

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 Spring Valley

Local Law No. 8 of the year 2019

A local law Relating to the creation of Article 260 of the Village Code, Entitled "Department of Building and Public Works"
(Insert Title)

Be it enacted by the Village Board of Trustees of the
(Name of Legislative Body)

County City Town Village

(Select one:)

of Spring Valley as follows:

See attached sheet outlining entire local law.

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

(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. 8 of 2019 of the (County)(City)(Town)(Village) of Spring Valley was duly passed by the Village Board of Trustees on September 24 2019, 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 _____ 20 , 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 *(Elective Chief Executive Officer*)* 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 _____ above.

(Seal)

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

Date: October 1, 2019

Local Law No. 8 of 2019, Relating to the creation of Article 260 of the Village Code, Entitled “Department of Building and Public Works”

Be it enacted, by the Village Board of the Village of Spring Valley as follows:

Section 1: Article 260 of the Spring Valley Village Code shall be named “Department of Building and Public Works”

Section 2: Section 260-1 of the Village of Spring Valley Code, entitled “Director of Building and Public Works” shall be created for appointment to the position of Director, and, as shall read as follows:

§ 260-1. Director of Building and Public Works

A. The administrative head of both the Building Department and the Department of Public Works shall be designated as the Director of Building and Public Works (hereinafter referred to as the "Director"). The position of Director shall be designated as unclassified in civil service and the person holding such position shall be appointed by Mayor of Spring Valley, subject to the approval of the Village Board of the Village of Spring Valley. The Director shall be a graduate of an accredited college or university with a degree in engineering. Said Director shall be a licensed professional engineer of the State of New York or shall have an advanced degree in engineering or a relevant engineering sub-specialty. Said Director shall have at least ten years' experience in an administrative/management capacity in either the private sector or in town, village, county or state government operations, which includes the direct supervision of twenty or more employees.

B. Subject to the appropriations made for the Department of Building and the Department of Public Works by the Village Board, and to all other applicable provisions of law, the Director of Building Department and the Department of Public Works shall have the sole power to appoint and remove all employees of these Departments.

C. The Director of the Building Department and Public Works shall oversee and have authority to direct all employees of the Departments of Building and the Department of Public Works; including but not limited to, the Building Inspector, any and all Deputies and Assistants, any and all clerical and support staff of the Building Department, as well as the Superintendent of the Department of Public Works, and all Deputies, Assistants, clerical staff, any motor equipment operators, laborers and support staff of the Department of Public Works.

Section 3: Section 260-2 shall be added which shall read as follows:

§ 260-2. Residency Requirements for the Director of Building and Public Works.

The person holding the office of Director of Building and Public Works shall be qualified to hold public office, but need not be a resident or an elector of the Village of Spring Valley, but at the time of his or her appointment and during his or her continuance in office, must be a resident of the County of Rockland. This section is enacted pursuant to the authority contained in § 3-300, Subdivision 2, of the Village Law of the State of New York, which permits the Village Board to expand residency requirements for individuals appointed to Village Office.

Section 4: Section 260-3 shall be added which reads as follows:

§ 260-3. Scope and authority of the Department of Building and Public Works

- A. The Building Department of the Village of Spring Valley shall be merged into the Department of Building and the Department of Public Works and shall be administered jointly with the Department of Public Works under the sole direction and authority of the Director of Building and the Department of Public Works.
- B. The Department of Public Works for the Village of Spring Valley shall be merged into the Department of Building and Public Works and shall be administered jointly with the Building Department under the sole direction and authority of the Director of Building and Public Works.

Section 4: Legislative Authority. This local law is adopted pursuant to the provisions of § 10(1)(ii)(a)(1) of the Municipal Home Rule Law of the State of New York, which grants to local governments the authority to enact local laws regarding the qualifications of local officers which are not inconsistent with general state statutes. Furthermore, this local law recognizes that the State Legislature has amended § 3 of the Public Officers Law of the State of New York and by adding new subdivisions, including, among others, subdivisions expressly exempting the appointed position of Director of Building and Public Works as a new position thereof. Such amendments by the State Legislature have rendered § 3 of the Public Officers Law special, rather than general, laws with respect to the creation of such positions, in that the establishment of the position and its requirements applicable to such appointive Village officer, in terms and in effect, do apply alike to all Villages of the state.

Section 5: Supersession. This local law shall supersede § 3 of the Public Officers Law of the State of New York and Village Law of the State of New York, insofar as such sections apply to the position of Director of Building and Public Works.

Section 6. Severability. If any part or provision of this local law, or the application thereof to any person or circumstance, is adjudged invalid or unconstitutional by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law, or the application thereof to other persons or circumstances. The Village Board hereby declares that it would have enacted the remainder of this local law even without any such invalid or unconstitutional part, provision or application.