

New York State Department of State Division of
Corporations, State Records and Uniform
Commercial Code
One Commerce Plaza, 99 Washington Ave
Albany, New York 12231-0001

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 underling to indicate a new matter.

Town of Wayland

Local Law No. 1 of the year 2023

A Local Law to Expand the Geographic Residency Requirement for Deputy Highway Superintendent”

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

*See attached for the complete text of the local law

(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. 1 of 2023** of the **Town of Wayland** was duly passed by the Town Board on _____ 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 (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative body) on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) 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 (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative body) on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) 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 (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative body) on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) 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.

* 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.

1. (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.

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

(Seal)

Date:

Local Law 1 of 2023
A Local Law to Expand the Geographic Residency Requirement for Deputy Highway Superintendent

Be it enacted by the Town Board of the Town of Wayland, New York, as follows:

Section 1. Title.

This local law shall be referred to as “Local Law to Expand the Geographic Residency Requirement for Deputy Highway Superintendent.”

Section 2. Purpose and Supersession.

The purpose of this local law is to supersede certain residency requirements of the Public Officers Law § 3, Town Law § 23(1), and other laws of the State of New York with respect to their application to the office of the Deputy Highway Superintendent of the Town of Wayland (hereinafter, the “Town”).

Section 3. Authority.

This local law is adopted pursuant to Municipal Home Rule Law § 10(1)(i) and 10(1)(ii)(a)(1) which grants local governments the authority to enact local laws pertaining to the qualifications of local officers. The Town Board also recognizes that the State Legislature has amended Public Officers Law § 3 and Town Law § 23 to create exemptions to the residency requirements concerning certain town highway superintendents, thereby rendering both laws special laws which may be amended through the adoption of a local law.

Section 4. Residency Requirement for Town of Wayland Deputy Highway Superintendent.

The Deputy Highway Superintendent of the Town need not be a resident or elector of the Town, provided, however, that such person, if not a resident of the Town, shall reside in Steuben County or an adjoining county within the State of New York.

Section 5. Miscellaneous.

To the extent any portion of this local law directly conflicts with any prior local law passed by the Town, the provisions of this local law [1] of 2023 shall apply.

Section 6 . Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 7. Effective Date.

This local law shall be effective immediately upon filing with the Secretary of State.