

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
of Walden
Village
Village

Local Law No. 7 of the year 2024

A local law amending Chapter 9 to establish a definition of “Appearance Ticket” and identify the Person and/or Departments authorized to issue Appearance Tickets.

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

of the
County
City
of Walden as follows:
Village

Section 1. Title

A Local Law amending Chapter 9 to establish a definition of “Appearance Ticket” and identify the Person and/or Departments authorized to issue Appearance Tickets.

Section 2. Amendment to Village Code.

The Village Code of the Village of Walden is hereby amended to delete the current Chapter 9 in its entirety and replace it as follows:

§ 9-1. Statutory authority.
[Amended 3-8-2011 by L.L. No. 4-2011]

This chapter is enacted pursuant to the authority of Subdivision 4(a) of § 10 of Municipal Home Rule Law of the State of New York.

§ 9-2. Legislative intent.

The purpose of this chapter is to authorize public servants of the Village of Walden to issue and serve appearance tickets in connection with violations of state statutes, local laws or rules and regulations of the Village of Walden.

9-3 Appearance ticket definition.

An appearance ticket issued pursuant to an alleged violation of any provision of the Walden Village Code is a written notice issued and subscribed by a public servant authorized by state or local law to issue the same, directing a designated person or entity to appear in a designated court, or before a duly constituted village board, at a designated future time and place in connection with the alleged commission of an offense described in the appearance ticket. A notice conforming to this definition constitutes an appearance ticket regardless of whether it is referred to in some other provision of law by any other name or title.

§ 9-4. **Authorized persons.**

[Amended 1-8-1985 by L.L. No. 2-1985]

The following public servants of the Village are hereby authorized to issue and serve appearance tickets with respect to violations of state statutes, local laws, rules or regulations of the Village of Walden that such public servants are, respectively, required or authorized to enforce:

- A. Building Inspector, Fire Inspector, their deputies and assistants, also referred to as "code enforcement officers" or "enforcement officers": Walden Code Chapters **13**, Architectural Review Board; 86, Adult Entertainment; 94, Animals; 105, Brush, Grass and Weeds; 109, Buildings, Unsafe; 121, Construction Codes, Uniform; 140, Firearms and Fireworks; 144, Fire Prevention; 167, Littering; 174, Mobile Home Courts; 181, Noise; 247, Solid Waste; 256, Streets and Sidewalks; 260, Subdivision of Land; 305, Zoning; and the New York State Uniform Fire Prevention and Building Code.
[Amended 3-8-2011 by L.L. No. 4-2011]
- B. Superintendent of Public Works: Walden Code Chapters **247**, Solid Waste; and 256, Streets and Sidewalks.
- C. Water Superintendent: Walden Code Chapter **298**, Water.
- D. Sewer Administrator. Walden Code Chapter **234**, Sewers.
- E. Village Manager: Walden Code Chapters **1** through **305**, inclusive.
- F. Police Department: Walden Code Chapters **94**, Animals; 167, Littering; 181, Noise; 247, Solid Waste; and § **144-2**, Fire lanes and emergency access roads, Parking Enforcement Chapter 291.

[Added 5-9-1989 by L.L. No. 1-1989; amended 9-14-2010 by L.L. No. 6-2010]

§ 9-5. Service of tickets.

[Amended 3-8-2011 by L.L. No. 4-2011]

An appearance ticket, other than one issued for a traffic infraction relating to parking, must be served personally, except that an appearance ticket issued for the violation of a local zoning ordinance or local zoning law or of a building or sanitation code may be served in any manner authorized for service under § 308 of the Civil Practice Law and Rules.

§ 9-6. Filing of copy.

A copy of the appearance ticket accompanied by an affidavit of service shall be delivered to the Village Justice Court Clerk prior to the appearance date.

Section 3. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.