STATE OF NEW YORK

5471

2021-2022 Regular Sessions

IN ASSEMBLY

February 18, 2021

Introduced by M. of A. OTIS -- read once and referred to the Committee on Local Governments

AN ACT to amend the town law, in relation to town justices of the town of Rye following the dissolution of the Port Chester village court

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of trustees of the village of Port Chester may by local law, subject to permissive referendum, abolish the village court and the office of village justice of such village, effective May 15, 2021.

§ 2. Subdivision 1 of section 20 of the town law is amended by adding a new paragraph (q) to read as follows:

(q) In the event the village court of the village of Port Chester, county of Westchester, is abolished effective May fifteenth, two thousand twenty-one, the town court of the town of Rye, county of Westchester, shall thereupon have four town justices. The third and fourth town justices established pursuant to this paragraph shall be filled by election at the regular election held immediately after the date of abolition of the village court of the village of Port Chester as provided by the election law and the public officers law.

§ 3. Upon the abolition of the village court of the village of Port Chester in accordance with this act, all actions and proceedings pending in such court shall be transferred to the town court of the town of Rye.

§ 4. Unless otherwise provided by law, all fines imposed for the violation of a village local law, ordinance or regulation shall be the property of such village.

§ 5. The village of Port Chester shall have the right to re-establish the village court and the office of village justice in accordance with the provisions of section 3-301 of the village law. The town of Rye may abolish the third and fourth justices as added by paragraph (q) of subdivision 1 of section 20 of the town law at the end of a four year

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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term in the event that the village of Port Chester re-establishes the office of village justice.

§ 6. Upon the abolition of the village court of the village of Port Chester effective May 15, 2021, the town board of the town of Rye may: (a) appoint an acting third and fourth town justice to serve until such position is filled by election at the regular election held immediately after the abolition of the village court of the village of Port Chester pursuant to paragraph (q) of subdivision 1 of section 20 of the town law.

(b) by local law provide for a single term of two years for such fourth town justice who shall serve a single term of two years, as provided in such local law, commencing on the first day of the official year following his or her election in order to provide that town justices shall thereafter be elected for a full four year term.

§ 7. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after October 5, 2020.