

LOCAL LAW NO. 6-2011

“Revisions to the Village Charter and the Village Code to Reflect the Abolishment of the Position of Village Justice Effective January 1, 2012 and the Consolidation of the Village Justice Court with the Town Justice Court”

A LOCAL LAW amending the Charter and Code of the Village of Ossining to reflect the abolishment of the position of Village Justice effective January 1, 2012 and the consolidation of the Justice Court with the Town of Ossining Justice Court which will occur on January 1, 2012,

BE IT ENACTED by the Board of Trustees of the Village of Ossining, as follows:

Section 1. Legislative Intent. It is the intent of the Board of Trustees of the Village of Ossining to revise the Village Charter and Code, effective January 1, 2012, to reflect action taken on September 6, 2011 by resolution of the Village Board pursuant to enabling New York State legislation known as Chapter 146 of the Laws of 2011, which provided the authority to the Village of Ossining, a chartered village under the laws of the State of New York, to abolish the office of Village Justice effective January 1, 2012 and consolidate the Village Justice Court with the Town of Ossining Justice Court.

Section 2. Article II of the Charter of the Village of Ossining entitled “Officers and Elections” is hereby amended to remove reference to the terms “Village Justice” and “Acting Village Justice” as follows, with new matter underlined and deleted matter in [brackets]:

Section C2-1. Village Officers. The officers of said Village shall consist of a Mayor, four Trustees, a Village Manager, a Clerk, a Treasurer, [a Village Justice and Acting Village Justice,] a Corporation Counsel and such other officers as are hereinafter named.

Section C2-8. Appointive officers. The Village Manager, Clerk, Corporation Counsel, [Village Justice, Acting Village Justice] and Village Treasurer are appointive officers....The Clerk [,Village Justice and Acting Village Justice] shall be appointed for a term of four years....

Section C2-15. Bonds of certain officers. The Corporation Counsel, Treasurer, and Deputy Treasurer[, Village Justice and Acting Village Justice] shall, severally, before they enter upon the duties of their respective offices, execute to the Mayor and Trustees of the Village of Ossining their successors or assigns a surety company bond....

Section 3. Article III of the Charter of the Village of Ossining entitled “General Duties and Legislative Powers” is hereby amended to remove reference to the terms “Village Justice” and “Acting Village Justice” as follows, with new matter underlined and deleted matter in [brackets]:

Section C3-2. Compensation of officers.The Village Manager, Clerk, Treasurer, Corporation Counsel, [Village Justice, Acting Village Justice,] and Chief of Police and all other officers shall receive such compensation for their services as the Board of Trustees shall determine by resolution, payable in equal monthly or semimonthly payments.

Section C3-5. Powers and duties of Village Manager. C. Such Village officers and employees as the Board of Trustees shall determine are necessary for the proper administration of the Village, except the Village Clerk, [Village Justice, Acting Village Justice,] Corporation Counsel and officers and members of the Police Department, shall be appointed and may be removed by the Village Manager.

Section 4. Article VII of the Charter of the Village of Ossining entitled "Village Justice" is repealed in its entirety.

Section 5. Chapter 32 of the Village Code "Officers and Employees", Article II, which is now entitled "Part Time Constables; Civil Enforcement Officer", will be re-named "Civil Enforcement Officer".

Section 6. Chapter 32 of the Village Code "Officers and Employees", Article II to be renamed "Civil Enforcement Officer" is hereby amended to reflect the abolishment of the Village Justice Court as follows, with new matter underlined and deleted matter in [brackets]:

Section 32-4. Position[s] Established.

A. Pursuant to §10 of the Municipal Home Rule Law, which authorizes governments to adopt local laws in relation to the government, protection, order, conduct, safety, health and well-being of the persons and property therein which are not inconsistent with the Constitution or any general laws, there is hereby established the position[s] of [part-time Village Constable and] part-time Civil Enforcement Officer in the Village of Ossining, and the Board of Trustees is authorized to appoint as many [part-time Constables and] part-time Civil Enforcement Officers of the Village of Ossining as it may, from time to time, deem necessary.

B. [deleted entirely]

[C] Part-time Civil Enforcement Officers of the Village of Ossining shall, in civil matters, in accordance with the provisions of §110, Subdivision (a) of the Uniform Justice Court Act, perform the same duties as are performed by sheriffs in courts of record and shall have, within their territorial jurisdiction and subject to any limitations imposed by law or by the rules, such power to serve and execute processes and mandates of the Supreme Court. Civil Enforcement Officers shall not be peace officers.

[D] C. [Part Time Constables of the Village of Ossining shall receive no compensation from the Village of Ossining, except when acting as court attendants pursuant to the direction of the Village Justice or the Acting Village Justice.] All [part-time Constables and] part-time Civil Enforcement Officers of the Village of Ossining shall be entitled to receive for their services as [Constables or] Civil Enforcement Officers the same fees and expenses that the Sheriff of Westchester county shall be entitled to receive for the same or similar services pursuant to §§8011, 8012, 8013 and 8014 of the Civil Practice Law and Rules, as amended from time to time, and such other fees and expenses [and] as may be specifically allowed to [Constables or] Civil Enforcement Officers pursuant to any other applicable provision of law.

[E] D. All applicants for the position of [part-time Constables or] part-time Civil Enforcement Officer of the Village of Ossining shall submit to a background investigation to be conducted by the Chief of Police of the Village of Ossining, and no appointment to the position of part-time [Constable or] Civil Enforcement Officer shall be made until such background investigation shall be completed and a report thereof made to the Board of Trustees.

[F] [deleted entirely]

[G] E. A part-time [Village Constable or] Civil Enforcement Officer shall be appointed for a term of two years commencing from January 1 of the year appointment.

Section 7. Chapter 32 of the Village Code "Officers and Employees", Article III entitled "Waiver of Residency Requirements for Part-Time Court Attendants" is repealed in its entirety.

Section 8. Chapter 49 of the Village Code "Traffic Violations Bureau" is repealed in its entirety.

Section 9. Chapter 155 of the Village Code "Graffiti", Article II, Subsection B of Section 155-5 entitled "Removal of graffiti; costs" is hereby amended to reflect the abolishment of the Village Justice Court as follows, with new matter underlined and deleted matter in [brackets]:

B. Remedy of Village. If any graffiti is not removed from public view within seven days after notice from the Village as set forth in §155-5A, then the Village may issue a criminal summons or appearance ticket returnable in the Justice Court of the [Village] Town of Ossining, and may enter the premises or hire a private contractor to enter the premises and remove the graffiti from public view as set forth in §155-5A, at the cost and expense of the occupant, owner, lessee, sublessee, agent and/or landlord of property....

Section 10. Chapter 197 of the Village Code “Peddling and Soliciting”, Article I, Section 197-5 entitled “Records; reports of violations” is hereby amended to reflect the abolishment of the Village Justice Court as follows, with new matter underlined and deleted matter in [brackets]:

The [Village Justice Court shall report to the] Village Clerk shall obtain a report of all convictions for violations of this chapter from the Town Justice Court. The Village Clerk shall maintain a record for each license issued pursuant to this chapter and record the reports or violations therein.

Section 11. Chapter 250 of the Village Code “Vehicles and Traffic”, Article VII, Section 250-65 entitled “Responsibility of the Parking Violations Bureau” is hereby amended to reflect the abolishment of the Village Justice Court as follows, with new matter underlined and deleted matter in [brackets]:

A. The [Village of Ossining Parking Violations Bureau shall furnish the] Ossining Police Department shall obtain from the Town Justice Court [with] a list of the license plates and, if known, the names and addresses of the last person contained on the motor vehicle registration of all vehicles that have been issued four or more unanswered tickets for a violation of Village of Ossining parking laws for which the aggregate permissible fines total \$500 or more.

B. The aforesaid list shall be updated from time to time, but at least monthly.

C. The [Bureau shall forthwith notify the] Ossining Police Department shall confirm with the Town Justice Court whether and when any parking ticket contained on the aforesaid list has been answered and/or fines paid.

Section 11. Chapter 250 of the Village Code “Vehicles and Traffic”, Article VII, Section 250-66 entitled “Responsibility of the Ossining Police Department and parking enforcement officers” is hereby amended to reflect the abolishment of the Village Justice Court as follows, with new matter underlined and deleted matter in [brackets]:

D. If the owner, operator or registrant is not present at the time of booting, the Ossining Police Department shall make every effort to ascertain the name and address of the owner or registrant of said vehicle and attempt to notify said owner or registrant by telephone that said vehicle was immobilized pursuant to this article and the steps which must be taken to redeem said vehicle. If the owner or registrant cannot be notified by telephone within 24 hours, then the Police Department shall [cause Village Court] request the Corporation Counsel, acting in the capacity of Village prosecutor, to send a notice to such owner or registrant by certified mail, return receipt requested.

Section 12. Chapter 250 of the Village Code "Vehicles and Traffic", Article VII, Section 250-67 entitled "Redemption of vehicle" is hereby amended to reflect the abolishment of the Village Justice Court as follows, with new matter underlined and deleted matter in [brackets]:

C. Depositing bail with the [Village] Town of Ossining Justice Court by bank or certified check or money order to the maximum aggregate amount of the fines which may be imposed upon all unanswered parking tickets issued to said vehicle; and

Section 13. Except as otherwise provided herein, all other provisions of the Charter and the Code of the Village of Ossining shall remain the same.

Section 14. The provisions of this Introductory Local Law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this Local Law

Section 15. This Local Law shall take effect as of January 1, 2012, with appropriate posting and filing as required by law.