

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:)

of CANANDAIGUA

Local Law No. _____ of the year 20 17

A local law TO AMEND TOWN CODE CHAPTER 60 RELATING TO RESIDENCY REQUIREMENTS
(Insert Title)
FOR THE POSITION OF TOWN MANAGER AND TO ADD THE DEFINITION OF TOWN
MANAGER TO TOWN CODE SECTION 1-16.

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of CANANDAIGUA as follows:

SEE ATTACHMENT "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. _____ of 20¹⁷ of the (County)(City)(Town)(Village) of CANANDAIGUA was duly passed by the TOWN BOARD on _____ 20¹⁷, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* 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.

(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 _____ above.

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

Date: _____

(Seal)

TOWN OF CANANDAIGUA
LOCAL LAW # __ OF 2017

ATTACHMENT "A"

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

SECTION ONE. Authority. This Local Law is enacted pursuant to the authority of the Municipal Home Rule Law authorizing Towns to adopt a Local Law which may amend or supersede any provision of the Town Law in relation to its own property, affairs, or government or in relation to any of the other enumerated subject matters in Law, unless there is a specific State legislative restriction on such amendment or supersession.

SECTION TWO. Supersession of State Law. The Town Board of the Town of Canandaigua hereby supersedes the provisions of New York State Public Officers Law § 3(1) and New York State Town Law § 23 for purposes of the residency requirements for the Town Manager of the Town of Canandaigua.

SECTION THREE. A new Article shall be added to Town Code Chapter 60. Said new Article shall immediately follow Article II (Code Enforcement Officer). Said new Article shall be known as "Article III: Town Manager" and shall include a new section 60-3. The text of the new § 60-3 shall be as follows:

In the Town of Canandaigua, Ontario County, the provisions of Public Officers Law § 3(1), and Town Law § 23 requiring a person to be a resident or elector of the Town of Canandaigua is hereby superseded and shall not prevent a person from holding the office of Town Manager in the Town of Canandaigua, provided that such person shall reside in the County of Ontario or an adjoining county thereof or relocate to the same within 180 days of his or her appointment.

SECTION FOUR. The following definition shall be added to Town Code § 1-16:

TOWN MANAGER. The official appointed by the Town Board to serve as chief administrative officer of the Town of Canandaigua pursuant to Chapter 58 of the Canandaigua Town Code.

SECTION FIVE. Severability. The provisions of this Local Law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this Local Law.

SECTION SIX. Effective Date. This Local Law shall take effect immediately upon its filing with the New York State Secretary of State.