

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 Lyndon

Local Law No. 1 of the year 2016

A local law for appointing constables for the Town of Lyndon of Cattaraugus County.
(Insert Title)

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Lyndon as follows:

Be it enacted by the Town Board of the Town of Lyndon as follows:

Section 1. Repealing Introductory Local Law 1-14

The Town Board of the Town of Lyndon hereby repeals Introductory Local Law 1-14 "A Local Law for Appointing Constables for the Town of Lyndon of Cattaraugus County" and adopts Local Law 1-16 as a replacement.

Section 2. Authorization of appointment

The Town Board of the Town of Lyndon is hereby authorized to appoint not more than 4 civil officers who shall be known as "constables" and who shall possess all the powers and duties of constables in civil and criminal actions and proceedings.

Section 3. Remuneration

A Constable's remuneration shall be established by the Town Board at the re-organizational meeting of the Town Board each year.

Section 4. Tenure

Constables shall serve at the pleasure of the Town Board and shall be appointed by the Town Board at the reorganizational meeting of the Town Board each year.

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

Section 5. Residency

Pursuant to the authority granted to the Town of Lyndon by Municipal Home Rule Law § 10(1)(i)(d)(3) and Municipal Home Rule Law § 22, the Town Board of the Town of Lyndon hereby amends Town Law § 23(1) to provide that a Constable shall not be required to live within the jurisdictional limits of the Town but must be a resident of the county of Cattaraugus.

Section 6. Authorized Activities

Constables shall be permitted to execute the following activities:

- a. Deliver and execute services, attachments, writes, processes, or orders of the Courts;
- b. Guard election polls;
- c. Investigate suspicious activities and make arrests for violation of federal and state laws and local ordinances where authorized;
- d. Escorts prisoners to jail or court for booking.

Section 7. Severability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of Lyndon hereby declares that it would have passed this Local Law or the remainder thereof had such invalid provision or invalid application been apparent.

Section 8. Effective Date

This Local Law shall take effect immediately.

(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 2016 of the ~~(County)(City)(Town)(Village)~~ of Lyndon was duly passed by the Town Board on May 10 2016, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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____.
(Elective Chief Executive Officer*)

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) _____
(Name of Legislative Body)
(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 1 above.


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

Date: May 16, 2016

(Seal)

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
ACTING SECRETARY OF STATE

May 26, 2016

Frank Puglisi
Town Clerk
852 Lyndon Center Rd
Cuba NY 14727

RE: Town of Lyndon, Local Law 1 & 2 2016, filed on May 25, 2016

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**