

# 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 underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of MONTGOMERY

Local Law No. \_\_\_\_\_ of the year 20<sup>22</sup>

A local law Establishing County Administration of the Traffic Diversion Program  
(Insert Title)

Be it enacted by the Legislature of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Montgomery as follows:

See Attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

# Local Law Filing

## Instructions

New York State Department of State  
Division of Corporations, State Records and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231-0001  
www.dos.ny.gov

### PLEASE OBSERVE THESE INSTRUCTIONS FOR FILING LOCAL LAWS WITH THE SECRETARY OF STATE

1. Each local law shall be filed with the Secretary of State within 20 days after its final adoption or approval as required by section 27 of the Municipal Home Rule Law. The cited statute provides that a local law shall not become effective before it is filed in the office of the Secretary of State.

2. Each local law to be filed with the Secretary of State shall be an original certified copy.

3. Each local law shall be filed on a form provided by the Department of State. If additional pages are required, they must be the same size as the form. Typewritten copies of the text may be attached to the form. Only legible copies will be accepted.

4. File only the number, title and text of the local law.

5. In the case of a local law amending a previously enacted local law, the text must be that of the law as amended. Do not include any matter in brackets, with a line through it, italicized or underscored to indicate the changes made. The printed number of the bill and explanatory matter must be omitted.

6. For the purpose of filing a local law with the Department of State, number each local law consecutively, beginning with the number one for the first local law filed in each calendar year. The next number in sequence should be applied to each local law when it is submitted for filing, regardless of its date of introduction or adoption. The date of filing of a local law is the date on which the local law is placed on file by the Department.

It is suggested that municipalities use introductory identifying bill numbers for proposed local laws. After the local law is enacted (and approved by the voters, if required), the local law should then be numbered with the next consecutive local law number, as described above, and then submitted to the Department for filing.

7. Each copy of a local law filed with the Secretary of State shall have affixed to it a certification by the Clerk of the County legislative body or the City, Town or Village Clerk or other officer designated by the local legislative body. Certification forms are provided herewith.

8. A copy of each local law may be mailed or delivered to:  
NYS Department of State  
Division of Corporations, State Records and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231.

**(DO NOT FILE THIS INSTRUCTION SHEET WITH THE LOCAL LAW.)**

## **SECTION 1: LEGISLATIVE INTENT**

It is the intent of this local law to establish a Traffic Diversion Program for persons determined by the District Attorney, in the exercise of the inherent discretion of that office, to be appropriate for such diversion services as a component and condition of a settlement in a traffic infraction matter pending in a local court in Montgomery County, New York. The costs associated with this program are to be borne by the person so referred in an amount set by this law.

## **SECTION 2: DEFINITIONS**

- 1) "Driver Diversion Services" shall mean instructive materials and/or classes as generally recognized in safe driving of motor vehicles, as defined under the New York State Vehicle and Traffic Law, for the protection of drivers, passengers and public at-large.
- 2) "Local Court" shall mean a "local criminal court" as that term is defined under the New York State Criminal Procedure Law, section 10.10.
- 3) "District Attorney" shall mean the District Attorney in and for Montgomery County New York.
- 4) "County Executive" shall mean the County Executive in and for Montgomery County New York.
- 5) "Traffic Diversion Program Administrator" shall mean the Administrator of the Traffic Diversion Program, as defined herein who shall be a management/exempt employee appointed by and serving at the pleasure of the District Attorney empowered to administer the Traffic Diversion Program as established by this law.
- 6) "Administrative Code" shall mean the Charter of Montgomery County New York.
- 7) "County Treasurer" shall mean the County Treasurer as defined in the Charter of Montgomery County New York.
- 8) "Clerk of the Legislature" shall mean the Clerk of the Legislature as defined in the Charter of Montgomery County New York.

## **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, Montgomery County establishes a Traffic Diversion Program (hereinafter "Program") for any and all such individuals and person duly referred to this Program by the District Attorney, as set forth herein:

- a) Referral to the Program shall be made in accordance with the lawful discretion of the District Attorney by means of an application process promulgated by the District Attorney and where such records shall be maintained.
- b) The Traffic Diversion Program Administrator shall follow the rules and procedures to meet the ends of the Program as is consistent with the legislative intent as set forth in Section 1 of this local law.

#### **SECTION 4: TRAFFIC DIVERSION PROGRAM**

Upon referral into the Program, which program shall be at the lawful discretion of the District Attorney by means of an application process promulgated by the District Attorney.

#### **SECTION 5: FEE**

- a) The County Executive shall be authorized to impose a fee to each participant in the Program. The County Executive is authorized to modify, change or otherwise adjust the recited fee established in paragraph b) of this section. Such fee shall be made payable to "Montgomery County" and deposited by the County Treasurer into the General Fund of Montgomery County. The Clerk of the Legislature shall provide notice to the County Executive upon such modifying, changing or otherwise adjusting the approved fee.
- b) The County Executive shall periodically review the comprehensive costs of the Program to ensure that the fee imposed under this Section reasonably reflects the costs associated with conducting the Program.

#### **SECTION 6: SEVERABILITY**

In the event any portion hereof shall be declared unenforceable, the balance of the local law remaining shall be in full force and effect.

#### **SECTION 7: EFFECTIVE DATE**

This local law shall become effective upon final adoption.

(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. \_\_\_\_\_ of 20<sup>22</sup> of the (County)(City)(Town)(Village) of Montgomery was duly passed by the Legislature \_\_\_\_\_ on \_\_\_\_\_ 20<sup>22</sup>, 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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_ *(Elective Chief Executive Officer\*)*.~~

~~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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local *(Elective Chief Executive Officer\*)* law was subject 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 county-wide basis or, if there be 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 therefrom 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: \_\_\_\_\_