

Town of Ballston
Local Law No. 2 of the year 2017

A local law to establish the residency requirements for the appointed office of Building Inspector and Code Enforcement Officer for the Town of Ballston.

Be it enacted by the town board of the Town of Ballston as follows:

Section I. Title: A local law to establish the residency requirements for the appointed office of Building Inspector and Code Enforcement Officer.

Section II. Authority: This local law is adopted pursuant to 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 amended Public Officers Law, §3 adding a new subdivision (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 cf N.Y. Op. Atty. Gen. (Inf.) No. 91-37).

Section III. Supersession: This local law shall supersede New York State Town law, §23(1) and the Public Officers Law §3(1) in its application to the office of Building Inspector and Code Enforcement Officer for the Town of Ballston.

Section IV. Residency requirements for the position of the Building Inspector and Code Enforcement Officer for the Town of Ballston: The person holding the office of Building Inspector and Code Enforcement Officer in the Town of Ballston need not be a resident nor an elector of the Town of Ballston, provided, however, that such person shall reside in the county in which such town is located or an adjoining county within the State of New York.

Section V. Inconsistency: All other local laws and ordinances of the Town of Ballston that are inconsistent with the provisions of this local law are hereby repealed; provided however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such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 VI. Savings Clause: 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 of the clause, sentence, paragraph, worked section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section VII. Effective Date: This local law shall take effect immediately.