

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 Eaton

Local Law No. 3 of the year 2025

A Local Law Amending Chapter 25 of the Town of Eaton Code to eliminate residency requirements for certain non-elected officials

Be it enacted by the Town Board of the
(Name of Legislative Body)

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

of Eaton as follows:

TOWN OF EATON LOCAL LAW NO. 3 OF 2025

A LOCAL LAW AMENDING CHAPTER 25 OF THE TOWN OF EATON CODE TO ELIMINATE RESIDENCY REQUIREMENTS FOR CERTAIN NON-ELECTED OFFICIALS

Be it enacted by the Town of Eaton Town Board, as follows:

Section 1. Authority

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10(1)(ii)(a)(1) that grants local governments the authority to enact local laws regarding the qualifications of local officers. Furthermore, this Local Law recognizes that the State Legislature previously amended Public Officers Article 2, §3 expanding the residency requirements for any appointed public office, thereby rendering Public Officers Law a special law with respect to any appointed town officer (*see cf* N.Y. Op. Atty. Gen (Inf.) No 2000-5).

Section 2.

This Local Law shall supersede Town Law §23(1) and Public Officers Law §3(1).

Section 3.

This Local Law shall repeal Section 25-2 of the Town of Eaton Code, titled "Purpose," in its entirety and shall replace it with the following:

"§25-2 Purpose.

In order to permit the Town of Eaton to secure qualified personnel to enforce and administer the New York State Uniform Fire Prevention and Building Code, the Town's Land Use Regulations and other local laws of the Town of Eaton, it is deemed advantageous by the Town Board of the Town of Eaton to enact a local law superseding the requirement in Town Law §23 and Public Officers Law §§3 and 30 that certain appointed Town officials be a resident of the Town of Eaton."

Section 4.

This Local Law shall repeal Section 25-3 of the Town of Eaton Code, titled "Eligibility of Code Enforcement Officer," in its entirety and shall replace it with the following:

"§25-3 Eligibility of Non-Elected Officials.

- a. Person(s) holding certain non-elected positions in the Town of Eaton, at the time of his/her appointment and throughout his/her term of office, need not be a resident or elector of the Town of Eaton; provided, however, that such person(s) shall reside in the County of Madison, State of New York.
- b. This provision shall apply to the following non-elected positions: Deputy Town Clerk, Code Enforcement Officer/Building Safety Inspector, Deputy Codes Enforcement Officer, Dog Control Officer, Court Clerk, Planning/Zoning Clerk, Secretary to the Supervisor, and Highway Workers."

Section 5. Validity and Severability.

If any clause, sentence, paragraph, section, or part of this Local Law is declared by a 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 said clause, sentence, paragraph, section, or part of this Local Law.

Section 6. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the Secretary of State.

(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. 3 of 2025** of the **Town of Eaton** was duly passed by the **Town Board** on **July 8, 2025**, 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 **Town of Sullivan** was duly passed by the **Town Board** on ____, 20__, and was (approved/not approved/ repassed after disapproval) by the **Town Board** 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 **Town of Sullivan** was duly passed by the **Town Board** on ____, 20__, and was (approved/not approved/ repassed after disapproval) by the **Town Board** on ____, 20__.

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 **Town of Sullivan** was duly passed by the **Town Board** on ____, 20__, and was (approved/not approved/ repassed after disapproval) by the **Town Board** 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.~~

5. **(City local law concerning Charter revision proposed by petition.)**

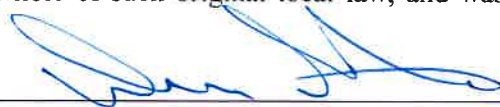
I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the City of ____, having been submitted to referendum pursuant to the provisions of section (36/37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors 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 1 above.



DEAN CURTIS, Town Clerk
Town of Eaton

Date: July 9th, 2025

