

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 DEERPARK

Local Law No. 1 of the year 2018

A local law EXPANDING THE RESIDENCY REQUIREMENTS FOR THE APPOINTED OFFICE
(Insert Title)
OF TOWN BUILDING INSPECTOR IN THE TOWN OF DEERPARK, COUNTY OF
ORANGE, STATE OF NEW YORK

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

County City Town Village
(Select one:)

of DEERPARK as follows:

(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 2018 of the ~~(County)(City)(Town)(Village)~~ of DEERPARK was duly passed by the TOWN BOARD on JANUARY 3, 2018, 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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

* 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.)

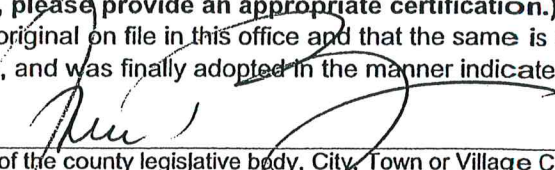
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of
the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of
Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors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

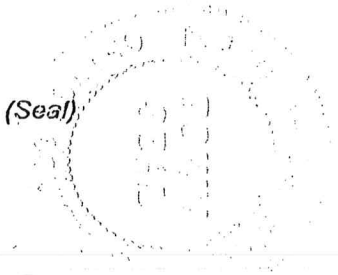
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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.



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

Date: 11/3/2018



LOCAL LAW NO. 1 OF 2018
TOWN OF DEERPARK, ORANGE COUNTY STATE OF NEW YORK

A LOCAL LAW
EXPANDING THE RESIDENCY REQUIREMENTS
FOR THE APPOINTED OFFICE
OF TOWN BUILDING INSPECTOR
IN THE TOWN OF DEERPARK,
COUNTY OF ORANGE, STATE OF NEW YORK.

Section 1. This law shall be known as the Building Inspector Residency Law of the Town of Deerpark of 2018.

Section 2. Findings

A. The Town of Deerpark had previously appointed Robert Emerson as Building Inspector and Code Enforcement Officer of and for the Town of Deerpark, County of Orange, State of New York. This appointment continued through Mr. Emerson's employment by Fusco Engineering, Town Engineer of the Town of Deerpark, County of Orange, State of New York.

B. Robert Emerson is now deceased.

C. New York State has determined that a Town Building Inspector (a/k/a Code Enforcement Officer) is a public officer.

D. As a Public Officer, an individual appointed to the Office of Town Building Inspector (a/k/a Code Enforcement Officer) must be a Town Elector of the town in which he or she is appointed.

E. A Town Elector must be an individual, at least Eighteen (18) years of age, a Citizen of the United States, and a Town Resident.

F. New York State Law has been interpreted to mean that "[i]n the absence of express statutory authorization, the governing body of a municipal corporation may contract with private parties for the performance of only those of its functions which may properly be characterized as ministerial. A municipal corporation may not contract with a private party for services involving the performance of its police powers or other discretionary functions." As a result, the governing board has no authority to contract with a private party for the performance of building inspector's discretionary duties.

G. New York State regulations further expressly provide that "[n]o agreement shall be made by which building permits, certificates, orders or appearance tickets related to administration and enforcement of the Uniform Code are issued by other than public officers."

H. Consistent with the above regulations, a town board may contract with a consultant to assist the town appointed Building Inspector in the performance of his or her statutory duties as long as the appointed Building Inspector (a/k/a Code Enforcement Officer) retains control over the discretionary duties including but not limited to the issuance of building permits, certificates, orders or appearance tickets.

I. The Town of Deerpark is desirous of hiring a particular individual(s) to the position of Building Inspector, (a/k/a

Code Enforcement Officer); however the desired individuals are not electors of the Town of Deerpark, County of Orange, State of New York.

Section 3. The Town Board of the Town of Deerpark, County of Orange, State of New York hereby waives the residency requirement set forth above requiring the Building Inspector (a/k/a Code Enforcement Officer) be an elector of the Town of Deerpark, County of Orange, State of New York.

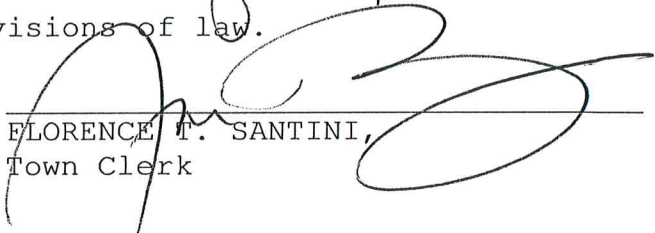
The Town Board of the Town of Deerpark hereby establishes that the requirements for Building Inspector (a/k/a Code Enforcement Officer) shall no longer require residency within the Town of Deerpark, County of Orange, State of New York. All other requirements, including but not limited to being an individual at least Eighteen (18) years of age, a Citizen of the United States, and holding all necessary and proper certifications, shall continue to be required of any individual seeking appointment as Building Inspector (a/k/a Code Enforcement Officer) of and for the Town of Deerpark, County of Orange, State of New York.

Section 4. Effective date. This local law shall take effect immediately upon filing with the Secretary of State.

PLEASE TAKE NOTICE TO THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE TOWN LAW OF THE STATE OF NEW YORK, IT IS THE STATED INTENTION OF THE TOWN TO EXERCISE ITS AUTHORITY TO SUPERSEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, SECTION 10. THE TOWN HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS AUTHORITY TO SUPERSEDE AND AMEND PURSUANT TO MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK SECTION 22.

NOTICE OF ADOPTION OF LOCAL LAW

PLEASE TAKE NOTICE that the Local Law, annexed hereto, designated as Local Law #2 of the year 2018 for the Town of Deerpark, Orange County, New York, entitled "A Local Law Expanding the Residency Requirements for the Appointed Office of Town Building Inspector in the Town of Deerpark, County of Orange, State of New York" was duly passed by the Town Board on the 3rd day of January, 2018, in accordance with the applicable provisions of law.



FLORENCE T. SANTINI,
Town Clerk

DATED: 1/3/2018, 2018

NOTICE OF PUBLIC HEARING

TOWN OF DEERPARK
COUNTY OF ORANGE
STATE OF NEW YORK

PUBLIC NOTICE is hereby given that there has been presented to the Town Board of the Town of Deerpark, Orange County, New York, on the 4th day of December, 2017, a proposed Local Law #2 of the Year 2018, entitled "A Local Law Expanding the Residency Requirements for the Appointed Office of Town Building Inspector in the Town of Deerpark, County of Orange, State of New York".

The full text is on file for public review at the Office of the Town Clerk, Route 209, Huguenot, New York, during regular business hours.

THEREFORE, pursuant to the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Deerpark will hold a public hearing on the aforesaid proposed Local Law in the Town Hall, Route 209, Huguenot, New York, at 7:15 p.m. on the 3rd day of January, 2018, at which time all interested persons will be heard.

DATED: December 4, 2018

BY ORDER OF THE TOWN BOARD

FLORENCE T. SANTINI, Town Clerk

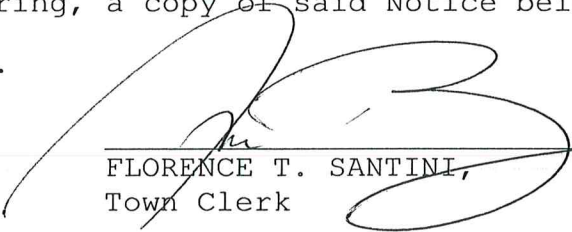
AFFIDAVIT OF POSTING OF NOTICE OF PUBLIC HEARING

STATE OF NEW YORK)
) ss:
COUNTY OF ORANGE)

FLORENCE T. SANTINI, being duly sworn, deposes and says:

1. I am the duly elected and acting Clerk of the Town of Deerpark, Orange County, New York.

2. On the 6th day of December, 2017, in two public places within the Town of Deerpark, Orange County, New York, I conspicuously posted a Notice of Public Hearing, a copy of said Notice being annexed hereby and made a part hereof.



FLORENCE T. SANTINI,
Town Clerk

Sworn to before me this
_____ day of _____, 2017.

NOTARY PUBLIC