

# **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.