

# 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 Erie

FILED  
STATE RECORDS

DEC 09 2010

DEPARTMENT OF STATE

Local Law No. 2 of the year 2010

A local law in creating an "Erie County Silver Alert System"  
(Insert Title)

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

County  City  Town  Village  
(Select one:)

of Erie

as follows:

COUNTY OF ERIE

LOCAL LAW INTRO. NO. 5 -2010

LOCAL LAW NO. 2 -2010

A Local Law in creating an "Erie County Silver Alert System"

Be it enacted by the Legislature of the County of Erie as follows:

SECTION 1. LEGISLATIVE INTENT.

ECLEG SEP21 10 4:10:17

Seventy percent (70%) of Alzheimer's disease and other dementia patients are cared for at home by family members, in what are often extraordinary moving acts of love and devotion during the progress of the disease, which on average last between five and 15 years, and is marked by progressive symptoms that over time make the patient completely dependent on their caregivers. A common danger of this disease that causes great concern for families and caregivers is wandering, and the risk to these vulnerable individuals increases exponentially the longer they remain missing. There have been several recent incidents in which a New York State citizen diagnosed with Alzheimer's disease or other form of dementia has engaged in wandering, and the locality was not equipped with the tools necessary to locate them in a timely manner, with the unfortunate result that these individuals never return home to their families. A number of states and municipalities, as well as the federal government, have either developed or are considering a "Silver Alert" system, similar to the Amber Alert System, which allows local law enforcement to disseminate to media outlets vital information about these vulnerable citizens who have wandered from their caretakers, to aid in the search and safe return of these individuals to those responsible for them. The purpose of this local law is for Erie County, in its ongoing mission to provide essential services to protect its vulnerable population, to establish a Silver Alert System that will provide rapid dissemination of information to the public regarding missing senior citizens and other individuals suffering from Alzheimer's disease, dementia and other

cognitive disorders in an effort to expedite the search and safe recovery of those individuals.

## **SECTION 2. DEFINITIONS.**

As used in this article, the following terms to have the meanings indicated:

- A. County -- the County of Erie, New York.
- B. Silver Alert System -- a system that will provide the rapid dissemination of information regarding missing senior citizens and other individuals suffering from Alzheimer's disease, dementia or related cognitive disorders.

## **SECTION 3. PROCEDURES.**

- A. The Erie County Sheriff's Department shall establish a Silver Alert System, in cooperation with the Western New York chapter of the Alzheimer's Association, to develop guidelines and a set of procedures for issuing a Silver Alert, and maintain a database of media organizations and other outlets to be notified when a senior citizen or other individual suffering from Alzheimer's disease, dementia or other related disorders is reported missing.
- B. The Erie County Sheriff's Department will work jointly with the various town and village police departments within the County, as well as the Western New York chapter of the Alzheimer's Association where appropriate, to rapidly disseminate information regarding missing senior citizens and other individuals suffering from Alzheimer's disease, dementia or related cognitive disorders.
- C. The Erie County Sheriff's Department will issue a Silver Alert each time a senior citizen or other individual suffering from Alzheimer's disease, dementia or related cognitive disorders is:
  - 1. domiciled in Erie County;
  - 2. believed to be missing;

3. whose disappearance poses a credible threat of death or serious bodily injury to himself or herself, as determined by a local law enforcement agency; and
4. there is sufficient information available to indicate that an emergency alert would assist in locating the missing person.

Care should be taken to be reasonably certain the person reporting the missing person is not using the system to locate another for reasons other than to assure his or her safety. For example, some people may attempt to use the system to find an adult who has voluntarily and knowingly chosen to go elsewhere away from the complainant or a domestic abuser may use the system to attempt to find their spouse.

Officer(s) should be aware a missing adult has the right to self determination and the missing person or their family may object to public release of medical or other personal information. The goal of law enforcement must be the safety of the missing person based on all known facts and existing circumstances and conditions.

The Silver Alert distributed to the public shall contain the following information:

1. the missing individual's name;
2. the missing individual's age;
3. a physical description of the missing individual, including, if known, a description of the clothing the individual was last seen wearing;
4. the last location where the missing individual was seen; and
5. the description of any motor vehicle the missing person may be driving and the direction in which it was last seen traveling.

#### **SECTION 4. EFFECTIVE DATE.**

This local law shall become effective immediately upon the filing with the Secretary of State pursuant to section 27 of the Municipal Home Rule Law.

**SECTION 5. SEVERABILITY.**

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment 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 of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

**SPONSORED BY**

**LEGISLATOR EDWARD A. RATH III**

**LEGISLATOR LYNNE M. DIXON**

**LEGISLATOR JOHN J. MILLS**

**LEGISLATOR RAYMOND W. WALTER**

**LEGISLATOR DINO J. FUDOLI**

**LEGISLATOR KEVIN R. HARDWICK**

**LEGISLATOR BARBARA MILLER-WILLIAMS**

**LEGISLATOR LYNN M. MARINELLI**

(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\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, 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. <sup>2</sup> \_\_\_\_\_ of 20<sup>10</sup> of the (County)~~(City)(Town)(Village)~~ of Erie \_\_\_\_\_ was duly passed by the Erie County Legislature \_\_\_\_\_ on November 4 20<sup>10</sup>, and was (approved)~~(not approved)~~ ~~(repassed after disapproval)~~ by the Erie County Executive \_\_\_\_\_ and was deemed duly adopted on November 30 20<sup>10</sup>, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**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 disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
(Name of Legislative Body)  
(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) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 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.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\* 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 2 above.

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

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

*12/6/10*

(Seal)

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

STATE OF NEW YORK  
COUNTY OF ERIE

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

Gregory P. Kammer, Assistant Erie County Attorney

Title

County

~~XX~~ of Erie

~~XXX~~

~~XXXX~~

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

*12/6/10*

A Public Hearing was held on the foregoing Local Law Intro. No. 5-2010 on Thursday, November 4, 2010, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, CHRIS COLLINS, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 30<sup>th</sup> day of November, 2010

  
\_\_\_\_\_

A Public Hearing was held on the foregoing Local Law Intro. No. 10-2009 on Thursday, November 4, 2010, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, CHRIS COLLINS, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_