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VILLAGE OF UPPER NYACK
Local Law #___ of 2023

Be it enacted by the Board of Trustees of the Village of Upper Nyack as follows:

ARTICLE 1. TITLE

A local law amending residency requirements for certain appointed public officers in the Village of Upper Nyack.

ARTICLE 2. PURPOSE AND AUTHORITY

This local law is adopted pursuant to New York Municipal Home Rule Law §10(1)(ii)(a)(1), which expressly authorizes the Village Board of Trustees to adopt and amend local laws that relate to the qualifications of Village officers and employees which are not inconsistent with the state's constitution or any general state law, and New York Village Law § 3-300[2] which permits the Village Board of Trustees to provide, in lieu of any other residency requirement imposed by law, that any appointed village officer may reside within a county in which the village is wholly or partially situated. This local law is intended to amend and relax the residency requirements of New York Public Officers Law §§3(1) and 30(1)[d] and New York Village Law § 3-300[2], by allowing non-residents of the Village of Upper Nyack to serve as certain appointed public officers of the Village, provided that they reside in Rockland County.

ARTICLE 3. RESIDENCY REQUIREMENTS

3.1 Any person holding an appointed public office within the Village of Upper Nyack, other than those offices set forth in New York Village Law § 3-300[1], need not be a resident of the Village of Upper Nyack, provided, however, that such person shall reside within the State of New York, County of Rockland.

3.2 This Local Law shall not modify, change or otherwise affect the requirements of Village Law § 3-300[1], which provides that "In addition to any other legal requirements or prohibitions, no person shall be eligible to be elected or appointed as mayor, trustee or member of any board or commission, and, no person, if elected or appointed to such office, shall be eligible to continue to serve therein, who is not a citizen of the United States of America, at least eighteen years of age, and a resident of the village."

3.3 This Local Law shall not modify, change or otherwise affect New York Public Officers Law §3(71) relating to residency requirements for the Village of Upper Nyack Assessor.

ARTICLE 4. SEPARABILITY

Should any section, sentence or provision of this local law be determined by any court of competent jurisdiction to be unconstitutional or invalid in any way, such determination shall not affect the validity of this local law as a whole or any part thereof other than the part expressly so determined to be unconstitutional or invalid.

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ARTICLE 5. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

LL__ Of 2023 Residency