

SEPTEMBER 5, 2023

9. **MOTION** by Trustee Park, seconded by Trustee Gaughan,

LOCAL LAW NO. 1 OF 2023

A LOCAL LAW TO AMEND the Code of the Village of Hamburg, Article III, Sections §54-4 et. al., **RESIDENCY REQUIREMENTS**.

Be it enacted by the Board of Trustees of the Village of Hamburg as follows:

SECTION 1.

Chapter 54 of the Code of the Village of Hamburg is hereby amended as follows:

109-5. Definitions.

Sec. 54-4. Purpose.

The Board of Trustees recognizes that emergency work situations and emergencies arise which require employees of the Village of Hamburg to be near their place of employment to assure the continuation of public services to protect the health, safety, and welfare of the community. The Board of Trustees believes that residency by the village employees and officers within the Village of Hamburg or in near proximity thereto, will assure continuation of essential public services. The Board of Trustees determines that the public need is sufficient to require all full time Village of Hamburg employees to reside within the boundaries of the Village of Hamburg, or in near proximity thereto, as defined herein.

Sec. 54-5. Definitions.

Residence/Residency – The actual principal domicile of an individual where he/she normally sleeps and maintains usual personal and household effects.

Full-Time Employee – an individual who is employed by the Village of Hamburg as a full-time, non-seasonal employee, who works a minimum of 35 hours a week.

Sec. 54-6. Residency.

- A. Except as otherwise provided by law, the Board of Trustees hereby requires that all full-time employees of the Village of Hamburg shall reside within the boundaries of the Village of Hamburg. Any person commencing full-time employment with the Village of Hamburg shall be given 6 months to comply with this requirement. No full-time employee shall cease to be a resident of the Village of Hamburg during the term of their employment except as provided in this Code.
- B. Upon application to and approval by the Board of Trustees, a full-time employee may choose to reside outside the boundaries of the Village of Hamburg. The proposed site of residence must be 4 miles or less from the nearest Village boundary, measured in a straight line, point to point, as determined by the Board of Trustees.
- C. Any residency approved by the Board of Trustees pursuant to Sec. 54-6(B) or Sec. 54-9 shall be site specific. Any full-time employee moving from a previously approved residency site outside the Village of Hamburg to a new site that is also outside the boundaries of the Village of Hamburg, without a new prior approval from the Board of Trustees, may be subject to discipline, including termination, pursuant to Sec. 54-8 of this Code.

- D. The Village Administrator, Clerk-Treasurer, Superintendent of Public Works, Chief of Police, Recreation Supervisor and Village Attorney must reside and must continue to reside within the boundaries of the Village of Hamburg for as long as the individual holds such office or position. Sec. 54-6(B) shall not apply to these offices or positions.
- E. A full-time employee who has received, prior to the enactment of this amendment, a waiver of residency pursuant to Sec. 54-9 of this Code, shall not be required to comply with Sec 54-6(A) as amended, nor Sec. 54-6(B), but must comply with Sec 54-6(C).

Sections 54-7, 54-8 and 54-9 shall remain the same.

SECTION 2.

Effective Date. This local law shall take effect upon filing with the New York Secretary of State.

AYES: Five
NAYS: None
CARRIED