

Chapter 44**PUBLIC SAFETY AND CODE ENFORCEMENT****§ 44-1. Findings.****§ 44-2. Public Safety Department.****§ 44-3. Powers and duties.****§ 44-4. Appearance tickets**

[HISTORY: Adopted by the Board of Trustees of the Village of Saltaire 11-13-1999 as L.L. No. 12, 1999. Amendments noted where applicable; Adopted in its entirety and renumbered previous Chapter 47 to Chapter 44, and renamed to Public Safety and Code Enforcement on 11-15-2016 as L.L. No. 3 of 2016]

§ 44-1. Findings.

The Board of Trustees of the Village of Saltaire has determined that, under the powers granted to the Village by the Village Law, the Municipal Home Rule Law and the Vehicle Law, it is appropriate and desirable to formally amend this Code to provide for the establishment of a Public Safety Department in the Village of Saltaire; and to ratify the establishment of said department, and the appointment of personnel thereto, as has been in effect under the provisions of general law during most of Saltaire's existence as an Incorporated Village.

§ 44-2. Public Safety Department.

The Public Safety Department of the Village of Saltaire, as constituted at the time of the adoption of this chapter, shall continue in form and effect; the Commissioner of Public Safety shall continue to be appointed by the Mayor from among the Trustees; said Commissioner shall have cognizance and control of the government, administration, disposition and discipline of the Public Safety Department and its officers, on such terms and conditions as the Board shall approve; and members of the Public Safety force shall be employed in accordance with law.

§ 44-3. Powers and duties.

The duly employed officers of the Public Safety Department shall have the power, and it shall be their duty, to preserve the public peace and enforce the provisions of this Code and of local laws, rules and regulations enacted thereunder, including but not limited to: the regulation, direction, control and restriction of the movement of vehicular, pedestrian, bicycle or similar traffic, in

accordance with this Code, and the enforcement of the limitations on the use of such traffic within the village; regulation of noise; the enforcement of refuse restrictions; and in general the preservation of peace and good order within the village, the protection of property and ensuring the rights of all persons to the safe and secure enjoyment of the community.

§ 44-4. **Appearance tickets.**

Public Safety officers shall be empowered to present an appearance ticket to any person deemed to be in violation of any provision of this Code. Said ticket shall require such person to appear in the Village Justice Court on a designated date for adjudication of the alleged violation. An appearance ticket shall be produced as a carbonized, three-part form. The first part of said form shall be served upon the person required to appear before the Court; the second part shall be deemed to be an accusatory instrument constituting an information; and the third part shall be retained by the Public Safety Department for its records.

§ 44-5. **Guilty plea by mail.** [Added 3-15-2009 by L.L. No. 1, 2009]

- (A) The appearance tickets issued by the Village of Saltaire Public Safety Department, as referenced in Section 47-4 hereinabove, may contain a form on the reverse side of such tickets whereby the person named on the appearance ticket may execute a power of attorney and plead guilty by mail to the offense set forth on the ticket, and remit the fine for such offense as specified on said form, by authorizing the Clerk of the Village Justice Court to act with such power of attorney for the limited purpose of appearing before the Village Justice Court, entering a guilty plea on behalf of said person to such offense, and receiving payment of the specified fine remitted with said ticket; provided, that the offense set forth on said ticket has been designated among the provisions of the Village Code for which a guilty plea by mail and the payment of a fine thereby has been adopted by resolution of the Board, as set forth in subsection (B) below.
- (B) The language of such form as authorized in subsection (A) above, the provisions of the Code for which a guilty plea by mail shall be permitted and the schedule of fines for such pleas shall be adopted, and as necessary from time to time modified, by resolution of the Board of Trustees, provided that the amount of any fine may not exceed the maximum amount of said fine for the specified offense as set forth by the relevant provisions of the Village Code.
- (C) In the event that any part of the procedure hereinabove adopted for permitting guilty pleas by mail shall be found to be invalid, or a judge of the Village Justice Court shall for any reason decline to accept a guilty plea by mail, such pleas shall be deemed to be rescinded and the payment not accepted, and a new date shall be designated for an appearance in the Village Justice Court by the person to whom said appearance ticket had been issued, for the offense specified on said ticket.