

**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 underling to indicate new matter.

**County**  
~~City~~ of Yates  
~~Town~~  
~~Village~~

**LOCAL LAW 2-2020 ENTITLED: A LOCAL LAW AUTHORIZING A YATES COUNTY TRAFFIC DIVERSION PROGRAM**

**Be it enacted by the Legislature of the**

**County**  
~~City~~ of Yates as follows:  
~~Town~~  
~~Village~~

**SECTION 1. LEGISLATIVE INTENT**

It is the intent of this Local Law to authorize the establishment of a traffic diversion educational program for persons referred by the District Attorney pursuant to this Local Law and guidelines hereby authorized to be instituted by the District Attorney, to provide for an educational program under State authority authorizing local government to provide for the safety and well-being of persons within the County of Yates. The Traffic Diversion Program will be a voluntary education program with the goal to increase safety of the roads in Yates County by way of educating motorists on driver safety and the rules of the road.

**SECTION 2. DEFINITIONS**

- a) "Traffic Diversion Program" – shall have the meaning set forth in Section 3 of this Local Law.
- b) "District Attorney" – shall mean the Yates County District Attorney.
- c) "County Treasurer" – shall mean the Yates County Treasurer.
- d) "County" – shall mean Yates County.

**SECTION 3. ESTABLISHMENT OF PROGRAM**

In order to effectuate the government, protection, order, conduct, safety, health and well-being of persons and property within the County of Yates, and pursuant to its home rule authority, the County hereby establishes a traffic diversion educational program for any and all such persons referred to the same, by the District Attorney (hereinafter referred to as the "Traffic Diversion Program" or the "Program"), as set forth herein:

- a) The District Attorney is hereby authorized, pursuant to the County's home rule authority under Section 10 of the New York Municipal Home Rule Law and Section 700(1) of the New York County Law, to establish written guidelines for the Traffic Diversion Program

- addressing i) eligibility for participation in the Program, ii) the application process for eligible persons to participate in the Program and iii) the educational content of the Program.
- b) The District Attorney's Office is authorized to administer all non-financial aspects of the Traffic Diversion Program in order to effectuate the intent of this Local Law.
  - c) The District Attorney shall maintain its Traffic Diversion Program records in accordance with Section 700(7) of the New York County Law.
  - d) The County Treasurer is authorized to accept all financial payments, as set forth herein in Section 4 below, for individuals deemed eligible by the District Attorney to participate in the Traffic Diversion Program.
  - e) Any disbursements by the County Treasurer of such financial payments made pursuant to Section 4 below, including but not limited to disbursements to departments/offices of County government or to other municipalities, shall be as authorized by resolution(s) of the Yates County Legislature.

#### SECTION 4. SERVICE CHARGE

- a) Based on the legislative intent stated herein, the County Treasurer is authorized to collect a service charge of \$250 for alleged New York Vehicle and Traffic Law traffic infractions and/or \$350 for alleged New York Vehicle and Traffic Law misdemeanors for an individual's voluntary participation in the Traffic Diversion Program. The District Attorney shall have the authority to waive all or part of such service charge(s) in instances of an individual's demonstrated financial hardship.
- b) All payments for such voluntary participation in the Traffic Diversion Program shall be submitted to the County Treasurer and all checks for the same shall be payable to "Yates County Treasurer" and shall be deposited in the general fund of Yates County; whereupon after deducting the cost of the Program, 65% of the remainder shall be distributed to the municipality having original jurisdiction concerning the traffic infraction(s) and/or misdemeanor(s) at issue and 35% of the remainder shall be retained by the County.
- c) The County Treasurer shall periodically review the comprehensive costs of the Traffic Diversion Program to ensure the service charge(s) imposed under this Section reasonably reflect the costs associated with conducting the Program.
- d) Pursuant to this Local Law, the Yates County Legislature shall have the authority upon recommendation by the District Attorney and/or the County Treasurer, to modify, change or otherwise adjust the service charge(s) set forth herein.

#### SECTION 5. SEPARABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered.

#### SECTION 6. EFFECTIVE DATE

This Local Law shall take effect immediately.

**(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. 2 of 2020 of the (County)(City)(Village) of Yates was duly passed by the Legislature on June 8, 2020, 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

(Name of Legislative Body)

disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_

(Elective Chief Executive Officer\*)

20\_\_, in accordance with the applicable provisions of law.

**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

(Name of Legislative Body)

disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_

(Elective Chief Executive Officer\*)

20\_\_. 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

(Name of Legislative Body)

disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_

(Elective Chief Executive Officer\*)

20\_\_. Such local law was submitted 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 means or includes the chief executive officer of a county elected on a countywide basis or, if there are 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 there from and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_1\_\_, above.

\_\_\_\_\_  
Clerk of the County legislative body, city, Town or Village Clerk  
Or officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature

County Attorney\_\_\_\_\_  
Title

County  
City of Yates  
~~Town~~  
~~Village~~

Date: