

# 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 PORT JERVIS

Local Law No. 7 of the year 20 16

A local law AMENDING SECTION C2-2 OF ARTICLE II OF THE PORT JERVIS CITY CHARTER

*(Insert Title)*

ADDING A SUBPARAGRAPH F WHICH SHALL PROVIDE THAT THE COMMON

COUNCIL MAY WAIVE THE RESIDENCY REQUIREMENT SET FORTH IN THIS

SECTION FOR ANY OF THE APPOINTIVE CITY OFFICERS ENUMERATED IN SECTION C 2-4A  
ARTICLE II OF THE PORT JERVIS CITY CHARTER BY A MAJORITY VOTE OF THE COMMON COUNCIL

Be it enacted by the COMMON COUNCIL of the  
*(Name of Legislative Body)*

County  City  Town  Village  
*(Select one:)*

of PORT JERVIS

as follows:

SEE ANNEXED PAGES.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

LOCAL LAW NO. 7 OF 2016

A LOCAL LAW AMENDING SECTION C 2-2 OF  
ARTICLE II OF THE PORT JERVIS CITY CHARTER  
ADDING A SUBPARAGRAPH F WHICH SHALL PROVIDE  
THAT THE COMMON COUNCIL MAY WAIVE THE  
RESIDENCY REQUIREMENT SET FORTH IN  
THIS SECTION FOR ANY OF THE APPOINTIVE  
CITY OFFICERS ENUMERATED IN SECTION C 2-4A  
OF ARTICLE II OF THE PORT JERVIS CITY CHARTER BY  
A MAJORITY VOTE OF THE COMMON COUNCIL

**1. Legislative Intent and Purpose.** Pursuant to Section 2-4, Article II of the Port Jervis City Charter, the Common Council of the City of Port Jervis may, by majority vote, appoint the appointive City Officers enumerated in that Section, after nomination by the Mayor. In order for the Mayor and the Common Council to have the opportunity to review the applications, credentials and worthiness of as many applicants as possible for an appointive City office, the Common Council wishes to have the right to waive the residency requirement set forth in the first paragraph of Section 2-2 of Article II of the Port Jervis City Charter. The ability to waive this residency requirement will open up the nomination and appointment process for a larger pool of applicant in order for the Mayor and Common Council to find the best candidates for appointment as appointed City Officers. Section C 2-2 already permits the Common Council to waive residency requirements in appointing non-resident officers for five of the enumerated appointive City officers positions. This local law will extend the waiver possibility to all appointive City officer positions as delineated in Section 2-4 of Article II of the Port Jervis City Charter.

**2. Legislation.** Section C 2-2 of Article II of the Port Jervis City Charter shall be amended to add a subparagraph F which shall state that the Common Council may waive the residency requirement for any appointive City officers enumerated in Section C 2-4 of Article II of the Port Jervis City Charter nominated by the Mayor provided the waiver be exercised by a majority vote of the Common Council

PLEASE TAKE NOTICE TO THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE GENERAL CITY LAW OF THE STATE OF NEW YORK, IT IS THE STATED INTENTION OF THE CITY TO EXERCISE ITS AUTHORITY TO SUPERSEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, SECTION 10. THE CITY HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS AUTHORITY TO SUPERSEDE AND AMEND PURSUANT TO MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK SECTION 22.

(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. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

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 16 of the ~~(County)(City)(Town)(Village)~~ of PORT JERVIS was duly passed by the COMMON COUNCIL on MARCH 28 20 16, and was (approved)(not approved) (repassed after disapproval) by the MAYOR and was deemed duly adopted on MARCH 28 20 16, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

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 (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ 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.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**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 2 above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 3/29/2016

(Seal)

**NOTICE OF ADOPTION OF LOCAL LAW**

PLEASE TAKE NOTICE that the Local Law, annexed hereto, designated as Local Law #7 of the year 2016 for the City of Port Jervis, Orange County, New York, entitled "A Local Law Amending Section C2-2 of Article II of the Port Jervis City Charter Adding a Subparagraph F Which Shall Provide that the Common Council may Waive the Residency Requirement Set Forth in this Section for Any of the Appointive City Officers Enumerated in Section C2-4A Article II of the Port Jervis City Charter by a Majority Vote of the Common Council" was duly passed by the Common Council on the 28<sup>th</sup> day of MARCH, 2016, in accordance with the applicable provisions of law.



ROBIN D. WAIZENEGGER,  
City Clerk-Treasurer

DATED: 3/29, 2016