

Local Law Filing

(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
(Select one:)

of Nyack

Local Law No. 7 of the year 2024

A local law Amending Sect. 79-2 of Chapter 79 of the Code of the Village of Nyack, so as to Expand
(Insert Title)
the Localities of Residency for the Village Clerk and Deputy Village Clerk; and to Repeal
the Village Board of Trustee's Resolution that Combined the Positions of Village Clerk and
Village Treasurer, and Deputy Village Clerk and Deputy Village Treasurer

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Nyack as follows:

- SEE ATTACHED -

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

(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. 7 of 2024 of the (County)(City)(Town)(Village) of Nyack was duly passed by the Board of Trustees on June 27 2024, 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____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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.

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.)

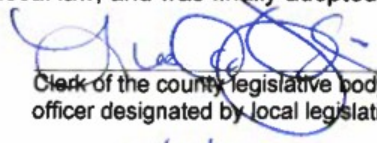
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 7/1/24

(Seal)

**LOCAL LAW NO. 7, 2024
OF THE VILLAGE OF NYACK**

A LOCAL LAW AMENDING §79-2 OF CHAPTER 79 (RESIDENCY REQUIREMENTS) OF THE CODE OF THE VILLAGE OF NYACK, SO AS TO EXPAND THE LOCALITIES OF RESIDENCY FOR THE VILLAGE CLERK AND DEPUTY VILLAGE CLERK; AND TO REPEAL THE VILLAGE BOARD OF TRUSTEES'S RESOLUTIONS THAT COMBINED THE POSITIONS OF VILLAGE CLERK AND VILLAGE TREASURER, AND DEPUTY VILLAGE CLERK AND DEPUTY VILLAGE TREASURER.

Be it enacted by the Board of Trustees of the Village of Nyack as follows:

Section 1 - Legislative Authority, and Supersession:

This Local Law is adopted pursuant to, and in accordance with the procedures prescribed in: (a) New York State ("NYS") Village Law §21-2100; (b) §10(1)(ii)(a)(1), and §20, of NYS Municipal Home Rule Law, which §10(1)(ii)(a)(1) grants to local governments the authority to enact local laws regarding the qualifications of local officers which are not inconsistent with general NYS statutes; and (c) NYS Village Law §3-300(2), which empowers the board of trustees of a village to adopt a local law allowing "any appointed village officer" to "reside within a county in which the village is wholly or partially situated." Additionally, by virtue of the NYS Legislature amending NYS Public Officers Law ("POL") §3, which added a new paragraph "24" exempting any appointed public officer of the Town of Greenburgh from POL §3's statutorily required residency requirements, allowing the appointed public officer to reside anywhere in the State of New York, POL §3 has thereby been rendered, in its coverage of appointed public officers, a special rather than a general law, since, in establishing different residency requirements for appointed public officers in the Town of Greenburgh, it did not, in terms and in effect, apply alike to all municipalities of the State.

This Local Law shall supersede NYS Public Officers Law §3, and invokes the powers of NYS Village Law §3-300(2) and §3-301(1) & (2), in its application to the Village of Nyack for the positions of Village Clerk, and Deputy Village Clerk.

Section 2 – Section 79-2 (Residence within county required), of the Code of the Village of Nyack, is amended to read as follows:

§79-2. Residence within certain counties required.

A. Upon the effective date of the enactment of this Local Law, the following Resolutions of the Village Board of Trustees shall automatically be deemed repealed:

- (1). Resolution No. 2024-65, adopted on April 25, 2024, which Resolution, in summary, consolidated (combined) the positions of Village Clerk and Village Treasurer into, and created, the single position of Village Clerk-Treasurer; and consolidated (combined) the positions of Deputy Village Clerk and Deputy Village Treasurer into, and created, the single position of Deputy Village Clerk-Treasurer.

- (2). Resolution No. 2024-66, adopted on April 25, 2024, which Resolution, in summary, created and established a second position of Deputy Village Clerk-Treasurer.
 - (3). Resolution No. 2024-67, adopted on April 25, 2024, which Resolution, in summary, allowed the person that holds the office of Village Clerk-Treasurer, and the person that holds the office of Deputy Village Clerk-Treasurer, to not be a resident, nor an elector, of the Village of Nyack, so long as such person resides in, and is an elector of, certain other counties in New York State.
- B.** Notwithstanding the provisions of any NYS general law to the contrary, and in accordance with NYS Village Law §3-300, the person holding the office of Village Clerk, and the person holding the office of Deputy Village Clerk, need not be a resident, nor an elector, of the Village of Nyack; provided, however, that such persons shall reside in, and be an elector of, the County of Rockland, the County of Westchester, the County of Orange, the County of Putnam, or the County of Dutchess, in the State of New York.

Section 3 – Severability

If any part or provision of this Local Law, or the application thereof to any person or circumstance, is adjudged invalid or unconstitutional by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law, or the application thereof to other persons or circumstances. The Village Board of Trustees hereby declares that it would have enacted the remainder of this Local Law even without any such invalid or unconstitutional part, provision or application.

Section 4 – Effective Date

This Local Law shall take effect immediately upon filing a copy with the NYS Secretary of State in the manner prescribed by NYS Municipal Home Rule Law §27.