

LOCAL LAW OF THE TOWN OF LAKE GEORGE
FOR THE YEAR 2020
No. 3-2020 (Resolution ____-2020)

A LOCAL LAW

To amend the municipal code of the Town of Lake George, in relation to the Zoning Ordinance, Be it enacted by the Town Board of the Town of Lake George as follows:

Section 1. Title.

A local law to establish the exemption of residency requirements for the appointed 'Zoning Officer'.

Section 2. Authority.

This local law is adopted pursuant to Municipal Home Rule Law, § 10[1][ii][a][1] that grants to local governments the authority to enact local laws regarding the qualifications of local officers. Furthermore, this local law recognizes that the State Legislature amended Public Officers Law, §3 adding a new subdivision (24) expanding the residency requirements for any appointed public office in the Town of Greenburgh Westchester County, thereby rendering Public Officers Law a special law with respect to any appointed town officer (See cf N.Y. Op. Atty. Gen. (Inf.) No. 91-37).

Section 3. Supersession.

This local law shall supersede Town law, §23(1) and Public Officers Law §3(1) in its application to the office of Zoning Officer/Director of Planning and Zoning for the Town of Lake George.

Section 4. Chapter 175-89, of the Municipal code of the Town of Lake George is amended, to read as follows:

§ 175-89 Zoning Officer.

- A. This chapter shall be enforced by the Zoning Officer, also known as the Director of Planning and Zoning, who shall be appointed by the Town Board. No land use and development permit or land use certificate of compliance may be issued by him/her except where all the provisions of this chapter have been complied with.
- B. Residency Exemption, Authority and Supersession. The person holding the office of Zoning Officer in the Town of Lake George need not be a resident nor an elector of the Town of Lake George, provided, however, that such person shall reside in Warren County or an adjoining county within the State of New York. This subsection is adopted pursuant to Municipal Home Rule Law, § 10[1][ii][a][1]. This local law shall supersede Town law, §23(1) and Public Officers Law, §3(1) in their application to the office of Zoning Officer/Director of Planning and Zoning for the Town of Lake George. This local law shall take effect on the day of its adoption by the Town Board of Lake George, and shall be retroactive to the original date of adoption of this chapter.

Section 5. Inconsistency.

All other local laws and ordinances of the Town of Lake George that are inconsistent with the provisions of this local law are hereby repealed; provided however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered by this local law.

Section 6. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this chapter or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be

adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this chapter, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 7. Effective Date.

This local law shall take effect once adopted by the Town Board of Lake George, and shall be retroactive to the original date of this chapter.