

Town of Ulysses – DRAFT Local Law No. ___ of 2022

There is added to the Code of the Town of Ulysses a new provision, being Part I, Chapter 36, Article II, as follows:

Section 36-6. Title. Residency Requirements of Appointive Town Officers.

Section 36-7. Authority. This local law is adopted pursuant to Municipal Home Rule Law § 10[1][iii][a][1] that grants to local governments the authority to enact local laws regarding the qualifications of local officers, and to the extent that this chapter supersedes the provisions of Town Law, pursuant to Municipal Home Rule Law § 10 (1)(ii)(d)(3). 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 the Town of Greenburgh and County of Westchester so as to permit a person residing anywhere in the State of New York to hold any appointed public office, and numerous other exceptions to the residency requirement, thereby rendering Public Officers Law § 3 a special law with respect to any appointed town officer (see, NYS Attorney General Informal Opinion No. 95-5 dated February 2, 1995, and In re Ricket v. Mahan et al, 97 AD3d 1062 (3rd Dep't, 2012).

Section 36-7. Supersession. This local law shall supersede Town Law § 23(1) in its application to any appointment to public office in the Town of Ulysses.

Section 36-8. Residency Requirements for Appointed Public Officers. The person holding any the appointive office of Deputy Clerk, Deputy Highway Superintendent, or Second Deputy Supervisor in the Town of Ulysses need not be a resident of nor an elector of the Town of Ulysses, provided, however, that such person shall reside in Tompkins County, or in any other town within or without the County of Tompkins that is contiguous to the Town of Ulysses.

Section 36-8. Inconsistencies. All other laws and ordinances of the Town of Ulysses that are inconsistent with the provisions of this local law are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such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 36-9. Savings Clause. If any clause, sentence, paragraph, word, section or part of this local law shall be adjudicated 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 to the clause, sentence paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 36-10. Effective Date. This local law shall take effect immediately upon its filing with the Secretary of State.