

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 Niagara

Local Law No. 2 of the year 2024

A local law to Create Exceptions to the Residency Requirement for Assistant District Attorneys
(Insert Title)

Be it enacted by the Legislature of the
(Name of Legislative Body)

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

of Niagara as follows:

Section 1. Preface: It is the strong desire of the Niagara County community to install Niagara County residents in the position of Assistant District Attorney of Niagara County. It is a strong belief of Niagara County that Niagara County residents are knowledgeable about and concerned with the affairs of Niagara County.

Section 2. Purpose: It is the purpose of this Local Law to confirm the commitment of Niagara County to hire residents who have the necessary qualifications and skills to meet the requirements of the position of Assistant District Attorney of Niagara County. This law will permit Niagara County to make an exception to the residency requirement of the Public Officers Law for the hiring of Assistant District Attorneys.

Section 3. Authority: An assistant district attorney is a local public officer. Those holding that office are, therefore, subject to the provisions of section 3 of the Public Officers Law, which requires residency in the county within which their functions are exercised. Section 10(1)(ii)(a)(1) of the Municipal Home Rule Law, empowers a county to adopt local laws that are not inconsistent with the constitution or any general law, including the residency of its officers and employees. The County of Niagara can supersede Section 3 of the Public Officer's Law with respect to the office of Assistant District Attorney, in that section 3 has become a special rather than a general law due to the exemption of the counties of Essex, Fulton, Madison, Montgomery, Putnam, Schuyler, Wyoming, and Yates, in that it does not by its terms, apply alike to the office of district attorney in every county.

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

Section 4. Authorization: The District Attorney is hereby authorized to make exceptions to the residency requirement to Assistant District Attorneys from outside Niagara County.

Section 5. Effect: This Local Law shall take effect upon filing in the Office of the Secretary of State pursuant to the provisions of Article 3 section 27 of the Municipal Home Rule Law.

[INTENTIONALLY LEFT BLANK]

(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. 2 of 2024 of the (County)(City)(Town)(Village) of Niagara was duly passed by the Niagara County Legislature on May 14 2024, 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____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*)
on _____ 2024, 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 (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. (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) (Name of Legislative Body)
(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.

* 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 1 above.

Mary T. Tomasino

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

Date: 5/14/2024

(Seal)