

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:)

FILED
STATE RECORDS

FEB 26 2024

of Van Buren

Local Law No. 2 of the year 2024

DEPARTMENT OF STATE

A Local Law Establishing residency requirements for the appointed position of Town Historian for the Town of Van Buren

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

County City Town Village
(Select one:)

of Van Buren

as follows:

**TOWN OF VANBUREN
LOCAL LAW 2-2024**

**A LOCAL LAW AMENDING CHAPTER 58 OF
THE TOWN CODE OF THE TOWN OF VAN BUREN, TITLED
"RESIDENCY REQUIREMENTS," WITH RESPECT TO THE POSITION OF
TOWN HISTORIAN**

BE IT ENACTED by the Town Board of the Town of Van Buren that this Local Law amends Chapter 58 of the Code of the Town of Van Buren, as follows:

SECTION 1. LEGISLATIVE PURPOSE AND INTENT.

The Town Board of the Town of Van Buren adopts this Local Law to establish residency requirements for the appointed position of Town Historian of the Town of Van Buren.

SECTION 2. AUTHORITY.

This local law is enacted pursuant to the New York State Constitution and New York 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 previously amended Public Officers Law Article 2, § 3 expanding the residency requirements for any appointed public office, thereby rendering Public Officers Law a special law with respect to any appointed town officer (*see* cf N.Y. Op. Atty. Gen (Inf.) No. 2000-5).

SECTION 3. SUPERCESSION.

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

This Local Law shall supersede Town Law § 23(1) in its application to the office of Historian for the Town of Van Buren.

SECTION 4. **AMENDMENT OF CHAPTER 58 OF THE TOWN OF VAN BUREN TOWN CODE, TITLED "RESIDENCY REQUIREMENTS," TO ESTABLISH A NEW ARTICLE 2, SECTION 58-7 REGARDING THE RESIDENCY REQUIREMENTS FOR THE TOWN HISTORIAN.**

So that a new Article 2, titled "Town Officers," with a new Section 58-7, titled "Residency, Town Historian," of the Town of Van Buren Town Code is shall hereby read, in its entirety, as follows:

"Section 58-7 Residency, Town Historian.

The person holding the office of Town Historian for the Town of Van Buren need not be a resident or elector of the Town of Van Buren provided, however, that such person shall reside in the County of Onondaga or an adjoining county with the State of New York."

SECTION 5. **INCONSISTENCY.**

All other local laws and ordinances of the Town of Van Buren that are inconsistent with the provision 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 6. **SEVERABILITY.**

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

SECTION 7. **EFFECTIVE DATE.**

This Local Law shall be effective upon filing with the office of the Secretary of State.

(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 2024 of the Town of Van Buren was duly passed by the Town Board on February 21, 2024, in accordance with the applicable provisions of law.

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 Town of Van Buren was duly passed by the Town Board on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the Town Board and was deemed duly adopted on _____, 20__, in accordance with the applicable provisions of law.~~

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

~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the Town of Van Buren was duly passed by the Town Board on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the Town Board 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.~~

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 Town of Van Buren was duly passed by the Town Board on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the Town Board 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.~~

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

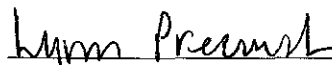
~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36/37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 1 above.



Hon. Lynn Precourt, Town Clerk
Town of Van Buren

(Seal)

Date: February 22, 2024