

Local Law Filing

(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.

FILED
STATE RECORDS

AUG 24 2017

County

City

of Williamstown

Town

Village

DEPARTMENT OF STATE

Local Law No. 1 of the year 2017

A local law Establishing a Constabulary for the Town of Williamstown

(Insert Title)

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

County

City

of Williamstown as follows:

Town

Village

SECTION 1 – TITLE

This local law shall be known as Local Law No. 1 of 2017, a Local Law establishing a constabulary for the Town of Williamstown.

SECTION 2 – PURPOSE

The purpose of this local law is to establish the Town of Williamstown as a constabulary and to create the office of Town Constable as authorized by § 2.10 of the Criminal Procedure Law of the state of New York and § 20, Subdivision 1, of the Town Law of the State of New York, to perform such duties at the direction of the Supervisor, Town Board and/or Town Justices for the Justice Court of the Town of Williamstown as allowed by the laws of the State of New York.

SECTION 3 – PERSONS DESIGNATED AS PEACE OFFICERS

Notwithstanding the provisions of any general, special or local law or charter to the contrary, only the following persons shall have the power of and said shall be peace officers and must be an elector of the Town of Williamstown:

- A. The Town Constable shall be a constable, peace officer or police constable of a town, provided such designation is not inconsistent with local law and the office of the Town Constable shall be an appointed position.
- B. Upon appointment of a constable, or any peace officer, the Town must provide name, date of birth, rank or title, official station and whether he or she is employed full-time or part-time to the New York State Division of Criminal Justice Services, Albany, New York, pursuant to Executive Law § 845 on a semiannual basis (January and July).

SECTION 4 – POWERS AND DUTIES

- A. The powers and duties of a town constable/peace officer are derived from two sources: Town Law §39, and Criminal Procedure Law §2.20 of the State of New York.
- B. Town Constables shall have the following powers:
 - (1) Make warrantless arrest pursuant to §140.25 of the Criminal Procedure Law;
 - (2) Use physical force and deadly physical force in making an arrest or preventing an escape pursuant to §35.30 of the Penal Law of the State of New York;
 - (3) Carry out warrantless searches whenever such searches are constitutionally permissible and acting pursuant to their special duties;
 - (4) Issue appearance tickets pursuant to Subdivision 3 of §150.20 of the Criminal Procedure Law of the State of New York, when acting pursuant to their special duties;
 - (5) Issue uniform appearance tickets pursuant to Article 27 of the Parks, Recreation and Historic Preservation Law and to issue simplified traffic information pursuant to §100.25 of the Criminal Procedure Law and §207 of the Vehicle and Traffic Law whenever acting pursuant to their special duties;
 - (6) Issue a uniform navigation summons and/or complaint pursuant to §19 of the Navigation Law whenever acting pursuant to their special duties;
 - (7) Issue uniform appearance tickets pursuant to Article 71 of the Environmental Conservation Law whenever acting pursuant to their special duties;
 - (8) Possess and take custody of firearms not owned by the peace officer, for the purpose of disposing of guarding, or any other lawful purpose, consistent with his or her duties as a peace officer;
 - (9) Exercise any other power which a particular peace officer is otherwise authorized to exercise by any general, special or local law or charter, rule, regulations, judgment or order whenever acting pursuant to his or her special duties, provided such power is not inconsistent with the provisions of the

Penal Law, or this chapter;

- (10) At the direction of the Supervisor, appear in Town Justice Court to keep order. This will include monitoring the weapon screening program and security of the courts;
 - (11) Make collections pursuant to executions and garnishee executions issued upon judgments rendered in Justice Court;
 - (12) Serve civil, legal and criminal papers, including subpoenas or orders on behalf of the Town Supervisor, Town Board and Town Justices;
 - (13) At the direction of the Town Supervisor or Town Board maintain order at Town Board meetings and additional Town functions as needed; and
 - (14) Perform or assist with required security functions at Town Hall, including alarm response and building security and perform other duties as directed by the Town Supervisor, Town Board and/or Town Justices as allowable by law.
- C. For the purposes of this section a peace officer (Town Constable) acts pursuant to the specialized nature of his/her special duties when performing the duties of his/her office, pursuant to the specialized nature of his/her employment, whereby he/she is required or authorized to enforce any general, special or local law or charter, rule, regulation, judgment or order.
- D. Town Constable/peace officers may not execute search warrants or warrants of arrest; and
- E. Town Constable/peace officers, pursuant to Criminal Procedure Law §2.20, with the exception of certain arrests, and the prevention of escapes, may exercise such Town constables/peace officers powers only while engaged in the duties set forth in this chapter.

SECTION 5 – QUALIFICATIONS

The minimum qualification for the position of a Town Constable/peace officer shall be a high school diploma and a minimum of three years full- or part-time police officer or peace officer experience. He/she shall have a valid New York State driver's license and pistol permit and a DCJS certified basic New York State Police Officer or Peace Officer courses.

SECTION 6 – TRAINING

Town constables/peace officers must be trained in accordance with §2.30 of the Criminal Procedure Law of the State of New York.

SECTION 7 – SEVERABILITY

If any paragraph, section, sentence or portion of a sentence of this chapter shall be found and determined to be invalid, unlawful and/or unconstitutional, such determination shall not

invalidate or void any other paragraph, section, sentence or portion thereof, and such other parts thereof shall remain in full force and effect unless and until legally revoked, modified and/or amended.

SECTION 8 – EFFECTIVE DATE

The provisions of this Local Law shall be effective upon filing with the New York State Secretary of State and shall apply only to conversions commenced after said effective date.

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

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. 1 of 20 17 of the ~~(County)~~(City)(Town)(Village) of Williamstown was duly passed by the Town Board on August 9, 2017, in accordance with the applicable provisions of law.

2. ~~(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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted _____ (Elective Chief Executive Officer*) on _____ 20____, in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such _____ (Elective Chief Executive Officer*) local law was 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 _____ 20____, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such _____ (Elective Chief Executive Officer*) local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provision 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 chairperson 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 20____ 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 _____ 20____, 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 20____ of the County of _____ State of New York, having been submitted to the electors of the General Election of November __ 20__, 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 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 1 above.

Faith Ann Baker
FAITH BAKER, Town Clerk

Date: 8/9/2017

(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 OSWEGO

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceeding have been had or taken for the enactment of the local law annexed hereto.

Allison J Nelson
Signature
Town Attorney ALLISON J. NELSON
Title

County
City
Town of Williamstown
Village

Date: 8/14/17