NEW YORK STATE | **Department of State**
Corporations, State Records & UCC

New York State
Department of State
DIVISION OF CORPORATIONS, STATE RECORDS AND UNIFORM COMMERCIAL CODE
One Commerce Plaza
99 Washington Ave.
Albany, NY 12231-0001
dos.ny.gov

Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

10 **of the year 20** 26

Local Law Title: Chapter 5 - Appearance Tickets for the Code of the Town of Clay. Amending Chapter 5 of the Town Code Section 5-3 correcting Chapter 81 with Chapter 80 and changing Commissioner of Planning and Development with Commissioner of Code Enforcement. and Section 5-4 changing Chapter 81 to Chapter 80. and Section 5-6 A. Replacing Commissioner of Planning and Development with Commissioner of Code Enforcement. see attached

Be it enacted by the Town Board **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☑ **Town** ☐ **Village**
(Select one)

of Clay **as follows on the attached pages:**
(Name of Local Government)

For Office Use Only

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STATE RECORDS
NOV 06 2025
DEPARTMENT OF STATE

Department of State Local Law Index Number: 10 **of the year 20** 26

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

Local Law Filing

(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 ascribed as local law number 10 of 20 26 of the (County)(City)(Town)(Village) of Town of Clay was duly passed by the Town of Clay Town Board on October 19 20 26 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, ascribed as local law number _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____ and was

(Name of Legislative Body)

(approved)(not approved)(repassed after disapproval) by the _____

(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, ascribed as local law number _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____ and was

(Name of Legislative Body)

(approved)(not approved)(repassed after disapproval) by the _____ 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, ascribed as local law number _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____ and was

(Name of Legislative Body)

(approved)(not approved)(repassed after disapproval) by the _____ on

(Elective Chief Executive Officer)*

_____ 20 _____ . Such local 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, ascribed as local law number _____ of 20_____ of the City of _____ having 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 thereto, ascribed as local law number _____ 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 the paragraph 1 above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

10/30/2026
(Date)

ALL CORRECTIONS ARE SHOWN IN RED

Chapter 5. Appearance Tickets

[HISTORY: Adopted by the Town Board of the Town of Clay 12-20-1982 by L.L. No. 4-1982. Amendments noted where applicable.]

§ 5-1. Title.

This chapter shall be known and may be cited as "Code Enforcement - Appearance Ticket Law" of the Town of Clay.

§ 5-2. Purpose.

It is hereby determined that more effective procedures will assist in the enforcement of violations of the Town of Clay Municipal Code, the New York State **Multiple Residence Law**, and other state laws made applicable by and under the Town of Clay Municipal Code. State law now permits a local law authorizing a public servant, other than a police officer, to issue and serve appearance tickets in certain cases. The interest of health and safety of the residents of the Town of Clay are best served through additional alternative enforcement procedures.

§ 5-3. Designation of enforcement officer.

As provided in **Chapter 80**, Article **III**, of the Town of Clay Municipal Code, the Commissioner of **Code Enforcement** is designated as the enforcement officer of the Town of Clay with respect to the statutes and law therein recited.

§ 5-4. Authority of enforcement officer.

With respect to the laws contained or referred to in Chapter **80**, Article **III**, of the Town of Clay Municipal Code, the enforcement officer of the Town of Clay, a public servant other than a police officer, is hereby specially authorized by this chapter, enacted pursuant to the provisions of the **Municipal Home Rule Law**, to issue and serve appearance tickets with respect to all offenses defined by such laws of less than felony grade, and he may in such cases issue and serve upon a person/persons an appearance ticket when he has reasonable cause to believe that such person/persons has committed a misdemeanor, or has committed a petty offense in his presence.

§ 5-5. Additional and alternative remedy.

The enforcement officer shall utilize the appearance ticket to enforce such offenses whenever he deems it appropriate. The use of the appearance ticket to enforce violations is an additional and alternative remedy and may be utilized notwithstanding any other provision of the Town of Clay Municipal Code, Chapter **230**, Zoning, or any other state laws as may be applicable.

§ 5-6. Procedures for issuance of appearance ticket.

A.

The Commissioner of **Code Enforcement** shall have the authority to issue an appearance ticket pursuant to § **150.20** of the Criminal Procedure Law for any violation of **New York State Uniform Fire Prevention and Building Code and the New York State Energy Conservation Construction Code, Code of the Town of Clay Code, Building Construction and** Chapter 230, Zoning, of the Town of Clay.

B.

The following shall apply upon the issuance of an appearance ticket:

(1)

An answer to such appearance ticket may be made by registered or certified mail, return receipt requested, within five days of the violation as provided in Subsection **B(2)** and **(3)** of this section in lieu of personal appearance at Justice Court on the return date at the time specified in said appearance ticket.

(2)

If a person charged with the violation admits to the violation as charged in the appearance ticket, he may complete the form attached to the appearance ticket and forward such form and appearance ticket. The Town Justice to whom the ticket has been referred shall inform the violator as to the amount of the penalty for the violation charged. A check or money order must then be submitted.

(3)

If the person charged with the violation denies part or all of the violation as charged in the appearance ticket, he may complete the form likewise prescribed for that purpose and forward such form and appearance ticket, together with security in the amount as provided in Chapter **105**, Fees, to the office specified on such appearance ticket. Upon receipt, such answer shall be entered and a new return date established by said office. Such person shall be notified by return mail of the date, time and place of such return date and the security shall be returned upon appearance thereat. If a person shall fail to appear at a return date, when such is provided for pursuant to this section, the security posted to secure such appearance shall be forfeited and a summons or a warrant of arrest may be issued pursuant to the **Criminal Procedure Law** of the State of New York.[1]