

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

Town

Village

of SHAWANGUNK

Local Law No. 2 of the year 2010

A local law ESTABLISHING THE RESIDENCY REQUIREMENTS FOR THE OFFICE  
(Insert Title)  
OF THE DEPUTY HIGHWAY SUPERINTENDENT

Be it enacted by the TOWN BOARD of the  
(Name of Legislative Body)

County

City

Town

Village

of SHAWANGUNK as follows:

Be it enacted by the Town Board of the Town of Shawangunk as follows:

## Section I. Title.

A local law to establish the residency requirements for the appointed office of Deputy Highway Superintendent.

## Section II. Authority.

This local law is adopted pursuant to the New York State Constitution, including Article IX Section 2 and the Municipal Home Rule Law, § 10[1][ii][a][1] a provision that grants

(If additional space is needed, attach pages the same size as this sheet, and number each.)

to local governments the authority to enact local laws regarding the qualifications of local officers. Furthermore, this local law recognizes that in many instances the State Legislature has amended the Public Officers Law Section §3 and the Town Law Section 23 by adding new subdivisions expanding the residency requirements for various appointed public office holders in various jurisdictions throughout New York State, thereby rendering Section 3 of the Public Officers Law and Section 23 of the Town Law special laws with respect to any appointed town officer.

Section III. Supersession.

This local law shall supersede Town law, Section 23(1) last amended by Chapter 375 of the Laws of 2009 and Public Officers Law Section 3 (1) last amended by Chapter 375 of the Laws of 2009 in respect of the residency requirement for the office of Deputy Highway Superintendent for the Town of Shawangunk.

Section IV. Residency requirements for the position of the Deputy Highway Superintendent for the Town of Shawangunk.

The person holding the office of Deputy Highway Superintendent in the Town of Shawangunk need not be a resident nor an elector of the Town of Shawangunk, provided, however, that such person shall reside in the county in which such town is located or in an adjoining county to the county in which such Town is located within the State of New York.

Section V. Inconsistency.

All other local laws and ordinances of the Town of Shawangunk 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.

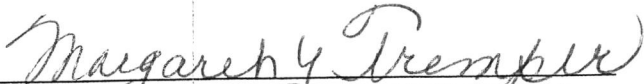
Section VII. Effective Date.

This local law shall take effect immediately upon publication and filing with the Secretary of State in accordance with the Municipal Home Rule Law of the State of New York.

BE IT ENACTED THIS 2nd DAY OF September, 2010 BY THE TOWN BOARD OF THE TOWN OF SHAWANGUNK, COUNTY OF ULSTER, STATE OF NEW YORK.

JOHN VALK, JR., SUPERVISOR  
ADRIAN M. DEWITT, COUNCILMAN

ROBERT T. MILLER, COUNCILMAN  
BRIAN AMTHOR, COUNCILMAN  
MATTHEW WATKINS, COUNCILMAN

  
MARGARET Y. TREMPER, TOWN CLERK  
TOWN OF SHAWANGUNK

ATTEST:

TOWN SEAL:

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2010 of the ~~(County)~~(City)(Town)(Village) of SHAWANGUNK was duly passed by the TOWN BOARD on Sept. 2, 2010, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_; and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.

Margaret Y. Tremper  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body MARGARET Y. TREMPER

Date: Sept 3, 2010

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF ORANGE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Richard W. Hoyt  
Signature RICHARD W. HOYT, ESQ.

TOWN ATTORNEY  
Title

County  
City of SHAWANGUNK  
Town  
Village

Date: September 3, 2010