## Local Law updates:

## Chapter 69 : Residency

# Article II **Historian**

### § 69-8 **Title.**

"A local law to establish the residency requirements for the appointed office of Town Historian."

### § 69-9 **Authority.**

This article is adopted pursuant to **Municipal Home Rule Law** § 10[1][ii][a][1] that grants to local governments the authority to enact local laws regarding the qualifications of local officers. Furthermore, this article recognizes that the State Legislature amended Public Officers Law § **3**, adding a new Subdivision 24 expanding the residency requirements for any appointed public office in the Town of Greenburgh, Westchester County, thereby rendering Public Officers Law a special law with respect to any appointed town officer. [See cf N.Y. Op. Atty. Gen. (Inf.) No. 91-37.]

### § 69-10 **Supersession.**

This article shall supersede Town Law § **23(1)** in its application to the office of Town Historian for the Town of Lysander.

### § 69-11 **Residency requirements.**

The person holding the office of Town Historian in the Town of Lysander need not be a resident nor an elector of the Town of Lysander, provided, however, that such person shall reside in the county in which such Town is located or an adjoining county within the State of New York.

### § 69-12**Repealer.**

All other local laws and ordinances of the Town of Lysander that are inconsistent with the provisions of this article are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency and in all other respects this article shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered by this article.

### § 69-13**Severability.**

If any clause, sentence, paragraph, word, section or part of this article shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation of the clause, sentence, paragraph, worked section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

### § 69-14**When effective.**

This article shall take effect immediately.

Add 69-8 to Code – original update -

§ 69-8 **Residency requirements.**

The person holding the office of Town Historian in the Town of Lysander need not be a resident nor an elector of the Town of Lysander, provided, however, that such person shall reside in the county in which such Town is located or an adjoining county within the State of New York.

New Section

# Chapter 53 **Town Constable**

**GENERAL REFERENCES**
Defense and indemnification of employees — See Ch. 17
Code of Ethics — See Ch. 23

§ 53-1**Legislative intent.**
§ 53-2**Establishment of office.**
§ 53-3**Status as peace officers.**
§ 53-4**Term.**
§ 53-5**Qualifications.**
§ 53-6**Powers and duties of Town Constables.**
§ 53-7**Firearms and other training.**
§ 53-8**Severability.**
§ 53-9**Supersession.**
§ 53-10**When effective.**

## § 53-1**Legislative intent.**

It is the purpose and intent of this chapter to create the office of Town Constable, which shall be a part-time position and as authorized by the **Criminal Procedure Law** and the Town Law of New York, to perform such special duties for the Justice Court of the Town of Lysander as allowed by law.

## § 53-2**Establishment of office.**

The Town of Lysander hereby establishes the part-time office of Town Constable, who shall be authorized to act in the capacity of uniformed court officer and shall have the responsibilities generally associated with such position in and about the Town Court as hereinafter set forth. Town

Constables shall be appointed by the Town Board but shall work under the direct supervision of the Town Justices. The Town Board may appoint as many Town Constables as it desires and shall provide for the amount and manner of payment for their services.

§ 53-3**Status as peace officers.**
Persons holding the position of Town Constable shall have the status of and shall be granted and exercise the powers of a "peace officer" under the general laws of the State of New York when performing their duties hereunder as uniformed court officers.

§ 53-4**Term.**
A Constable shall serve at the pleasure of the Town Board and may be removed from office by the Town Board for any or no reason whatsoever.

§ 53-5**Qualifications.**
Minimum qualifications for the position of a Town Constable shall be an age of 21 years or more, to have a high school diploma, a valid New York State driver's license, and a pistol permit issued by the appropriate governmental agency, and to be a resident of the County of Onondaga.

§ 53-6**Powers and duties of Town Constables.**
Town Constables shall have, in addition to the powers granted hereinabove, those special duties, powers and responsibilities consistent and generally associated with a court officer in the State of New York, including but not necessarily limited to:

**A.**
Attending sessions of the Town Court to maintain order and decorum in the courtroom.
**B.**
Calming disruptive individuals.
**C.**
Barring entry into secure areas of and about the courtroom.
**D.**
Addressing and attending to disruptive prisoners, litigants and spectators involved in court proceedings.
**E.**
Escorting, guarding and delivering jurors, witnesses and other participants of court proceedings to and from the courtroom.
**F.**
Escorting, guarding and delivering the Judge and/or Clerk to and from the courtroom, as may be required.

**G.**
Delivering materials to sequestered juries.
**H.**
Escorting Court Clerks with bank deposits to and from the court offices and courthouse to the bank.
**I.**
Using established search procedures and equipment to assure that no weapons, contraband or other prohibited items or materials are brought into the courthouse or courtroom.

**J.**
Carrying, displaying and using a firearm, subject to any permit, training and certification requirements and qualifications otherwise imposed by law.
**K.**
Effecting arrests as required and authorized.
**L.**
Providing protection and maintaining order and decorum at Town Board meetings or other meetings authorized by the Town Board.

§ 53-7**Firearms and other training.**
No person holding the position of Town Constable shall carry or otherwise possess a firearm on Town property other than in conformity with state and federal law, and after having successfully completed such initial training and instruction, and any required in service of follow-up training and instruction, required for a peace officer authorized to carry a firearm under the laws of the State of New York.

§ 53-8**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.

§ 53-9**Supersession.**

It is the intent of this law that the Town, pursuant to its Municipal Home Rule powers, hereby supersedes the requirements of Town Law § **20**, Subdivision 1, in allowing not more than four civil officers to be appointed in a Town of the first class in which a town police department has been established or which town is a part of a county police district; Town Law § **23**, Subdivision 1; Public Officers Law § **3**, Subdivision 1; and any other laws of the state of New York requiring a Constable as appointed herein to be a resident of the Town.

§ 53-10**When effective.**

This chapter shall take effect upon the filing thereof with the Secretary of State of the State of New York.