

LOCAL LAW PERMANENT NO 6 OF 2010

LOCAL LAW INTRODUCTORY NO 6 OF 2010

A LOCAL LAW AMENDING THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE IN RELATION TO THE OFFICE OF THE SHERIFF

ARTICLE XXVI

General Provisions

C2606. Filling vacancy in elective office of District Attorney, Sheriff and County Clerk. A vacancy occurring otherwise than by expiration of term in any elective county office, including but not limited to the offices of District Attorney, Sheriff and County Clerk, shall be filled in accordance with Section 400 of the County Law of the State of New York.

ARTICLE XXIII

Sheriff

§ A2303. Reports.

On or before April 30 in each year, the Sheriff shall make an annual report for the immediately preceding calendar year, covering generally the work of his office.

The Sheriff shall make such other reports at such times as may be required by the County Legislature, County Executive or any other applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A2304. Appointment of Undersheriff and deputies.

(A) The Sheriff shall appoint an Undersheriff and such deputies as shall be authorized by the County Legislature. The Undersheriff shall serve at the pleasure of the Sheriff. All promotions to the rank of Captain shall be made from and with the personnel holding the grade or rank of Lieutenant or Sergeant at the time of such appointment, and all promotions to the rank of Lieutenant shall be made from and with the personnel holding the grade or rank of Sergeant at the time of such appointment.

(B) All Sheriff's deputies, corrections officers, civil deputies, and civilian employees, are hereby placed in the competitive classified service of the civil service and shall be hired by competitive examinations under the provisions of the Civil Service Law of the State of New York, and such Sheriff's deputies, corrections officers, civil deputies, and civilian employees shall be subject to and governed and controlled by the rules and regulations of the New York State Department of Civil Service and the Broome County Department of Personnel.

(C) The Undersheriff shall execute the powers and duties of the Office of the Sheriff in the absence or inability of the Sheriff to act. In the event that a vacancy occurs in the Office of the Sheriff, the Undersheriff shall execute the powers and duties of the Office until a new Sheriff has been duly elected or appointed and has qualified.

(D) The Sheriff may, within the appropriations provided therefor, appoint Corrections Officers and such other officers and employees as may be necessary to operate the county jail facilities.

(E) The Sheriff or Undersheriff may deputize a person or persons in accordance with the applicable state law.

(F) Each appointment made by the Sheriff or revocation thereof pursuant to this Article shall be in writing and filed with the Department of Personnel records.

§ A2305. Disbursements.

Whenever the Sheriff is required by law to transport a prisoner or any other person and the cost of the transportation is made a county charge by law, the Sheriff or Deputy Sheriff shall, within the appropriations provided therefor, be entitled to his necessary and actual disbursement incurred for travel, lodging and food.

§ A230 6. Accounting for fees and funds.

All moneys to which the county may be entitled under and by virtue of the laws of the State of New York or which the Sheriff may receive for services performed by his office shall belong to the county and be collected by the Sheriff, accounted for and paid over to the Commissioner of Finance by a written statement within five days after the expiration of each month. Each monthly statement shall have attached thereto a certification by the Sheriff to the effect that the same is in all respects a full and true statement of all such moneys received by him for the preceding month. At the time of the rendering of any such statement, the Sheriff shall pay to the Commissioner of Finance all moneys received by him since the last preceding monthly statement. Other funds or fees collected by the Sheriff shall be paid over and reported to the Commissioner of Finance as above provided, except where otherwise specifically provided by statute.

§ A230 7 Bond of sheriff.

The Sheriff, Undersheriff and such of his deputies, officers and employees as the County Legislature shall require shall each give a surety bond to the county in a sum fixed by the County Legislature conditioned for the faithful performance of his duties. Such Bond shall be approved as to form by the County Attorney and as to the sufficiency of surety by the County Legislature and filed with the Department of Finance.

Chapter 60: OFFICE OF THE SHERIFF

[HISTORY: Adopted by the Broome County Legislature: Art. I, 2-18-1981 as L.L. No. 2-1981; Art. II, 10-17-1983 as L.L. No. 15-1983. Amendments noted where applicable.]

GENERAL REFERENCES Sheriff— See Charter Art. XXIII and Administrative Code Art. XXIII. Workers' compensation— See Ch. 76. Code enforcement— See Ch. 98. Criminal background checks— See Ch. 110. Office of the Sheriff fees— See Ch. 125, Art. II.

ARTICLE I Mutual Police Assistance [Adopted 2-18-1981 as L.L. No. 2-1981]

§ 60-1. Requests for assistance authorized.

The Broome County Sheriff, or, during his absence, illness or disability, the individual in command who is authorized to exercise the powers of the Sheriff in emergency situations, is hereby authorized and empowered, whenever he deems the public interest requires it, to request the Chief Executive Officer of any other local government, or the individual duly authorized to act in his behalf, to detail, assign and make available for duty and use in aiding the Office of the Broome County Sheriff any part of the forces, equipment and supplies of the Police Department or police force of the local government of which the request is made.

Chapter 86: ALARM SYSTEMS

[HISTORY: Adopted by the Broome County Legislature as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Avoidable Alarms [Adopted 6-18-1992 as L.L. No. 8-1992]

§ 86-2. Registration required; fee.

- A. All residences and businesses containing or installing emergency alarm systems in Broome County connected to the Broome County Office of the Sheriff and/or the Office of Emergency Services must register with the Broome County Office of the and/or the Office of Emergency Services.
- B. Registration shall be upon forms provided by the Broome County Sheriff. A registration fee of \$5 should be charged at the time the registration is filed with the Office of the Sheriff [Added 8-18-1994 by L.L. No. 12-1994; amended 4-20-1995 by L.L. No. 5-1995]
- C. Alarm companies shall distribute and collect the registration forms and fee from their customers and file the forms with the Office of the Broome County Sheriff or the Office of Emergency Services. The Office of the Broome County Sheriff shall forward a copy of the registration forms to the Broome County Communications Center. [Added 4-20-1995 by L.L. No. 5-1995; amended 9-21-2000 by L.L. No. 14-2000]
- D. Any residence and/or business containing an emergency alarm system which fails to register the emergency alarm system shall be subject to a charge of \$25 per unregistered alarm system. [Added 4-20-1995 by L.L. No. 5-1995]

§ 86-3. Charges. [Amended 9-21-2000 by L.L. No. 14-2000]

Each alarm user shall pay to Broome County a charge for each and every avoidable alarm after the first three avoidable alarm calls per calendar year per user at a charge of \$25 for the fourth avoidable false alarm each calendar year per user and \$50 for each additional avoidable false alarm per calendar year per user.

§ 86-4. Notification to user; failure to pay charges.

- A. The Office of the Sheriff and/or the Office of Emergency Services shall notify the alarm user, by mail, of said avoidable alarm call or unregistered alarm, and within 30 days of such notice, the alarm user may appeal to the Broome County Executive by showing proof to demonstrate that the alarm was not an avoidable alarm or unregistered alarm, and the County Executive shall have 10 business days to determine the appeal. [Amended 4-20-1995 by L.L. No. 5-1995]
- B. Should the alarm user fail to pay any and all alarm charges within 30 days of receipt of notice or receipt of appeal denial, whichever is later, the Broome County Sheriff and/or the Office of Emergency Services shall certify to the Broome County Commissioner of Finance the amount of the penalties.
 - (1) If the alarm user is the owner of the real property which contains the residence or business, all alarm charges and penalties shall become a lien upon the real property and shall be included in the next tax bill rendered to the owner, unless paid before, and shall be collected in the same manner as other taxes against

the real property.

- (2) If the owner of the real property is not the same person or business as the alarm user and the alarm user fails to pay any penalty assessed, the Broome County Sheriff and/or the Office of Emergency Services may institute a suit in his name in any court of competent jurisdiction to recover penalties, costs and disbursements, including attorney's fees, incurred in the collection of penalties.

ARTICLE II Office of the Sheriff's Fees [Adopted 2-21-1979 by L.L. No. 1-1979]

§ 125-4. Fees established. [Amended 6-24-1980 by L.L. No. 5-1980; 4-4-1991 by L.L. No. 10-1991]

The County of Broome charges fees in connection with services rendered by the Broome County Office of the Sheriff at the request of citizens. A schedule of said fees is available through the Office of the Sheriff.

ARTICLE III Pistol or Revolver License Fees [Adopted 3-22-1988 by L.L. No. 1-1988]

§ 125-5. Fee established.

The Office of the Sheriff processes license applications for the possessing or carrying of a hand gun, pistol, or revolver upon completion of an application or other requirement(s) the Sheriff may establish. A processing fee may apply to such application. Any fees collected in connection with the issuance of said license and not due to the Federal or State government shall be paid into the County Treasury.