

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.)

FILED
STATE RECORDS

of LEE, NEW YORK

OCT 17 2017

DEPARTMENT OF STATE

Local Law No. 1 of the year 2017

A local law to change the residency requirements for the office of Building Inspector/Codes
(Insert Title)
Enforcement Officer

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

County City Town Village
(Select one.)

of Lee, New York as follows:

SEE ATTACHED

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

LOCAL LAW NO. 1 OF 2017

A LOCAL OF THE TOWN OF LEE, NEW YORK TO CHANGE THE RESIDENCY REQUIREMENTS FOR THE OFFICE OF BUILDING INSPECTOR/CODES ENFORCEMENT OFFICER

Be it enacted by the Town Board of the Town of Lee, New York, as follows:

Section 1. Title.

This Local Law shall be known and cited as "Local Law No. 1 of 2017 to change the residency requirements for the office of Building Inspector/Codes Enforcement Officer."

Section 2. Legislative Intent.

The Town Board of the Town of Lee does desire to amend the general residency requirements provided for in Town Law Section 23, Public Officers Law Section 3 and Town Law Section 138 with respect to the office of Building Inspector/Codes Enforcement Officer.

Section 3. Authority.

This Local Law is adopted pursuant to Municipal Home Rule Law Section 10, Subdivision 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 has amended Section 3 of the Public Officers Law thereby rendering the Public Officer residency requirements contained therein a special as opposed to a general law, which act permits the Town to establish expanded residency requirements for such position.

Section 4. Eligibility of the Town of Lee.

Notwithstanding the provisions of Section 23, Subdivision 1 of the Town Law of the State of New York, Section 3, Subdivision 1 of the Public Officers Law of the State of New York, and Section 138 of the Town Law, a person holding the office of Building Inspector/Codes Enforcement Officer need not be a resident or elector of the Town of Lee, provided that such person is a resident of Oneida County or any adjoining county within the State of New York.

Section 5. Superceding Effect.

This Local Law shall supercede applicable provisions of the Town Law of the State of New York, Section 3 of the Public Officers Law of the State of New York and any other state or local laws and/or ordinances inconsistent with the provision hereof.

Section 6. Severability.

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any Court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Lee hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 7. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 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 2017 of the ~~(County)(City)(Town)(Village)~~ of Lee, New York was duly passed by the Town Board on October 10, 2017, 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 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.~~

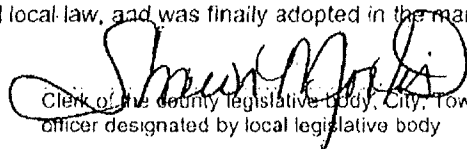
* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to 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

Date: October 10, 2017

(Seal)