

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 Granby

FILED
STATE RECORDS
OCT 10 2017

DEPARTMENT OF STATE

Local Law No. 1 of the year 20 17

A local law Establishing a Town Constabulary
(Insert Title)

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

County City Town Village
(Select one.)

of Granby

as follows:

See Attached

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

Section 1. Title:

A local law establishing a Town Constabulary.

Section 2. Purpose:

It is the purpose of this law to promote the public health, safety, and welfare in the Town of Granby.

Section 3. Peace Officer Status:

NYS Criminal Procedure Law (CPL) Section 2.10 Subdivision (1) sets forth those persons who are peace officers, specifically including a constable of a town, provided such designation is not inconsistent with local law. The office of town constable is expressly authorized by Section 20 (1) of the Town Law.

Section 4. Training:

As peace officers, constables in the Town of Granby must be trained in accordance with Section 2.30 of the CPL and any other requirements set forth by the Town Board and/or the Constable-In-Charge or equivalencies as determined by the NYS Department of Criminal Justice Services (DCJS) and the Municipal Police Training Council (MPTC).

Section 5. Duties:

Town Law Section 39 and CPL 2.20 give the Town of Granby Constabulary the following powers and allows the performance of the following duties,

- (1) Make warrantless arrests pursuant to Section 140.25 of the CPL.
- (2) Use physical force and deadly physical force in making an arrest or preventing an escape pursuant to Section 35.30 of the Penal Law.
- (3) To carry out warrantless searches whenever such searches are constitutionally permissible and acting pursuant to their special duties.
- (4) To issue appearance tickets pursuant to subdivision 3 of Section 150.20 of the CPL, when acting pursuant to their special duties.
- (5) To issue uniform appearance tickets and simplified traffic information pursuant to Section 100.25 of the CPL and Section 207 of the Vehicle and Traffic Law (VTL), when acting pursuant to their special duties.
- (6) To issue uniform appearance tickets pursuant to Article 71 of the Environmental Conservation Law, when acting pursuant to their special duties.
- (7) To possess and take custody of firearms not owned by the peace officer, for the purpose of disposing, guarding, or any other lawful purpose, consistent with his or her duties as a peace officer.
- (8) Exercise any other power which a particular peace officer is otherwise authorized to exercise by any general (federal or state), special or local law or charter whenever

acting pursuant to his or her special duties, provided such power is not inconsistent with the provisions of the Penal Law, including but not limited to:

- (A) Protecting private, public and commercial property in the Town of Granby, from vandalism and illegal trespassing.
- (B) Controlling crowds at any public function within the Town of Granby.
- (C) Attending proceedings of the Justice Court so as to maintain order assist the Justices and those who have business before the court.
- (D) Attending meetings at the Town Hall as necessary to maintain order and to remove disorderly persons from such meetings.
- (E) Serve and or execute legal papers on behalf of the Town Board and or the Justice Court.
- (F) Providing security for the Tax Collector and other town officials as requested.
- (G) Guard the election polls.
- (H) Escorting prisoners to jail and to court, and having them processed.

Section 6. Defense and Indemnification:

A constable, whether or not acting pursuant to his special duties, who lawfully exercises any of the powers conferred upon him or her, shall be deemed to be acting within the scope of his or her public employment for purposes of defense and indemnification rights and benefits that he or she may be otherwise entitled to under provisions of Section 50-K of the General Municipal Law, Section

(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 Granby was duly passed by the Town Board on Sept 13 20 17, 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.

Jane J. [Signature]

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

Date: October 3, 2017

