

LOCAL LAW NO.2 TO SET RESIDENCY REQUIREMENTS FOR TOWN OF CONESUS  
DEPUTY TOWN CLERK(S) TO INCLUDE LOCAL COUNTIES

BE IT ENACTED, by the Town Board of the Town of Conesus, Livingston County, State of New York, as follows:

Section I. Authorization and Supersession

The adoption of this Local Law is in accordance with Section 10 of the New York Municipal Home Rule Law, and amends and/or supersedes the following laws, as follows:

- A. New York Public Officers Law Section 3, to the extent it requires that deputy town clerks appointed to hold a local office be required to be a resident of the municipality in which he/or is appointed; and
- B. New York Town Law Section 23, to the extent it requires that deputy town clerks appointed to office in a town be required to be a resident/elector of the town in which he/she is appointed; and
- C. New York Town Law Section 30, to the extent it requires that the appointment of deputy town clerks be required to comply with NY Town Law Section 23 and NY Public Officers Section 3, requiring such appointed person to be a resident/elector of the municipality in which he/or is appointed.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. 2 of 2024, to Set Residency Requirements for Town of Conesus Deputy Town Clerk(s) to Include Local Counties. The purpose of this Local Law is to supersede the town residency requirement for deputy town clerks (found in NY Public Officers Law Sections 3 and 30, and NY Town Law Section 23), and instead require that such officials be a resident of one of the following New York counties: Livingston, Monroe, Genesee, Wyoming, Allegany, Steuben, Ontario and Yates.

Section III. Legislative Finding

The Town Board of the Town of Conesus finds and hereby determines that restricting appointment of deputy town clerk(s) to those persons which reside in the Town of Conesus limits the number of qualified individuals eligible for such positions. Thus, in order to retain the most qualified individual(s), the Town should permit deputy town clerk(s) to reside in a local county, instead of restricting their residency to the Town of Conesus.

Section IV. Amendments.

In the Town of Conesus, New York, the provisions of New York Public Officers Law Section 3, New York Public Officers Law Section 30, and New York Town Law Section 23, which require town officials to be residents of the town where they are appointed, are expressly superseded for the position deputy town clerk, including but not limited to the first deputy town clerk and any additional or other deputy town clerks.

Instead, any person holding such position(s) in the Town of Conesus must be a resident of one of the following New York counties: Livingston, Monroe, Genesee, Wyoming, Allegany, Steuben, Ontario and Yates.

Section V. Validity and Severability

Should any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section VI. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town of Conesus which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section VII. Effective Date

This Local Law shall be effective immediately upon its approval and filing with the Secretary of State of New York.