

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.

County City Town Village
(Select one.)

of NEWFANE NEW YORK

Local Law No. _____ of the year 20 24

A local law CREATING THE POSITION OF TOWN CONSTABLE IN THE TOWN OF NEWFANE,
(Insert Title)
NEW YORK,

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of NEWFANE, NEW YORK as follows:

SEE ATTACHED

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

(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. _____ of 20²⁴ of the ~~(County)(City)~~(Town)(Village) of NEWFANE, NEW YORK was duly passed by the NEWFANE TOWN BOARD on May 22 20²⁴, 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) (repassed after disapproval) by the _____ and was deemed duly adopted 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) (repassed after disapproval) by the _____ on _____ 20____.

Such 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) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions 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 at 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 _____ above.

Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

(Seal)

Date: _____

TOWN CONSTABLE LOCAL LAW OF THE TOWN OF NEWFANE, NY

Section 1. Legislative Intent

It is the intent of this Local Law to allow the Town of Newfane to establish the position of Town Constable, to perform duties as authorized by Section 2.10 Subdivision 1, of the Criminal Procedure Law of the State of New York (CPL), and Section 20, Subdivision 1(b), of the Town Law of the State of New York, and, to perform such special duties for the Town of Newfane as allowed by law, and as outlined in Section 3 below.

Section 2. Persons Designated as Town Constables, also known as Peace Officers

Notwithstanding the provisions of any general, special, Local Law or charter to the contrary, the following persons shall have the power of, and shall be Town Constables.

- A. The Town Constable shall be a Peace Officer as defined by §2.20 of the CPL, and shall be appointed by the Town Board.
- B. The Town Constable need not be an elector of the Town of Newfane, but must reside in the County of Niagara.
- C. Upon appointment of a Constable, the Town of Newfane must provide name, date of birth, rank of title, official station and whether or not said Constable is employed full-time or part-time, to the New York State Division of Criminal Justice Services, Albany, New York, pursuant to Executive Law Section 845, on a semiannual basis (January and July).

Section 3. Powers and Duties of Town Constables

Powers and duties of the Town Constable in the Town of Newfane are as follows:

- A. To act as Dog Control Officers, pursuant to Section 113 of the Agriculture and Markets Law of the State of New York.
- B. To act pursuant to the powers and duties of a Town Constable/Peace Officer as set forth in Town Law, Sections 20 and 39, and Criminal Procedure Law, Section 2.20 of the State of New York.
- C. Town Constables shall also have the following special duties and powers:
 - (1) At the direction of the Town of Newfane Code Enforcement Officer/ Building Inspector (CEO/BI), to investigate complaints as they relate to potential Town Code and Ordinance violations. The Constable shall provide written

reports as necessary, to the CEO/BI, to the Town Board, to the Town Supervisor, and/or to the Town Court.

(2) To provide security and maintain order at all Town Board meetings, Planning Board meetings and Zoning Board of Appeals meetings, and at additional Town functions and meetings, if deemed necessary by the Town Supervisor.

(3) To provide crowd control and traffic direction at any Town gathering or event, if deemed necessary by the Town Supervisor.

(4) To provide service of any and all legal documents as required by the Town Board, Planning Board, Zoning Board of Appeals and Town Court Justices.

(5) To Provide security for all Town Officials as needed.

E. Town Constables may exercise such powers and duties as herein set forth, only while on duty.

F. The Town Board may, at any time, expand or limit the powers, duties and special duties and powers of the Constable as outlined herein, by resolution, when it deems such action is necessary for the health, safety, or welfare of the Community.

Section 4. Qualifications

The minimum qualification for the position of Town Constable shall be a high school diploma, shall be the age of 21 years or older, and a minimum of three years full or part-time police or peace officer experience. The Town Constable shall have a valid New York State driver's license and pistol permit, and shall also have completed DCJS certified basic New York State Police Officer, or Peace Officer, courses.

Section 5. Training

Town Constables must be trained in accordance with Section 2.30 of the Criminal Procedure Law of the State of New York, and in accordance with any other requirements set forth by the Town Board.

Section 6 Discharge

The Town Constable serves at the pleasure of the Town Board, and can be discharged without cause, and the Town Board can impose any reasonable discipline following the notification for the cause of such discipline, and will allow a reasonable opportunity for the Town Constable to be heard before the Town Board, prior to any discipline being imposed.

Section 7. Severability

If any paragraph, section, sentence or portion of a sentence of this section 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 legally revoked, modified and/or amended.