

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(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.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
AUG 26 2005

MISCELLANEOUS  
& STATE RECORDS

~~X COUNTY~~  
~~X CITY~~  
~~X TOWN~~  
Village

of ..... Ilion .....  
Local Law No. 3 ..... of the year 2005 .....

A local law creating the position of acting village justice for the Village  
(Insert Title)  
of Ilion  
.....  
.....

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

~~X COUNTY~~  
~~X CITY~~  
~~X TOWN~~  
Village

of ..... Ilion ..... as follows:

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

Section One: Section 3-301(2)(a) of the New York Village Law states that a village may have no more than two (2) village justices. However, if a village has only one (1) justice, it must also have an acting justice, who must serve when the village justice so requests, or in the absence or inability of the village justice to serve. Thus, if the village justice is unavailable, due to absence or inability to serve, the acting justice is to carry on in his stead. The purpose of this local law is, therefore, to create the position of acting village justice for the Village of Ilion.

Section Two: The position of acting village justice shall be an appointed position. Specifically, the acting village justice shall be appointed by the Mayor, subject to the approval of the village board of the Village of Ilion.

Section Three: The term of office of the acting justice shall not exceed four (4) years, and the appointment of an acting village justice each time the position becomes available shall specifically state the period of time for which the appointment is being made. Currently the term of office of the village justice of the Village of Ilion, which is an elective position, is four (4) years. In light of the integral relationship between the positions of village justice and acting village justice, it is anticipated that when the Mayor appoints an acting village justice (subject to approval by the village board, his or her term will run concurrently with the term of the village justice, and will not extend beyond it. The acting village justice may be re-appointed for an additional term or terms at the pleasure of the Mayor (again, subject to approval by the village board).

Section Four: The amount of compensation to be paid to the acting village justice of the Village of Ilion, and the manner in which said compensation shall be paid, shall be established by the Village Board of the Village of Ilion, and shall be subject to change from time to time.

Section Five: Candidates for the position of acting village justice of the Village of Ilion, must be residents of Herkimer County, but need not be residents of the Village of Ilion.,

Section Six: The New York State Constitution requires that justices of village courts, who are not attorneys, be required to undergo a course of training and education prescribed by the New York State Legislature. Before being placed in the position of hearing and determining cases for the Village of Ilion, the acting village justice must comply with all education and training requirements imposed upon village justices by the State of New York. The cost incurred in having the acting village justice meet said education and training requirements shall be borne by the Village of Ilion.

Section Seven: Section C-22 of the Village of Ilion Code states in part, "It shall be the duty of the several justices of the Town of German Flatts, during the sickness, absence from the village, or inability to act of said village justice, or during a vacancy in said office to render the same services and perform the same duties, and they shall be entitled to receive the same fees therefore as though no village justice has been elected or appointed in said village...". Said Village Charter provision shall remain intact except that the obligation imposed upon the Town Justices of the Town of German Flatts shall

exist only if both the Village Justice of the Village of Ilion and the acting village justice of the Village of Ilion are absent or unable to perform their duties.

Section Eight: This local law is subject to permissive referendum.

Section Nine: This local law shall become effective immediately upon its filing in the New York State Secretary of State's Office.

(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 20\_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, 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)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*

**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.  
*(Elective Chief Executive Officer\*)*

**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. 3 of 2005.. of the ~~(County)~~(City)(Town)(Village) of Ilion was duly passed by the Board of Trustees on June 27, 2005, and was (approved)~~(not approved)~~~~(repassed after disapproval)~~ by the Mayor on June 27, 2005. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of July 27, 2005, in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*

\* 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.)

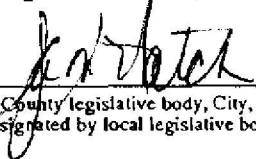
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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-----4-----, above.

  
\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

(Seal)

Date: 8/8/05

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Herkimer

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
\_\_\_\_\_  
Signature

Village Attorney  
\_\_\_\_\_  
Title

~~County~~  
~~XXXXX~~ of Ilion  
~~TOWN~~  
Village

Date: 8-17-05