

ADOPTED LOCAL LAW #1 OF 2010

Town of Brant

Proposed Local Law #1-2010

A local law to establish the residency requirements for the appointed offices of Code Enforcement Officer and Building Inspector for the Town of Brant.

Be it enacted by the Town board of the Town of Brant as follows:

Section I. A local law to establish the residency requirements for the appointed offices of Code Enforcement Officer and Building Inspector.

Section II. Authority: This local 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 town officer (See cf N.Y. Op. Atty. Gen. (Inf.) No. 91-37).

Section III. Supersession: This local law shall supersede Town law, §23(1) in its application to the offices of Code Enforcement Officer and Building Inspector for the Town of Brant.

Section IV. Residency requirements for the position of Code Enforcement Officer or Building Inspector for the Town of Brant: The person holding the office of Code Enforcement Officer or Building Inspector in the Town of Brant need not be a resident nor an elector of the Town of Brant, 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.

Section V. Inconsistency: All other local laws and ordinances in the Town of Brant that are inconsistent with the provisions of this local law are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such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 the subject matter covered by this local law.

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

Section VII. Effective Date: This local law shall take effect upon filing in the office of the Secretary of State.

