

## **LOCAL LAW NO. 8 OF 2023**

### **A LOCAL LAW TO ESTABLISH THE RESIDENCY REQUIREMENTS FOR THE APPOINTED OFFICE OF DEPUTY HIGHWAY SUPERINTENDENT OF THE TOWN OF PLATTSBURGH**

**BE IT ENACTED** by the Town Board of the Town of Plattsburgh as follows:

**SECTION I. Title:** A Local Law to establish the residency requirements for the appointed office of deputy highway superintendent for the Town of Plattsburgh.

**SECTION II. 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 town officer (See of 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 office of deputy highway superintendent for the Town of Plattsburgh.

**SECTION IV. Residency:** Residency requirements for the position of the deputy highway superintendent for the Town of Plattsburgh: The person holding the office of deputy highway superintendent in the Town of Plattsburgh need not be a resident nor an elector of the Town of Plattsburgh, provided, however, that such person shall reside in Clinton County.

**SECTION V. Inconsistency:** All other local laws and ordinances of the Town of Plattsburgh that are inconsistent with the provisions of this local law are hereby repealed; provided however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such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 law 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 judgement shall have been rendered.

**SECTION VII. Effective Date:** This local law shall take effect upon filing with the Secretary of State.