

**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 Inspector, Deputy Codes Enforcement Officer, Dog Control Officer, Court Clerk, Planning/Zoning Clerk, Town Bookkeeper 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.