

STATE OF EMERGENCY DECLARATION

A State of Emergency is hereby declared in Herkimer County
effective at: (area within municipality, or entire municipality)

3:00 p.m. **on** May 12, 2023
(time) **(date)**

This State of Emergency has been declared due to
The County of Herkimer is experiencing a housing crisis due to the limited number of temporary and permanent housing.
Furthermore, Herkimer County is not capable of receiving or sustaining any number of migrants and/or asylum seekers.
(description of situation)

This situation threatens the public safety.

This State of Emergency will remain in effect for thirty (30) days or until rescinded by a subsequent order.

As the Chief Executive of Herkimer County,
(name of municipality)

I, Vincent J. Bono, **exercise the authority given me under**
(name of Chief Executive)

Section 24 of the New York State Executive Law, to preserve the public safety and hereby render all required and available assistance vital to the security, well-being, and health of the citizens of this Municipality.

I hereby direct all departments and agencies of

Herkimer County **to take whatever steps necessary to**
(name of municipality)

protect life and property, public infrastructure, and provide such emergency assistance deemed necessary.

Vincent J. Bono
(Name)


(Signature)

Chairman of the Herkimer County Legislature
(Title)

May 12, 2023
(Date)

EMERGENCY ORDER

Executive Order # 2023-01

Local Emergency Order for Herkimer County

I, Vincent J. Bono, Chairman of the Herkimer County Legislature, in accordance with a declaration of a State of Emergency issued May 12, 2023, and pursuant to Section 24 of New York State Executive Law, do hereby order:

Section 1. Prohibition of foreign municipal programs that burden the County.

- A. No municipality may make contracts with persons, businesses, or entities doing business within the County to transport migrants or asylum seekers to locations in the County, or to house persons at locations in the County for any length of time without the express written permission of the Chairman of the Herkimer County Legislature. In addition, no person or entity may act on behalf of any municipality or in performance of a municipal program, or other act funded by a municipality, to perform an act in violation of this subsection.
- B. No hotel, motel, or owner of a multiple dwelling in Herkimer County is permitted to contract or otherwise engage in business with any other municipality other than the County of Herkimer (an "external municipality") for the purpose of providing housing or accommodations for migrants or asylum seekers without a license granted by the County.
- C. Remedies.
 1. Appearance tickets. The Sheriff is authorized to issue appearance tickets for any violation of this Emergency Order for the penalty prescribed by NYS Executive Law § 24(5).
 2. Civil penalties. In addition to those penalties prescribed by NYS Executive Law § 24(5), any person who violates any provision of this Emergency Order or any term or condition of any license issued pursuant to this Emergency Order, shall be liable to a civil penalty, of not more than \$2,000 per migrant/asylum seeker housed by the foreign municipality or other violator, for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this County and initiated by the County Attorney.
 3. Abatement. Regardless of any other remedy or relief brought by the County for any violation, the County Attorney to commence actions or proceedings in the name of the County, in a court of competent jurisdiction, to abate any violation of, or to enforce any provision of this Emergency Order.

D. Remedies not exclusive.

1. No remedy or penalty specified in this Emergency Order shall be the exclusive remedy or remedy available to address any violation described in this Emergency Order.
2. Each remedy or penalty specified in this Emergency Order shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this Emergency Order or in any other applicable law.
3. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Emergency Order or in any other applicable law.
4. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in NYS Executive Law § 24, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in NYS Executive Law§ 24.

E. Notifications.

In addition to such other powers or duties the Sheriff of Herkimer County may consider in the exercise of the Sheriff's duties with respect to this Emergency Order, the Sheriff is authorized and directed by this order to make limited stops to notify persons suspected of transporting migrants or asylum seekers into the County in violation of the restrictions and regulations of this Emergency Order, and to similarly, notify the owners and operators of facilities suspected of housing any migrants or asylum seekers, or seeking or entering agreements with external municipalities, without the license required by this Emergency Order.

Section 2. Punishment

In accordance with Executive Law Section § 24, any person who knowingly violates the provisions of this order shall be guilty of a Class B Misdemeanor.

Section 3. Effective Date

This Executive Order shall take effect immediately.

Section 4. Duration of Local Emergency Order

The Local Emergency Order shall remain in effect for five days unless sooner modified, extended, or revoked, and may be extended for additional periods not to exceed five days during the pendency of the local state of emergency.

Local Emergency Order for Herkimer County

GIVEN, under my hand and the Seal of the County of Herkimer this Twelfth Day of May, in the year Two Thousand Twenty-Three



COUNTY OF HERKIMER

Vincent J. Bono
Vincent J. Bono
Chairman of the Herkimer County Legislature