

CHAPTER 5: Appearance Tickets and Authorization of Enforcement

ARTICLE I

GENERAL REFERENCES

Building Code & Fire Prevention — See Ch. 70.
Building Unsafe Code — See Ch. 60.
Water — See Ch. 85.
Sewer — See Ch.88.
Noise — See Ch. 73
Littering— See Ch. 71
Animals — See Ch. 77
Building numbering — See Ch. 50
Village Properties — See Ch. 30
Peddling and soliciting — See Ch. 75.
Property maintenance — See Ch. 102.
Storm Water Management (MS4) — See Ch. 158
Filling and Grading — See Ch. 124.
Soil Removal — See Ch. 130.
Streets and sidewalks — See Ch. 110.
Explosive and Blasting — See Ch. 118.
Flood Damage Prevention — See Ch. 232.
Cemeteries — See Ch. 65.
Alarm Systems — See Ch. 42
Outdoor Furnace — See Ch. 68
Trees— See Ch. 176..
Solid Waste — See Ch. 150.
Village Parks — See Ch. 90
Abandoned vehicles — See Ch. 103.
Zoning — See Ch 235

§ 5-1. Statutory authority; title.

This chapter is enacted pursuant to the authority of § 150.10 of the Criminal Procedure Law and shall be known as the "Appearance Tickets Law of the Village of South Blooming Grove."

§ 5-2. Legislative intent.

The purpose of this chapter is to establish and define the issuance of Appearance Tickets and who is authorized by the Village of South Blooming Grove to issue and serve appearance tickets in connection with the violation of state statutes, local laws or rules and regulations of the Village of South Blooming Grove.

§ 5-3. Definitions

A written notice issued and subscribed by a person so authorized by law to issue the same, directing a designated person to appear in a designated local court at a designated future time charging him with the commission of a designated offense. A notice conforming to such definition constitutes an "**appearance ticket**" regardless of whether it is referred to in some other provision of law as a summons or by any other name or title. This section shall take precedence over

CHAPTER 5: Appearance Tickets and Authorization of Enforcement

any prior section relative to the issuance or the time for issuance of an appearance ticket or violation.

§ 5-4. Compliance with state law.

All Appearance tickets shall be issued in compliance with Article 150 of the Criminal Procedure Law of the State of New York.

§ 5-5. Authorization of certain officials.

Notwithstanding any provisions of the Uniform District Court Act and/or the Uniform Justice Court Act, the following officials, officers, employees and personnel acting on behalf of the Village of South Blooming Grove by way of employment, contract and / or Inter-Municipal Agreement shall have the power and authority to issue and serve, within the Village South Blooming Grove, appearance tickets and subpoenas in cases arising in connection with the performance of their duties for any and all provisions of the Code of the Village of South Blooming Grove in addition to any express authority to issue appearance tickets that is already set forth in any local law, state statute or any other law regulation. Such service by an authorized Village official shall have the same force and effect as if such appearance ticket was served by a police / peace officer:

- A. Building Inspector, his / her deputy.
- B. Any code enforcement official
- C. Storm Water Management Officer
- D. The Blooming Grove Police Departments and / or any Police Department acting on behalf of the Village of South Blooming Grove.
- E. Any other employee or agent of the Village expressly authorized to enforce or administer a Chapter (or portion thereof) of the Village Code of the Village of South Blooming Grove, regardless of whether the authority to issue an appearance ticket is specifically stated therein.

§ 5-6. Form; service and filing.

- A. An appearance ticket issued and served pursuant to this chapter for violation of any of the ordinances, codes or local laws of the Incorporated Village of South Blooming Grove shall be returnable in the Justice Court having jurisdiction on the date and time as set forth on the appearance ticket.
- B. This appearance ticket shall be in triplicate, with the copy being served upon the defendant, a copy being delivered to the Village Clerk, the original sent to the Court.

§ 5-7. Applicable subject matter.

The following laws may be subject to the issuance of appearance tickets: all state (state statutes of less than a felony), county and/or Village Code / local laws or rules and regulations of the Village of South Blooming Grove.

CHAPTER 5: Appearance Tickets and Authorization of Enforcement

§ 5-8. Form of Appearance ticket.

Every appearance ticket that is issued pursuant to the provisions of this chapter shall include the following:

- A. Name and address of all party(ies) to whom ticket is issued.
- B. Citation of law(s) and the appropriate section(s) allegedly violated.
- C. Place and date of alleged violation(s).
- D. Place, date and time that all party(ies) is (are) required to appear in court.
- E. Date of issuance of appearance ticket(s).
- F. Title and signature of issuing officer(s).

Failure to comply with any of the above requirements shall not render the appearance ticket defective or otherwise excuse the Defendant's appearance in the appropriate Justice Court.

§ 5-9. Service of Appearance Tickets.

All appearance tickets issued pursuant to this chapter shall be served pursuant to applicable provisions of law, including § 150.40 of the Criminal Procedure Law of the State of New York where personal service is required and otherwise pursuant to CLPR § 308 where personal service is not required by law.

§ 5-10. Authority of police / peace officers.

In addition to the foregoing delegation of authority, the authority of police / peace officers to issue appearance tickets for the violation of any statute, code, local law, ordinance, rule or regulation affecting the public health, safety and welfare within the Village of South Blooming Grove is hereby confirmed and continued in full force and effect.

§ 5-11. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

§ 5-12. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.