

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 ORLEANS

Local Law No. 3-INTRO of the year 20²⁴

A local law ESTABLISHING A DISTRICT COURT SYSTEM IN ORLEANS COUNTY PURSUANT

(Insert Title)

TO THE TERMS OF ARTICLE 6, SECTION 16 OF THE NEW YORK STATE

CONSTITUTION AND THE NEW YORK UNIFORM DISTRICT COURT ACT

Be it enacted by the ORLEANS COUNTY LEGISLATURE of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of ORLEANS as follows:

SEE ATTACHED

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

A LOCAL LAW ESTABLISHING A DISTRICT COURT SYSTEM IN ORLEANS COUNTY
PURSUANT TO THE TERMS OF ARTICLE 6, SECTION 16 OF THE NEW YORK STATE
CONSTITUTION AND THE NEW YORK STATE UNIFORM DISTRICT COURT ACT

Be it enacted by the Legislature of the County of Orleans as follows:

§ OCDC-1 Court system established.

There shall be a district court system established in County of Orleans as herein provided. The Orleans County District Court shall be an inferior court, and the judges thereof shall have the civil and criminal jurisdiction prescribed hereinafter consistent with the New York State District Court Act and the New York State Constitution, Article VI, Section 16. Such court shall be a court of record.

§ OCDC-2 Participation in system.

The district court system of Orleans County shall be established on the first day of January next succeeding one year from the general election by a majority vote cast in the Orleans County general election as approved by the Legislature of the State of New York.

§ OCDC-3 Districts and number of judges.

The entire County of Orleans shall constitute the one Judicial District in which the number of district court judges to be elected as determined by the Office of Court Administration. Also as determined by the Office of Court Administration the number of judges may be increased provided that such new judicial post or posts shall be filled for a full term at the next general election held not less than three months after the creation thereof. For the purpose of electing such judges, any city hereafter created from the territory of any town shall be considered to be part of that town.

§ OCDC-4 Qualifications of judges; restrictions on other activities; oath of office; powers.

A. No one shall be eligible to the office of judge unless he is a resident elected in the district for which he shall be elected or appointed and shall have been admitted to practice law in this state at least five years.

B. No judge shall engage in the practice of the law or hold any other public office in the County. Each judge shall devote their whole time and capacity to the duties of this office. Before entering upon their duties, each judge elected or appointed pursuant to this article shall take and file with the County Clerk the oath of office prescribed by the Constitution. The judges may, by virtue of their offices, administer oaths, take depositions and acknowledgments within the County and certify the same in the same manner and with like effect as judges of courts of record.

§ OCDC-5 Jurisdiction of village justices.

Currently there are no Village Courts in Orleans County. In the event that any Village Courts are established in the future, the justices of the village courts in villages within the Judicial District shall have such jurisdiction of criminal matters as is prescribed by the Criminal Procedure Law.

§ OCDC-5.1 Salaries of judges.

The salary of the Judge(s) shall be determined by the Office of Court Administration as is established pursuant to the provisions of Article 2, Section 39 of the Judiciary Law.

§ OCDC-6 Board of Judges.

With the passage of Judiciary Law Article 2, Section 39 addressing the Unified Court Budget has eliminated any need for a Board of Judges and all such authority regarding the cost and administration of the District Court has now been statutorily assigned to the Office of Court Administration.

§ OCDC-7 Access to facilities, payment of expenses.

The judges of the court shall have access to and possession of the courtrooms and court offices and other places provided by the Judicial District for the transaction of the business of the District Court. Notwithstanding any other provisions relating to the establishment and maintenances of the District Court facility, all budgetary considerations in connection with the operation of the District Court shall be the responsibility of the State of New York pursuant to the provisions of the Judiciary Law Article 2, Section 39

§ OCDC-8 Time and place of holding court.

It shall be the duty of the Orleans County Legislature to provide suitable places for holding court in accordance with the designation made by the New York State Office of Court Administration as hereinbefore provided.

§ OCDC-9 Procedures relating to traffic offenses.

A. The New York State Office of Court Administration shall determine the procedure to govern the payment of fines by any person accused of violating any provision of any law, ordinance, rule or regulation relating to vehicular or pedestrian traffic, without appearing in person, except in cases of speeding, reckless driving, leaving a scene of an accident or any charge of a misdemeanor or felony or any charge which may for reasons of public policy require the personal appearance of the accused, for such period of time as shall be deemed in the public interest; to fix the fine to be paid in each class of case within the minimum and maximum amount set by law, ordinance, rule or regulation; to designate the place or places where such fines may be paid; to prescribe the form of the summonses to be used and the manner in which the plea of guilty shall be made; and the manner in which the money shall be paid.

B. Such procedure may provide that any person pleading "guilty," or that a person pleading "not guilty" and asking that a day be set for trial, may do so through a representative or by mail and may further provide that the clerk of the court set such day for trial.

C. No resolution providing such procedure shall be effective until a certified copy thereof shall have been filed with the County Clerk.

D. Whenever any summons is issued involving a provision of any law, ordinance, rule or regulation relating to motor vehicle parking and the procedure for such violation is provided under this section, the member of the police force or any other peace officer serving said summons, in lieu of inserting in the summons the name of the person summoned, may insert therein, in the space provided for the insertion of the name of the person summoned, the words "registered owner of motor vehicle bearing license," said words to be followed by the license designation or identification as shown by the license plates on said motor vehicle parked in violation of the law, ordinance, rule or regulation as aforesaid; and said summons may be served upon said registered owner by a member of the police force or other peace officer by affixing the summons to said motor vehicle in some conspicuous place where it is likely to be seen by an operator thereof. An operator of the motor vehicle, for the purposes of this section, if not the owner thereof, shall be

deemed to be the agent of such registered owner to receive said summons served in the manner aforesaid; and service made in the manner provided shall be deemed to be lawful service upon the registered owner of the motor vehicle to which the summons is affixed. For the purpose of the service of the summons as herein provided, the registration records of the Motor Vehicle Department of the state in which the motor vehicle is registered shall be conclusive evidence as to the registered owner of the motor vehicle. When a summons is issued and served as authorized in this section, the information sworn to may charge the violation in the same manner and any further proceedings authorized in this section may be had and recorded in the name of the "registered owner of motor vehicle bearing license," said words to be followed by the license designation or identification as shown by the license plates.

§ OCDC-10 Official seals.

The District Court shall have an official seal on which shall be engraved the arms of the State of New York, the name of the court, the County and the District.

§ OCDC-11 Appointment, compensation and removal of court clerks.

The New York State Office of Court Administration shall appoint such number of court clerks and, subject to the applicable civil service laws, such additional court clerks, deputy court clerks, stenographers and other assistants and employees in the clerk's office as may be necessary. Court clerks and deputy court clerks shall, at the time of their appointments, be residents of Orleans County, and removal of any of them from Orleans County shall vacate the office. All the officers and employees provided by this section shall receive compensation to be fixed by the members of the County Legislature from the towns comprising the Judicial District, which salaries, together with other expenses of their offices, as provided by the annual budget, shall be a charge against the Judicial District. Any court clerk or deputy court clerk may be removed pursuant to the law and regulations of the State of New York.

§ OCDC-12 Duties of court clerks.

The court clerk in each district shall:

A. Exercise the powers conferred and perform the duties imposed upon them by this Act and the rules and resolutions of the New York State Office of Court Administration and those usually appertaining to the offices and, in the exercise of such powers and the performance of such duties, conform to the direction of the court.

B. Keep the seal of the court and affix it to such papers and documents as they may be required to certify.

C. Keep a docket book in such manner as the rules may prescribe, and all other records and proceedings of the court, and act as custodian of all documents, books and records.

D. Keep the office open for the transaction of business during the hours designated by the rules and resolutions of the New York State Office of Court Administration .

E. Attend the sittings of the court, administer oaths and take acknowledgments in the same manner and with like effect as clerks in courts of record, receive verdicts of juries and, in a proper case, adjourn causes or, when no judge appears, adjourn causes to the next judicial day. Deputy court clerks and clerks other than the court clerk shall have like power and authority by designation of the New York State Office of Court Administration.

F. Assume charge and control of, and be responsible for, the general conduct of the business of their office and for the faithful discharge of the duties of deputy and assistant clerks and other officers connected with the court.

G. Collect and receive all the fees and account for and pay the same into the County treasury at such times as the County Treasurer may prescribe, which account shall contain the title of each case and the amount of fees received therein.

H. Deliver to their successor in office the official seal and all papers, books and records on file in their office.

§ OCDC-13 Local Law subject to Mandatory Referendum

A. This Local Law shall be subject to a mandatory referendum, and shall be submitted for the approval of the electors of Orleans County at the next general election to be held November 5, 2024, and shall take effect when approved by the Legislature of the State of New York pursuant to the provisions of Article VI, Section 16 of the New York State Constitution and filed in the office of the Secretary of State and as provided in §13B of this local law.

B. Upon the adoption of this local law the Clerk of the County Legislature is hereby directed to transmit, forthwith, to the Board of Elections, the form of the ballot proposition to be voted upon on the November ballot, in substantially the following form: Proposition No. 1, submitting a local law for the 2024 ballot to the electors of the County of Orleans, to be voted upon at the General Election of the County of Orleans, to be held on the 5th day of November, 2024, as follows: "Shall a local law entitled "A LOCAL LAW ESTABLISHING A DISTRICT COURT SYSTEM IN ORLEANS COUNTY PURSUANT TO THE TERMS OF ARTICLE 6, SECTION 16 OF THE NEW YORK STATE CONSTITUTION AND THE NEW YORK STATE UNIFORM DISTRICT COURT ACT" be approved and adopted in the County of Orleans, State of New York?"

(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. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, 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____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

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____.
(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) (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)*

* 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

(Seal)

Date: _____