

**PROPOSED LOCAL LAW NO. \_\_\_\_ OF THE YEAR 2023**

**SECTION 1. TITLE:**

This Law shall be known as Local Law No. \_\_\_\_ of the Year 2023 entitled “A LOCAL LAW TO ESTABLISH THE RESIDENCY REQUIREMENTS FOR CERTAIN APPOINTED OFFICES FOR THE TOWN OF WESTERLO”.

**SECTION 2. LEGISLATIVE AUTHORIZATION:**

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.

**SECTION 3. SUPERCESSION:**

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

**SECTION 4. RESIDENCY:**

Residency requirements for appointed positions in the Town of Westerlo: The person holding the office of Town Court Clerk, Building Inspector, Town Attorney, Assessor, Dog Control Officer, Deputy Highway Superintendent, and Deputy Town Clerk for the Town of Westerlo need not be a resident nor an elector of the Town of Westerlo, 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 5. INCONSISTENCY:**

If any clause, sentence, paragraph, section, article, chapter or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 6. 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.

**SECTION 7. 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.