

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 Deerpark

Local Law No. 2 of the year 20²¹

A local law Replacing Chapter 67 of the Town of Deerpark Code and Re-establishing the

(Insert Title)

Town Police Commission

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

☐ County ☐ City ☒ Town ☐ Village

(Select one:)

of Deerpark as follows:

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

(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. 2 of 2021 of the ~~(County)(City)(Town)(Village)~~ of Deerpark was duly passed by the Town Board on June 21 2021, in accordance with the applicable ~~(Name of Legislative Body)~~ 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) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ and was deemed duly adopted ~~(Elective Chief Executive Officer*)~~ 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) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ on _____ 20____. ~~(Elective Chief Executive Officer*)~~

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) ~~(Name of Legislative Body)~~ (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.

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

Date: _____

(Seal)

TOWN OF DEERPARK, ORANGE COUNTY, NEW YORK
LOCAL LAW NO. 2 OF 2021
A LOCAL LAW REPLACING CHAPTER 67 OF THE TOWN OF DEERPARK CODE
AND RE-ESTABLISHING THE TOWN POLICE COMMISSION

ARTICLE I. Board of Police Commissioners

§ 67-1. Repeal of Prior Law.

The Town Board of the Town of Deerpark hereby repeals what was previously Chapter 67 of the Town of Town of Deerpark Code and creates a new Chapter 67 with this Local Law.

§ 67-2. Legislative Intent.

By the adoption of this Article, the Town Board of the Town of Deerpark has elected to establish a Board of Police Commissioners pursuant to §150, Subdivision 2, of the Town Law of the State of New York and §22 of the Home Rule Law of the State of New York.

§ 67.3. Definitions.

The words and phrases and definitions of words as used in the New York State Town Law shall be applied in the enforcement of the Article.

§ 67.4. Appointment of Commissioners.

The Town Board of the Town of Deerpark does hereby establish a Board of Police Commissioners for the Town. The Police Commissioners shall be appointed by the Town Board. The Board shall consist of Five (5) Commissioners who shall, at the time of their appointment and throughout the term of their office, be electors of the town, and who shall serve without compensation, and at the pleasure of the Town Board. No more than One (1) of the Police Commissioners shall be a Town Board member from the Town Board of the Town of Deerpark. In the event that no Commissioner shall be a Town Board member, there shall be designated by the Town Supervisor, a liaison between the Town Board and the Board of Police Commissioners.

§ 67.5. Appointment of Alternate Commissioners.

The Town Board may appoint no more that Three (3) Individuals to serve as alternates for the Board of Police Commissioners. Alternate members, shall, at the time of their appointment and throughout the term of their office, be electors of the town, and who shall serve without

compensation, and at the pleasure of the Town Board. An Alternate may only become a voting member of the Board of Police Commissioners if a Commissioner is absent or abstains and such absence or abstention results in a failure to satisfy quorum requirements.

§ 67.6. Powers of the Board of Police Commissioners.

The Board of Police Commissioners shall have and exercise only powers relative to police matters conferred upon them by the Town Board of the Town of Deerpark and as may be authorized pursuant to Article 10 of the Town Law of the State of New York. These powers may include review of all police operations, review of all citizen complaints, review of all departmental complaints, making recommendations to the Town Board for action and any additional duties as may be delegated to the Board of Commissioners by the Town Board of the Town of Deerpark and as otherwise are not inconsistent with the laws of the State of New York. This article has been created and enacted in order to specifically supersede any prior resolutions or Local Laws adopted by the Town Board establishing or abolishing a Board of Police Commissioners within the Town of Deerpark.

§ 67.7. Chairperson of the Board of Police Commissioners.

The Chairperson of the Board of Police Commissioners shall be appointed by the Town Board of the Town of Deerpark. The Chairperson shall hold that position at the pleasure of the Town Board of the Town of Deerpark.

ARTICLE II. Background Checks for Candidates.

§ 67.8. Title.

This Article shall be entitled "Investigation and Fingerprinting of Police Commissioner/Police Chief Candidates in the Town of Deerpark , Orange County, New York."

§ 67.9. Intent; Authority.

The Code that follows deals with the establishment of fingerprinting and background checks for all candidates for appointment to the Office of the Town Police Commissioner/Town Police Chief with the Town of Deerpark. By adoption of this Article, the Town of Deerpark declares its intent to fingerprint and perform background checks on all future candidates for appointment to the Office of Town Police Commissioner/Town Police Chief. Authority for the Article comes from the provisions of §25-a of the New York State Town Law.

§ 67.10. Definitions.

- A. As used in this Article, the following terms shall have the meanings indicated:
 - 1. TOWN POLICE CHIEF and TOWN POLICE COMMISSIONER and APPOINTEE TO THE OFFICE OF TOWN POLICE COMMISSIONER OR APPOINTEE TO THE OFFICE OF TOWN POLICE CHIEF – Any person appointed by the Town Board of the Town of Deerpark to fill the position of member of the Deerpark Police Commission or Department Head of the Police Department of the Town of Deerpark.
- B. The words and phrases and definitions of words as used in the New York State Town Law shall be applied in the enforcement of this Article.

§ 67.11. Fingerprinting and Background Checks.

- A. Each candidate for appointment or appointee for the Office of Town Police Commissioner or Town Police Chief in the Town of Deerpark shall have a fingerprint impression of the fingers and thumbs of both hands taken by the Police Department of the Town of Deerpark. The Police Department of the Town of Deerpark is authorized to forward the appointee's fingerprints to the New York State Division of Criminal Justice Services for a criminal investigation prior to the Deerpark Town Board's confirmation of said candidate's appointment as Town Police Commissioner or Town Police Chief. The Deerpark Town Board shall be responsible for paying the required fee for said background investigation in the form of a check or money order made payable to the New York State Division of Criminal Justice Services, and shall forward said payment, together with the fingerprints, to the New York State Division of Criminal Justice Services. The Town Board of the Town of Deerpark shall review the information secured as a result of said investigation and shall keep any such information confidential.
- B. The Town Board shall not confirm the appointment of any candidate who has been convicted of a Felony or Class A Misdemeanor as defined in the Penal Law of the State of New York, and who has not, subsequent to such conviction, and prior to application for such position, had this disability removed as provided in the New York State Correction Law §751. An application for an exemption to this requirement for an appointee convicted of a Class A Misdemeanor may be made to the Town Board, and upon good cause shown, the Town Board may waive this disability.

ARTICLE III. Supervision of Dog Control/~~Animal~~ Control Officers.

§ 67.12. Legislative Intent.

By the adoption of this Article, the Town of Deerpark declares its intent to include within the definitions contained herein, the position of Dog Control Officer/Animal Control Officer.

review of all operations, review of all citizen complaints, review of all departmental complaints, making recommendations to the Town Board for action and any additional duties as may be delegated to the Board of Commissioners by the Town Board of the Town of Deerpark and as otherwise are not inconsistent with the laws of the State of New York relative to the position of Dog Control Officer/Animal Control Officer. It is specifically the intent of the Town of Deerpark to reserve to the Town Board the power to hire or fire all persons employed in the said capacity as Dog Control Officer/Animal Control Officer.

§ 67.13. Definitions.

The words and phrases and definitions of words as used in the New York State Town Law and/or the New York State Agriculture and Markets Law shall be applied in the enforcement of the Article.

§ 67.14. Authority Retained by Town Board.

The position of Dog Control Officer/Animal Control Officer, having been previously created by the Town of Deerpark, the Town Board of and for the Town of Deerpark hereby retains all authority to create or remove such position of employment, as well as the authority to appoint, hire, fire, contract for services with, and/or otherwise establish and maintain the position of Dog Control Officer/Animal Control Officer.

§ 67.15. Authority Delegated to Police Commissioners.

The Town of Deerpark hereby expressly delegates the authority to verify the hours of employment/work performed, and to monitor reports and other documentary information generated as a result of the said employment of persons employed by the Town of Deerpark in the position of Dog Control Officer/Animal Control Officer. After review of said documentation by the Police Commission, it shall be the responsibility of the said Commission to file copies of all such records with the Office of the Town Clerk of and for the Town of Deerpark where said documentation shall be maintained as an official Town record.