

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.

FILED
STATE RECORDS

MAY 24 2010

☐ County

☐ City of Hartsville

☒ Town

☐ Village

DEPARTMENT OF STATE

Local Law No. 1 of the year 2010

A local law to Establish Residency Requirements for the Offices of Elected Town Superintendent of Highways and Appointed Deputy Town Superintendent of Highways for the Town of Hartsville
(Insert Title)

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

☐ County

☐ City of Hartsville as follows:

☒ Town

☐ Village

Section 1. Title:

A Local Law to Establish Residency Requirements for the offices of Elected Town Superintendent of Highways and Appointed Deputy Town Superintendent of Highways for the Town of Hartsville.

Section 2. Authority:

This local law is adopted pursuant to Municipal Home Rule Law §10[1][ii][a][1] that grants to local governments the authority to enact local laws regarding the qualifications of local officers. Furthermore, this local law recognizes that the State Legislature amended Public Officers Law §3 adding a new subdivision (24) expanding the residency requirements for any appointed public office in the Town of Greenburgh, Westchester County, thereby rendering Public Officers Law a special law with respect to any appointed or elected town officer (See cf N. Y. Op. Atty. Gen. (Inf.) No. 91-37).

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

(1)

Section 3. Supersession:

This local law shall supersede Town Law §23(1) in its application to the elected office of Town Superintendent of Highways and appointed office of Deputy Town Superintendent of Highways for the Town of Hartsville.

Section 4. Residency Requirements for the position of Town Superintendent of Highways and Deputy Town Superintendent of Highways for the Town of Hartsville:

The persons holding the offices of Town Superintendent of Highways and Deputy Town Superintendent of Highways in the Town of Hartsville need not be residents nor electors of the Town of Hartsville, provided, however, that such persons shall reside in the county in which such town is located or an adjoining county within the State of New York.

Section 5. Inconsistency:

All other local laws and ordinances of the Town of Hartsville that are inconsistent with the provision of this local law are hereby repealed, provided however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws or ordinances regulating and governing such subject matter covered by this local law.

Section 6. Savings Clause:

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

Section 7. Effective Date:

This local law shall take effect immediately upon its filing in the Office of the New York State Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

(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. 1 of 2010 of the ~~(County)(City)(Town)(Village)~~ of Hartsville was duly passed by the Town Board on May 12, 2010, 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
(Elective Chief Executive Officer*)
adopted 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.

Kay Miles, Town Clerk
~~Clerk of the county legislative body, City, Town or Village Clerk or~~
~~officer designated by local legislative body~~ KAY MILES

(Seal)

Date: May 12, 2010

(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 ALLEGANY

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.

David T. Pullen
Signature **David T. Pullen**

Town Attorney
Title

County
City
of Hartsville
Town
Village

Date: May 19, 2010