

**TOWN OF CHAUTAUQUA
LOCAL LAW NO. 1 FOR THE YEAR 2020**

ESTABLISHING A TOWN CONSTABULARY

Be it enacted by the Town of Board of the Town of Chautauqua, County of Chautauqua and State of New York, as follows:

SECTION 1. TOWN CONSTABULARY

A new Chapter 65, providing for a Town Constabulary, is hereby added to the Town of Chautauqua Code, and shall provide as follows:

Chapter 65 Constabulary

§ 65-1. Purpose.

The purpose of this local law is to establish a Town of Chautauqua constabulary as authorized by New York's Criminal Procedure Law §2.10 and Town Law §20, Subdivision 1, to perform such duties as directed by the Town Supervisor, Town Board, and/or Town Justice for the Justice Court of the Town of Chautauqua, as are allowed by the laws of the State of New York.

§ 65-2 Establishment.

There is hereby established a Constabulary of the Town of Chautauqua. Constables may be appointed thereto from time to time by the Town Board and shall have all the powers and authority conferred upon Constables and Peace Officers, respectively, by the General Laws of the State and the Criminal Procedure Law §§2.10 and 2.20.

§ 65-3. Qualifications.

A. Any person seeking appointment as a Town Constable shall have the following qualifications:

1. A high school diploma;
2. A valid New York State driver license and pistol permit; and
3. Completion of a DCJS certified basic New York State Police Officer or Peace Officer course.

B. Upon appointment as a Town Constable, the Town must provide semi-annually the constable's name, date of birth, rank or title, official station and whether the Constable has a full-time or part-time appointment, to the New York State Division of Criminal Justice Services, pursuant to Executive Law §845.

§ 65-4. Training.

Town Constables must be trained in accordance with Criminal Procedure Law §2.30.

§ 65-5. Powers and Duties

A. Town Constables appointed hereunder shall, pursuant to New York's Town Law §39 and Criminal Procedure Law §2.20, have the following powers:

1. Make warrantless arrest pursuant to §140.25 of the Criminal Procedure Law;

2. Use physical force and deadly physical force in making an arrest or preventing an escape pursuant to §35.30 of the Penal Law of the State of New York;
 3. Carry out warrantless searches whenever such searches are constitutionally permissible and acting pursuant to their special duties;
 4. Issue appearance tickets pursuant to Subdivision 3 of §150.20 of the Criminal Procedure Law of the State of New York, when acting pursuant to their special duties;
 5. Issue uniform appearance tickets pursuant to Article 27 of the Parks, Recreation and Historic Preservation Law and to issue simplified traffic information pursuant to §100.25 of the Criminal Procedure law and §207 of the Vehicle and Traffic Law whenever acting pursuant to their special duties;
 6. Issue a uniform navigation summons and/or complaint pursuant to §19 of the Navigation Law whenever acting pursuant to their special duties;
 7. Issue uniform appearance tickets pursuant to Article 71 of the Environmental Conservation Law whenever acting pursuant to their special duties;
 8. Possess and take custody of firearms not owned by the peace officer, for the purpose of disposing of guarding, or any other lawful purpose, consistent with his or her duties as a peace officer;
 9. Exercise any other power which a particular peace officer is otherwise authorized to exercise by any general, special or local law or charter, rule, regulations judgment or order whenever acting pursuant to his or her special duties, provided such power is not inconsistent with the provisions of the Penal Law, or this law;
 10. Make collections pursuant to executions and garnishee executions issued upon judgments rendered in Justice Court;
 11. Serve civil, legal and criminal papers, including subpoenas or orders on behalf of the Town Supervisor, Town Board and Town Justices;
 12. Perform or assist with required security functions at Town Hall, including alarm response and building security and perform other duties as directed by the Town Supervisor, Town Board and/or Town Justice as allowable by law.
- B. For the purposes of this section a Town Constable acts pursuant to the specialized nature of his special duties when performing the duties of his office, pursuant to the specialized nature of his employment, whereby he is required or authorized to enforce any general, special or local law or charter, rule, regulation, judgment or order.
- C. Town Constables may not execute search warrants or warrants of arrest; and
- D. Pursuant to Criminal Procedure Law §2.20, Town Constables may, with the exception of certain arrests, and the prevention of escapes, exercise such Town Constable powers only while engaged in the duties set forth in this law.

§ 65-6. Residency.

Pursuant to Municipal Home Rule Law §10(1)(ii) (a)(1), local governments have the authority to enact local laws regarding qualifications of local officers. It is the purpose of this section to modify the requirements of §23 of the Town Law and §3 of the Public Officers Law, which sections require that a Town Constable be a resident and elector within the Town. This section shall supersede Town Law §23(1) in its application to the offices of Constable for the Town of Chautauqua. A person holding the office of Constable in the Town of Chautauqua need not be a resident nor an elector of the Town of Chautauqua; provided, however, that such person shall reside in Chautauqua County or an adjoining county within the State of New York.

SECTION 2. VALIDITY AND SEVERABILITY.

If any part or provision of this Local Law shall be declared invalid, void, unconstitutional unenforceable by a court of law, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.

SECTION 3. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.