

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. OF 2015**

**A LOCAL LAW AMENDING CHAPTER 4 OF THE TOWN CODE
ENTITLED “APPEARANCE TICKETS”**

BE IT ENACTED by the Town Board of the Town of North Hempstead, as follows:

Section 1. Legislative Intent.

The Board finds that it is in the best interest of the Town of North Hempstead to make amendments to Chapter 4 entitled “Appearance Tickets” in order to affirm the Town Attorney’s authority to prosecute code violations and negotiate dispositions.

Section 2.

Chapter 4 of the Town Code is hereby amended as follows:

Chapter 4. Appearance Tickets; **Authority to Prosecute.**

[HISTORY: Adopted by the North Hempstead Town Board 4-7-1987 by L.L. No. 6-1987; amended in its entirety 9-29-2009 by L.L. No. 15-2009. Subsequent amendments noted where applicable.]

§ 4-1. Legislative intent.

It is hereby declared to be the legislative intent of the Town of North Hempstead to designate certain employees to issue appearance tickets for the violation of any ordinance, rule or regulation within the Town of North Hempstead **and to affirm the Town Attorney’s authority to prosecute code violations and negotiate dispositions.**

§ 4-2. Authorization for issuance.

[Amended 9-30-2014 by L.L. No. 16-2014]

Pursuant to the authority vested in the Town Board by Subdivision 4(a) of § 10 of the Municipal Home Rule Law of the State of New York and Subdivision 4 of § 198 of the Town Law of the State of New York, the Town of North Hempstead has hereby:

A. Authorized, directed and permitted the Commissioners and Deputy Commissioners of Public Safety and of Building, Safety Inspection and Enforcement, Assistants to the Commissioner of Building, Safety Inspection and Enforcement, security officers, bay constables, building inspectors, zoning inspectors, code enforcement inspectors, security officers and ordinance enforcement officers appointed by the separately elected Board of Commissioners of the Great Neck Park District, multiple residence inspectors, rental registration inspectors, license inspectors, traffic technicians and parking meter and parking facility attendants, including parking meter and parking facility attendants of improvement districts in areas under the ownership and/or control of each district, and all other personnel duly designated by the

Commissioner of Public Safety to issue appearance tickets in accordance with Article 150 of the Criminal Procedure Law of the State of New York against any persons, parties or entities relating to the enforcement of any ordinance, rule or regulation of the Town of North Hempstead; and, with respect to security officers, ordinance enforcement officers and parking meter and parking facility attendants appointed by the separately elected Board of Commissioners of the Great Neck Park District, the enforcement of any rule or regulation adopted by said Board of Commissioners.

B. Authorized, directed and permitted bay constables and such other inspectors as shall be assigned by the Department of Public Safety to issue appearance tickets which are returnable in the same manner as those written under the New York State Navigation Law.

C. Authorized, directed and permitted the Town Attorney or his or her designee, in conjunction with the Department of Public Safety, to design appropriate appearance tickets for use by enforcement personnel and to implement procedures for the service and prosecution of such appearance tickets.

§ 4-3. Applicability.

[Amended 9-30-2014 by L.L. No. 16-2014]

The provisions of this chapter shall apply to the unincorporated area within the Town of North Hempstead, and to those properties and facilities within the incorporated villages, which properties and facilities are under the ownership and and/or control of the Town or the Great Neck Park District.

§ 4-4. Authority to Prosecute.

The Town Attorney or his/her designees shall have the power and duty to prosecute violations of the Town Code and laws of the State of New York, as applicable; provided, however, that the Town Attorney or his/her designees may negotiate dispositions in such matters.

§ 4-[4]5. Severability.

If any section, provision or part thereof in this chapter shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, then such adjudication shall not affect the validity of this chapter as a whole or any section, provision or part thereof not so adjudged invalid or unconstitutional.

§ 4-[5]6. When effective.

This chapter shall be effective upon filing with the Secretary of State.

Section 3.

This Local Law shall take effect immediately upon filing with the Secretary of State.