

ARTICLE V
Town Constabulary

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§ 29-10 Title.

The title to this chapter shall be “A local law establishing a Town Constabulary for the Town of Williamson, a Town of the second class that has no police department.”

§ 29-11 Purpose.

It is the purpose of this chapter to promote the public health, safety, and welfare in the Town of Williamson. It is to establish the Town of Williamson as a constabulary and to create the office of Town Constable as authorized by § 2.10 of the Criminal Procedure Law of the State of New York and § 20, Subdivision 1, of the Town Law of the State of New York, to perform such duties at the direction of the Supervisor, Town Board and/or Town Justices for the Justice Court of the Town of Williamson as allowed by the laws of the State of New York.

§ 29-12 Peace officer status.

New York State Criminal Procedure Law (CPL) Section 2.10, Subdivision (1), sets forth those persons who are peace officers, specifically including a constable of a Town, provided such designation is not inconsistent with local law. The office of Town Constable is expressly authorized by § 20(1) of the Town Law.

§ 29-13 Training.

As peace officers, constables in the Town of Williamson must be trained in accordance with § 2.30 of the CPL and any other requirements set forth by the Town Board and/or the Constable-In-Charge or equivalencies as determined by the NYS Division of Criminal Justice Services (DCJS) and the Municipal Police Training Council (MPTC).

§ 29-14 Powers and duties.

Town law Section 39 and CPL 2.20 give the Town of Williamson Constabulary the following powers and allow the performance of the following duties:

- A.** Make warrantless arrests pursuant to § 140.25 of the CPL.
- B.** Use physical force and deadly physical force in making an arrest or preventing an escape pursuant to § 35.30 of the Penal Law.
- C.** To carry out warrantless searches whenever such searches are constitutionally permissible and acting pursuant to their special duties.
- D.** To issue appearance tickets pursuant to Subdivision 3 of § 150.20 of the CPL, when acting pursuant to their special duties.
- E.** To issue uniform appearance tickets and simplified traffic information pursuant to § 100.25 of the CPL and § 207 of the Vehicle and Traffic Law (VTL), when acting pursuant to their special duties.
- F.** To issue a uniform navigation summons and/or complaint pursuant to § 19 of the Navigation Law whenever acting pursuant to their special duties.
- G.** To issue uniform appearance tickets pursuant to Article 71 of the Environmental Conservation Law when acting pursuant to their special duties.
- H.** To possess and take custody of firearms not owned by the peace officers, for the purpose of disposing, guarding, or any other lawful purpose, consistent with his or her duties as a peace officer.
- I.** Exercise any other power which a particular peace officer is otherwise authorized to exercise by any general (federal or state), special or local law or charter whenever acting pursuant to his or her special duties, provided such power is not inconsistent with the provisions of the Penal Law or the Criminal Procedure Law, including but not limited to:
 - (1)** Protecting private, public and commercial property in the Town of Williamson from vandalism and illegal trespassing.
 - (2)** Controlling crowds at any public function within the Town of Williamson.
 - (3)** Attending proceedings of the Justice Court so as to maintain order, assist the justices and those who have business before the court.
 - (4)** Attending meetings at the Town Hall as necessary to maintain order and to remove disorderly persons from such meetings.

- (5) Serve and/or execute legal papers on behalf of the Town Board and/or the Justice Court.
- (6) Providing security for the Tax Collector and the other Town officials as requested.
- (7) Guard the election polls.
- (8) Escorting prisoners to jail and to court, and having them processed.

§ 29-15 Defense and indemnification.

A constable, whether or not acting pursuant to his special duties, who lawfully exercises any of the powers conferred upon him or her pursuant to § 2.30 of the CPL shall be deemed to be acting within the scope of his or her public employment for purposes of defense and indemnification rights and benefits that he or she may be otherwise entitled to under provisions of § 50-K of the General Municipal Law, § 17 or § 18 of the Public Officers Law, or any other applicable section of law.

§ 29-16 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 the 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 Williamson. The person holding the office of Constable in the Town of Williamson need not be a resident nor an elector of the Town of Williamson; provided, however, that such person shall reside in Wayne County or an adjoining county within the State of New York.