

PROPOSED LOCAL LAW NO.5 OF THE YEAR 2023

Chapter 45 of the Town Code entitled “Residency Requirements” is hereby amended and restated to read as follows:

Chapter 45. RESIDENCY REQUIREMENTS

§ 45-1 Title.

This Law shall be known as “A Local Law to Establish the Residency Requirements for Certain Appointed Offices in the Town of Coeymans.”

§ 45-2 Legislative authority.

This local law is authorized by the Municipal Home Rule Law sections 10(1)(ii)(a)(1), which grants to local governments the authority to enact local laws regarding the qualifications of local officers. Furthermore, this article recognizes that the state legislature has amended Public Officers Law § 3 numerous times, expanding the residency requirements for appointed public offices, thereby rendering the statute a special law, not a general law.

§ 45-2 Supersession of state.

This local law shall supersede Town Law, Section 23(1) in its application to the offices of Assessor, Animal Control Officer, Building Inspector, Deputy Highway Superintendent, Deputy Town Clerk, Justice Court Clerk, and Town Attorney for the Town of Coeymans.

§ 45-3 Residency of Certain Appointed Offices.

Residency requirements for appointed positions in the Town of Coeymans: The person holding the office of Assessor, Animal Control Officer, Building Inspector, Deputy Highway Superintendent, Deputy Town Clerk, Justice Court Clerk, and Town Attorney need not be a resident nor an elector of the Town of Coeymans, provided, however, that such person shall reside in the county in which such town is located or an adjoining county within the State of New York.

§ 45-4 Severability.

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 of the clause, sentence, paragraph, worked section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 45-5 Effective date.

This Local Law shall become effective immediately upon filing with the NYS Secretary of State in conformity with NYS Municipal Home Rule Law.