

Village of Port Chester, New York

Local Law No. 11 of the year 2020

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER WITH REGARD TO THE ABOLITION OF THE OFFICE OF JUSTICE AND ASSOCIATE JUSTICES AND THE DISSOLUTION OF THE PORT CHESTER JUSTICE COURT

Be it enacted by the Board of Trustees of the Village of Port Chester, New York, as follows:

SECTION 1: Purpose and Intent

The Village of Port Chester Police Justice Court was established by special act of the State Legislature in 1949. (Chapter 851, Laws of 1949). Such law created the position of police justice and assistant police justice. Recent legislative enactment authorized a second assistant police justice. Notwithstanding such local designation, the State has denoted these judicial officers as justice and associate justices, respectively.

Since the financing of justice courts is a local responsibility, there has been a growing interest by local governments to explore consolidation and/or dissolution of justice courts where practicable. Unlike towns, villages in New York State are not required to have a justice court. Given significant fiscal constraints, exacerbated by the 2 percent property tax cap, Port Chester has been compelled to evaluate all operations and service levels for potential cost-savings.

Since inception, the Village of Rye Brook has utilized the Town of Rye Justice Court. Mindful of such use, the Board of Trustees commissioned a study of the feasibility of the dissolution of the Port Chester Justice Court so that Port Chester may likewise rely upon the Town Justice Court. The study concludes that the dissolution of the Port Chester Justice Court is not only feasible, but would result in significant cost-savings to Port Chester taxpayers.

SECTION 2: Authority

This local law is authorized pursuant to the provisions of Village Law, Section 3-301(2)(a), and/or Municipal Home Rule Law, Section 10(1)(i).

SECTION 3: Abolition of Justices/Dissolution of Justice Court

The offices of Justice and Associate Justices of the Port Chester Police Justice Court are hereby abolished at the expiration of the current terms of the incumbent officers, or May 15, 2021, and the Justice Court is hereby dissolved as of said date.

SECTION 4: Supersession.

This local law shall supersede any inconsistent or contrary provisions of the Village Code/Charter to give it full force and effect.

SECTION 5: Effective Date.

This local law shall be subject to a permissive referendum and take effect upon its adoption by the Board of Trustees and the expiration of the period prescribed in the Village Law during which a petition for a permissive referendum may be submitted and filed with the Village Clerk.

Adopted: October 5, 2020

BY ORDER OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF PORT CHESTER, NEW YORK
Richard A. Falanka, Mayor
Janusz R. Richards, Village Clerk