

*Local Law Filing*

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.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**

OCT 24 2013

**County**

**City of**

**Village**

Town of Moira

**Local Law No. 1 of the year 2013**

MISCELLANEOUS  
& STATE RECORDS

**A local law** for the Town of Moira to establish the residency requirements for the Town's Code

Enforcement Officer.

**Be it enacted by the**

**Town Board**

**of the**

*(Name of Legislative Body)*

**County**

**City of**

**Town of**

**Village**

**Moira**

**as follows:**

See Attached Exhibit A

**(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 2013 of the ~~(County)~~(City)(Town)(Village) of Moira was duly passed by the Town Board on October 8, 2013 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 \_\_\_\_\_ 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.~~

**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) 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.~~

\* 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.)**

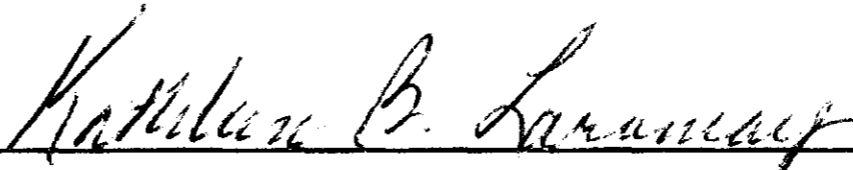
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ 20\_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of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

  
\_\_\_\_\_  
Kathleen B. Laramay, Town of Moira Town Clerk  
10-8-2013

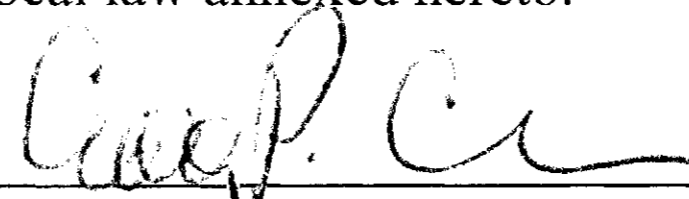
(Seal)

Date:

**(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 FRANKLIN

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.

  
\_\_\_\_\_  
Signature Craig P. Carriero  
\_\_\_\_\_  
Title Attorney for the Town of Moira

County, City of \_\_\_\_\_  
Town Village \_\_\_\_\_ Moira  
\_\_\_\_\_  
10/3/2013  
Date:

**EXHIBIT A**

**TOWN OF MOIRA  
LOCAL LAW # 1 OF THE YEAR 2013**

A Local Law to establish the residency requirements the Code Enforcement Officer for the Town of Moira.

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF  
MOIRA, STATE OF NEW YORK, AS FOLLOWS:**

**SECTION 1 Title:**

A Local Law to establish the residency requirements for the Code Enforcement Officer for the Town of Moira.

**SECTION 2 Authority:**

This Local Law is adopted pursuant to Municipal Home Rule Law, Section 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 amended Public Officers Law, Section 3, adding a new subsection (Section 24) expanding the residency requirements for any appointed public office in the Town of Greenburgh Westchester County, thereby rendering Public Officers Law a special law with respect to any appointed town officer (See C.F. N.Y. Op. Atty. Gen. (inf.) No. 91-37).

**SECTION 3 Supersession:**

This Local Law shall supersede Town Law, Section 23 (1) in its application to the Code Enforcement Officer for the Town of Moira, which is an appointed position.

**SECTION 4 Residency requirements for the Code Enforcement Officer for the Town of Moira:**

The Code Enforcement Officer for the Town of Moira need not be a resident nor an elector of the Town of Moira, provided, however, that such person shall reside in Franklin County or an adjoining county within the State of New York.

**SECTION 5 Inconsistency:**

All other Local Laws and ordinances of the Town of Moira 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 6 Severability:**

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered

**SECTION 7 Repeal:**

All ordinances, local laws, and regulations inconsistent with this Local Law are hereby repealed.

**SECTION 8 Effective Date:**

This Local Law shall become effective immediately upon filing with the State of New York Secretary of State.