due from the applicant.

(b) An application for a refund or credit made as provided herein shall be deemed an application for a revision of any tax, penalty or interest complained of and the County Treasurer may receive evidence with respect thereto. After making his or her determination, the County Treasurer shall give notice thereof to the applicant who shall be entitled to review such determination by a proceeding pursuant to Article 78 of the Civil Practice Law and Rules, provided such proceeding is instituted within four (4) months after the giving of the notice of such determination, and provided that a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the County Treasurer in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceedings be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

(c) A person shall be entitled to a revision, refund, or credit under this section of a tax, interest or penalty which has been determined to be due pursuant to the provisions of Section 13 of this Local Law where he or she has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail himself of herself of the remedies therein provided. No refund or credit shall be made for a tax, interest or penalty paid after a determination by the County Treasurer made pursuant to Section 13 of this Local Law, unless it is found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the County Treasurer after a hearing or of his or her own motion or in a proceeding under Article 78 of the Civil Practice Law and Rules pursuant to the provisions of said section, in which event, refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

15. Reserves:

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review a determination adverse to him or her on his or her application for refund, the County Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

16. Remedies Exclusive:

The remedies provided by Sections 13 and 14 of this Local Law shall be exclusive remedies available to any person for the review of the tax liability imposed by this Local Law, and no determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment an action for money has and received or by any action or proceeding other than a proceeding under Article 78 of the Civil Practice Law and Rules.

17. Proceedings to Recover Tax:

(a) Whenever any operator required to collect a tax shall fail to collect and pay over any tax, penalty or interest, or whenever any occupant shall fail to pay any tax, penalty or interest imposed by this Local Law as herein provided, the County Attorney shall, upon the request of the County Treasurer, bring or cause to be brought an action to enforce the payment of the same on behalf of the County of St. Lawrence in any court of the State of New York, or of any other state or of the United States.

(b) If, however, the County Treasurer, in his or her discretion, believes that any such operator, officer, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, he or she may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.

(c) As an additional or alternate remedy, the County Treasurer may issue a warrant, directed to the Sheriff commanding him or her to levy upon and sell the real and personal property of the operator which may be found within the county for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return such warrant to the County Treasurer and to pay to him or her the money collected by virtue thereof within sixty (60) days after the receipt of such warrant. The Sheriff shall, within five (5) days after the receipt of the warrant, file with the County Clerk a copy thereof, and thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon, the amount of such warrant so docketed shall become a lien upon the interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as provided by law in respect to executions issued against property upon judgements of a court of record and for services in executing the warrant, he shall be entitled to the same fees, which he may collect in the same manner. At the discretion of the County Treasurer, a warrant of like terms, force and effect may be issued and directed to any office or employee of the County Treasurer and in the execution thereof, such office or employee shall have all the powers conferred by law upon

Sheriffs but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the County Treasurer may, from time to time, issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County had recovered judgement therefor and execution thereon had been returned unsatisfied.

(d) Whenever an operator shall make a sale, transfer or assignment in bulk of any part of the whole of this hotel or motel assets, otherwise than in the ordinary course of business, the purchaser, transferee, or assignee shall, at least ten (10) days before taking possession of the subject of said sale, transfer, or assignment, or paying therefor, notify the County Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor has represented to or informed the purchaser, transferee or assignee that the owes any tax pursuant to this Local Law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing. Whenever the purchaser, transferee, or assignee shall fail to give notice to the County Treasurer as required by the preceding paragraph, or whenever the County Treasurer shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sum of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferor or assignor to the county and the purchaser, transferee or assignee is forbidden to transfer to the seller transferor or assignor any such sums of money, property or choses in action to the extent of the amount of the county's claim. For failure to comply with the provisions of this subdivision, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of Article 6 of the Uniform Commercial Code, shall be personally liable for the payment of the county of any such taxes theretofore or thereafter determined to be due to the county from the seller, transferor, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this Local Law.

18. General Powers of the County Treasurer:

In addition to the powers granted to the County Treasurer in this Local Law, he or she is hereby authorized and empowered:

(a) To make, adopt and amend rules and regulations appropriate to the carrying out of this Local Law and purposes thereof;

(b) To extend, for cause shown, the time of filing any return for a period not exceeding thirty (30) days, and for cause shown, to remit penalties but not interest computed at the rate of six (6%) percent per annum;

(c) To request information from the tax commission of the state of New York or the Treasury Department of the United States relative to any person; and to afford information to such tax commission or such Treasury Department relative to any person, any other provision of this Local Law to the contrary notwithstanding;

(d) To delegate his or her functions hereunder to a Deputy County Treasurer or any employee or employees of the office of the County Treasurer;

(e) To prescribe methods for determining the amount of rents for determining which of them are taxable or non-taxable;

(f) To require any operator to keep detailed records of all rents received, charged and accrued, including those claimed to be non-taxable, and also the nature, type, value and amount of all occupancies, names and addresses of occupants, and other facts relevant in determining the amount of tax due, and to furnish such information to the County Treasurer;

(g) To assess, determine, revise and readjust the taxes imposed under this Local Law.

19. Administration of Oaths and Compelling Testimony:

(a) The County Treasurer, or his or her employees or agents duly designated and authorized by him or her, shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this Local law. The County Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of his or her duties and of the enforcement of this Local Law, and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before him or her or excused from attendance.

(b) A justice of the Supreme Court either in court or in chambers shall have power summarily to enforce, by proper proceedings, the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the County Treasurer under this Local Law.

(c) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the County Treasurer under the Local Law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars ($1,000.00) or imprisonment for not more than one (1) year, or both such fine and imprisonment.

(d) The officers who serve the summons or subpoena of the County Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the County Sheriff and his or her duly appointed deputies or any officers or employees of the Department of Finance, designated to serve such process.

20. Reference to Tax:

Whenever reference is made in placards or advertisements or in any other publications to this tax, such reference shall be substantially in the following form: tax on occupancy of “hotel, motel, tourist home, inn, cottages, condominium, vacation rentals, and bed & breakfast, and short term or vacation rental in the County of St. Lawrence,” except that in any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator, the words “occupancy tax” will suffice.

21. Penalties and Interest:

(a) Any operator failing to file a return or to pay or pay over any tax to the County Treasurer within the time required by this Local Law shall be subject to a penalty of five (5%) percent of the amount of tax due if such failure is for not more than one (1) month, with an additional one (1%) percent for each additional month or fraction thereof during which such failure continues, not exceeding twenty-five (25%) percent in the aggregate, plus interest at the rate of one (1%) percent of such tax for each month of delay after such return was required to be filed, or such tax became due.

(b) If the County Treasurer determines that such failure or delay was due to reasonable cause and not due to willful neglect, he or she shall remit all of such penalty. The County Treasurer shall promulgate rules and regulations as to what constitutes reasonable cause.

(c) If the failure to file a return or to pay over any tax to the County Treasurer within the time required by this Local Law is due to fraud, there shall be added to the tax a penalty of fifty (50) percent of the amount of the tax due (in lieu of the penalty provided for in paragraph (a)), plus interest at the rate of one (1) percent of such tax for each month of delay after such return was required to be filed, or such tax became due. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this Local Law. Unpaid penalties and interest may be determined, assessed, collected and enforced in the same manner as the tax imposed by this Local Law.

(d) Any operator failing to file a return or report required by this Local Law or filing, or causing to be filed, or making or causing to be made, or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this Local Law, which is willfully false, or willfully failing to file a bond required by this Local Law or willfully failing to comply with the provisions of Section 12(c) of this Local Law, or failing to file a registration certificate and such data in connection therewith as the County Treasurer by regulation or otherwise may require, or to display or surrender a certificate of authority as required by this Local Law, or assigning or transferring such certificate of authority, or willfully failing to charge separately the tax herein imposed or to state such tax separately on any bill, statement, memorandum or receipt issued or employed by him upon which the tax is required to be stated separately as provided in section 10, or willfully failing to collect the tax from a customer, or who shall refer or cause reference to be made to this tax in a form or manner other than that required by this Local Law, or failing to keep any records required by this Local Law, shall, in addition to any other penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars ($1,000.00) or imprisonment for not more than one (1) year, or both such fine and imprisonment. The penalties herein shall not apply to a failure to surrender a certificate of authority, which is required to be surrendered where business never commenced.

(e) The certificate of the County Treasurer to the effect that a tax has not been paid, that a return, bond or registration has not been filed, or that information has not been supplied pursuant to the Provisions of this Local Law, shall be presumptive evidence thereof.

(f) The penalties provided for in this section shall not preclude prosecution pursuant to the penal law with respect to the willful failure of any person to pay over to the County any tax imposed by this Local Law, whenever such person has been required to collect and has collected any such sales tax.

22. Returns to be Confidential:

(a) Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the County Treasurer, or any officer or employee of his department, or any person who in any manner may acquire knowledge of the contents of a return or report filed with the County Treasurer pursuant to this Local Law, to divulge or make known in any manner any particulars set forth or disclosed in any such return or report. The County Treasurer shall not be required to produce any returns or reports, or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the County Treasurer in an action or proceeding under the provisions of the tax law or in any other action or proceeding involving the collection of a tax due under this Local Law to which the County or the County Treasurer is party for a claimant, or on behalf of any party to any action, proceeding or hearing under the provisions of this Local Law, when the returns, reports or facts shown thereby are directly involved in such action, proceeding or hearing, in any of which events the court, or in the case of a hearing, the County Treasurer may require the production of, and may admit into evidence, so much of said returns, reports or of the facts shown thereby, as are pertinent to the action, proceeding or hearing and no more. The County Treasurer may, nevertheless, publish a copy or a summary of any decision rendered after a hearing required by this Local Law. Nothing herein shall be construed to prohibit the delivery to a person who has filed a return or report or his duly authorized representative of a certified copy of any return or report filed in connection with his tax. Nor shall anything herein be construed to prohibit the delivery to a person required to collect the tax under this Local Law or a purchaser, transferee or assignee personally liable under the provisions of Section 17(d) of this Local Law for the tax due from the seller, transferor or assignor, or any return or report filed under this Local Law in connection with such tax, provided, however, that there may be delivered only so much of said return, report or of the facts show thereby as are pertinent to a determination of the taxes due or liability owed by such person or purchaser, transferee or assignee and no more, or to prohibit the publication of statistics so classified as to prevent the identification of particular returns or reports and the items thereof, or the inspection by the County Attorney or other legal representatives of the County of the return or report of any person required to collect or pay the tax who shall bring action to review the tax based thereon, or against whom an action or proceeding under this Local Law has been recommended by the County Treasurer or the County Attorney, or has been instituted.

(b) Returns filed under this Local Law shall be preserved for three (3) years and thereafter until the County Attorney orders them to be destroyed. Any violation of subdivision (a) of this section shall be punishable by a find not exceeding one thousand dollars ($1,000), or by imprisonment not exceeding one (1) year, or both, at the discretion of the court, and if the offender is an officer or employee of the county he shall be dismissed from office and be incapable of holding any public office for a period of five (5) years thereafter.

23. Notices and Limitations of Time:

(a) Any notice authorized or required under the provisions of this Local Law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him or her pursuant to the provisions of this Local Law, or in any application made by him or her, or, if no return has been filed or application made, then to such address may be attainable. A notice of determination shall be mailed promptly by registered or certified mail. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this Local Law by the giving of notice shall commence to run from the date of mailing of such notice.

(b) If any return, claim, statement, notice, application, or other required to be filed, or any payment required to be made, within a prescribed period or on or before a prescribed date under authority of any provision of this Local Law is, after such period or such date, delivered by United States mail to the County Treasurer or his or her office, the date of the United States postmark stamped on the envelope shall be deemed to be the date of delivery. This subdivision shall apply only if the postmark date falls within the prescribed period or on or before the prescribed date for the filing of such document or for making the payment, including any extension granted for such filing or payment, and only if such document or payment was deposited in the mail, postage prepaid properly addressed to the County Treasurer or his office. If any document is sent by the United States registered mail, such registration shall be prima facie evidence that such document was delivered to the County Treasurer or her/his office. Certified mail may be used in lieu of registered mail under this section. This subdivision shall apply in the case of postmarks not made by the United States Post Office only if and to the extent provided by regulation of the County Treasurer.

(c) When the last day prescribed under the authority of this Local Law (including any extension of time) for performing an act falls on Saturday, Sunday, or a legal holiday in the State of New York, the performance of such act shall be considered timely if it is performed on the next succeeding day, which is not a Saturday Sunday or a legal holiday.

i. The provisions of the Civil Practice law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess, determine, or enforce the collection of any tax or penalty provided by this Local Law. However, except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three (3) years from the date of filing of a return; provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

ii. Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing before the expiration of the extended period.

24. Severability:

If any provision of this Local Law, or the application thereof to any person or circumstance is held invalid, the remainder of this Local Law, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

25. Effective Date:

(a) A Public Hearing was held at the Board of Legislators' Chambers, Court House, Canton, New York, at 5:15 p.m. on Monday, November 2, 2026.

(b) This local law shall take effect upon filing in the Office of the Secretary of State.

STATE OF NEW YORK)
) ss:
COUNTY OF ST. LAWRENCE)

I, Kiersten Gotham, Deputy Clerk of the St. Lawrence County Board of Legislators, **DO HEREBY CERTIFY** that I have compared this Resolution No. 327-2026 Entitled "Setting a Date for a Public Hearing on Proposed Local Law C (No. _) for the Year 2026, "Amending Local Law B (No. _) for the Year 2026, 'The St. Lawrence County Room Occupancy Tax and Rescinding all Previous Hotel and Motel Occupancy Tax Local Laws and Amendments in St. Lawrence County and Opting Out of the New York State Short Term Rental Registry'"", adopted October 5, 2026, with the original record in this office and that the same is a correct transcript thereof and of the whole of said original record.

Kiersten Gotham

Kiersten Gotham, Deputy Clerk
St. Lawrence County Board of Legislators
October 6, 2026