S T A T E O F N E W Y O R K

6542

I N S E N A T E

February 24, 2012

Introduced by Sen. LIBOUS -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the town law and the public officers law, in relation to authorizing the town code enforcement officer/building inspector and the code officer in the town of Kirkwood, in the county of Broome, to reside outside of such town

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 23 of the town law is amended by adding two new subdivisions 25 and 26 to read as follows:

25. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, THE TOWN OF KIRKWOOD, IN THE COUNTY OF BROOME, THE PERSON PERFORMING THE FUNCTIONS OF TOWN CODE ENFORCEMENT OFFICER/BUILDING INSPECTOR NEED NOT BE AN ELECTOR OF SUCH TOWN. PROVIDED, HOWEVER, THE PERSONS PERFORMING THE FUNCTIONS OF TOWN CODE ENFORCEMENT OFFICER/BUILDING INSPECTOR IN ANY OTHER TOWN SHALL BE ELECTORS OF SUCH TOWN UNLESS OTHERWISE PROVIDED BY LAW.

26. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, THE TOWN OF KIRKWOOD, IN THE COUNTY OF BROOME, THE PERSON PERFORMING THE FUNCTIONS OF CODE OFFICER NEED NOT BE AN ELECTOR OF SUCH TOWN. PROVIDED, HOWEVER, THE PERSONS PERFORMING THE FUNCTIONS OF CODE OFFICER IN ANY OTHER TOWN SHALL BE ELECTORS OF SUCH TOWN UNLESS OTHERWISE PROVIDED BY LAW.

S 2. Section 3 of the public officers law is amended by adding two new subdivisions 59 and 60 to read as follows:

59. IN THE TOWN OF KIRKWOOD, IN THE COUNTY OF BROOME, THE PROVISIONS OF THIS SECTION REQUIRING A PERSON TO BE A RESIDENT OF THE POLITICAL SUBDIVISION OR MUNICIPAL CORPORATION OF THE STATE FOR WHICH HE OR SHE SHALL BE CHOSEN OR WITHIN WHICH HIS OR HER OFFICIAL FUNCTIONS ARE REQUIRED TO BE EXERCISED, SHALL NOT PREVENT A PERSON FROM HOLDING THE OFFICE OF TOWN CODE ENFORCEMENT OFFICER/BUILDING INSPECTOR OF THE TOWN OF KIRKWOOD, PROVIDED THAT SUCH PERSON RESIDES IN THE COUNTY OF BROOME OR AN ADJOINING COUNTY WITHIN THE STATE OF NEW YORK. PROVIDED, HOWEVER, THE PERSONS PERFORMING THE FUNCTIONS OF TOWN CODE ENFORCEMENT

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD14757-01-2

OFFICER/BUILDING INSPECTOR IN ANY OTHER TOWN SHALL BE A RESIDENT OF SUCH TOWN, UNLESS OTHERWISE PROVIDED BY LAW.

60. IN THE TOWN OF KIRKWOOD, IN THE COUNTY OF BROOME, THE PROVISIONS OF THIS SECTION REQUIRING A PERSON TO BE A RESIDENT OF THE POLITICAL SUBDIVISION OR MUNICIPAL CORPORATION OF THE STATE FOR WHICH HE OR SHE SHALL BE CHOSEN OR WITHIN WHICH HIS OR HER OFFICIAL FUNCTIONS ARE REQUIRED TO BE EXERCISED, SHALL NOT PREVENT A PERSON FROM HOLDING THE OFFICE OF CODE OFFICER OF THE TOWN OF KIRKWOOD, PROVIDED THAT SUCH PERSON RESIDES IN THE COUNTY OF BROOME OR AN ADJOINING COUNTY WITHIN THE STATE OF NEW YORK. PROVIDED, HOWEVER, THE PERSONS PREFORMING THE FUNCTIONS OF CODE OFFICER IN ANY OTHER TOWN SHALL BE A RESIDENT OF SUCH TOWN, UNLESS OTHERWISE PROVIDED BY LAW.

S 3. This act shall take effect immediately.