

LOCAL LAW 10 OF 2024

A LOCAL AMENDING CHAPTER 63 OF THE CODE OF THE VILLAGE OF WALDEN ENTITLED “OFFICERS AND EMPLOYEES” TO THE EXTENT OF AMENDING SECTION 63-1 (ELIGIBILITY FOR OFFICE: RESIDENCE).

BE IT ENACTED by the Village Board of the Village of Walden as follows:

SECTION 1 - TITLE

A Local Law amending Chapter 63 of the Code of the Village of Walden entitled “Officers and Employees” to the extent of amending Section 63-1 (Eligibility for Office; Residence).

SECTION 2 – PURPOSE & INTENT

The purpose of this Local Law is to expand the geographic area within which appointees to certain Village offices may reside and remain eligible for appointment to office. This expanded geographic area is authorized by State Law and will allow the Village the ability to select qualified candidates for appointment from a larger talent pool.

SECTION 3 – AMENDMENT TO TEXT OF CODE SECTION 63-1.

Existing Code Section 63-1 is hereby repealed and replaced with the following:

- A. The Village provides, by this Section, that any person shall be eligible to be appointed to be an officer of the Village provided such person is a citizen of the United States; is at least 18 years of age; maintains a residence in and is a resident of the County of Orange and, provided further, that if eligibility for holding of such office is subject to regulation under Civil Service Law, or any other law, that the person meets the requirements of such law or laws.
- B. The Village further provides, by this Section, that any person eligible to be appointed Police Chief of the Village shall be a citizen of the United States, shall be at least 18 years of age; maintains a residence in and is a resident of the County of Orange and, provided further, that if eligibility for holding of such position is subject to regulation under Civil Service Law, or any other law, that the person meets the requirements of such law or laws.

- C. This Section shall not apply to the position of Mayor, Trustee or member of the Planning Board, Zoning Board of Appeals and Village Manager all of which positions shall be filled by persons who are citizens of the United States; over the age of 18 years; who maintain a residence in and are residents of the Village of Walden.
- D. For purposes of this Section, the term “residence” and “resident” shall be defined as follows:
- a. **Residence:** The place where a person resides and maintains a fixed, permanent and principal home for at least 183 days of each calendar year and to which that person, wherever temporarily located, always intends to return.
 - b. **Resident:** The person who physically occupies and lives in the residence as that term is defined herein.

SECTION 4 - VALIDITY

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 to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5 - SUPERCEDEANCE

This local law is enacted pursuant to the authority of subparagraphs (a)(11), (a)(12) and (d)(3) of § 10 (1)(ii) of the Municipal Home Rule Law and § 22 of the Municipal Home Rule Law is inconsistent with this local law, it is the express intent of the Village Board to supersede such statutes.

SECTION 5- EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.