

Ch. 114
10-20-2009
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.

County
City of Washingtonville
Town
Village

Local Law No. 3 of the year 2009

A local law titled "Amendment to Minors: Curfew and Supervision Chapter"
(Insert Title)

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

County
City of Washingtonville
Town
Village

Section 1. Section 114-4, titled "Definitions," of Chapter 114, titled "Minors: Curfew and Supervision," of the Code of the Village of Washingtonville is amended by amending paragraph A through E to define curfew hours as follows:

CURFEW HOURS:

- A. The continuous period commencing October 29 at 6:00 p.m. and ending October 30 at 6:00 a.m., if so determined on an annual basis by resolution of the Board of Trustees.
- B. The continuous period commencing October 30 at 6:00 p.m. and ending October 31 at 6:00 a.m.
- C. The continuous period commencing October 31 at 6:00 p.m. and ending November 1 at 6:00 a.m.

- D. The continuous period commencing November 1 at 6:00 p.m. and ending November 2 at 6:00 a.m., if so determined on an annual basis by resolution of the Board of Trustees.
- E. The continuous period commencing November 2 at 6:00 p.m. and ending November 3 at 6:00 a.m., if so determined on an annual basis by resolution of the Board of Trustees.
- F. Any other hours or days during the Halloween period as determined by resolution of the Board of Trustees.

Section 2. Section 114-5, titled "Enforcement," of Chapter 114, titled "Minors: Curfew and Supervision," of the Code of the Village of Washingtonville is amended to read as follows:

§ 114-5. Enforcement.

A. This chapter shall be enforced by the Washingtonville Police Department. Police officers are authorized to arrest or to issue appearance tickets to any person sixteen (16) years of age or older to enforce this chapter. Before arresting or issuing an appearance ticket to a minor, a police officer shall ask the person's age and reason for being in the public place or remaining in the establishment. The police officer may demand proof of age, and failure by the person to promptly produce such proof in the form of a valid identification, including name, photograph and date of birth, shall be presumptive evidence that the person is a minor. Any minor who is arrested or issued an appearance ticket may be detained by the Police Department for a reasonable period of time during which an attempt shall be made to notify the minor's parent or guardian.

B. The parent or guardian of any minor sixteen (16) years old or older who is arrested or issued an appearance ticket is required to appear in court with such minor at the date and time determined for the minor's appearance before the court.

Section 3. Section 114-6, titled, "Penalties for offenses," of Chapter 114, titled "Minors: Curfew and Supervision," of the Code of the Village of Washingtonville is amended to read as follows:

§ 114-6. Penalties for offenses.

A. Any person, aged 16 or older, who is convicted of or pleads guilty to violating any provision of this chapter shall be guilty of a violation and subject to the penalties set forth below:

(1) First violation: a minimum fine of \$300.00.

(2)

(2) Second violation within two consecutive calendar years: a minimum fine of \$500.00.

(3) Third and each subsequent violation within two consecutive calendar years: a minimum fine of \$1,000.00.

B. Community service must be imposed in addition to the above minimum fine. When a minor is required to perform community service it will be a minimum of thirty (30) hours, and the parent or guardian shall be required to transport to and remain with the minor at the place(s) specified by the court.

Section 4. Chapter 114, titled "Minors: Curfew and Supervision," of the Code of the Village of Washingtonville is amended by adding new Section 114-8, titled "State of emergency" to read as follows:

§ 114-8. The Mayor of the Village of Washingtonville may, pursuant to New York State Executive Law § 24, proclaim a local state of emergency within any part or all of the territorial limits of the Village.

Section 5. The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

Section 6. This local law shall take effect immediately upon filing with the Secretary of the State.

(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. 3 of 2009 of the ~~(County)~~(City)(Town)(Village) of Washingtonville was duly passed by the Board of Trustees on October 20, 2009, 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__,
(Name of Legislative Body)
(Elective Chief Executive Officer)*
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
(Name of Legislative Body)
(Elective Chief Executive Officer)*
to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors 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
(Name of Legislative Body)
(Elective Chief Executive Officer)*
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

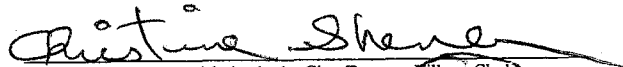
section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20__ became operative.

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 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

Christine Shenkman, Village Clerk

(Seal)

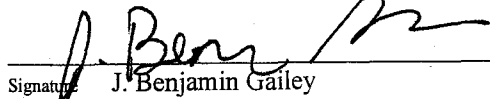
Date: 10-27-09

(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 ORANGE

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.

JACOBOWITZ AND GUBITS (LLP)


Signature: J. Benjamin Gailey

Attorneys for the Town

County _____
City _____ of Washingtonville
Town _____
Village _____

Date: November 3, 2009



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

DAVID A. PATERSON
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

October 30, 2009

Village Clerk
29 West Street
Washingtonville NY 10992

RE: Village of Washington, Local Law 3. 2009, filed on October 28, 2009

Dear Sir/Madam:

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

Sincerely,
Linda Lasch
Principal Clerk
State Records and Law Bureau
(518) 474-2755