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.	FILED STATE RECORDS
	DEC 2 9 2023
☐ Town ☐ Village	Department of State
Local Law No. 4	of the year 20 23
A local law Amend section C-45 under Article II of the (City Charter
Be it enacted by the (Name of Legislative Body)	of the
☐ County ☐ City of Lockport ☐ Town ☐ Village	as follows:

A Local Law to amend Section C-45 under Article II – City Officers, General Provisions, City Elections of Chapter C of the Charter Section C-45 relative to the residency requirement shall be amended in the following manner:

§ C-45 Residency Law.

1. The City of Lockport recognizes that emergency situations arise which require employees of the City of Lockport to be near their place of employment and to assume the continuation of public services to protect the health, safety, and general welfare of the people. The City of Lockport believes that those who are residents of the City of Lockport take a greater interest in promoting the public safety and health in the future of this community, than do nonresidents who reside in areas unaffected by City of Lockport services. The City of Lockport further declares that such a quality is desirable for its employees. The legislative body considers that residency by its employees within the community will help to assure continuation of essential public services. However, the City also recognizes the decline in population in the City, and the need to find the best possible candidate for each position within the City of Lockport. The best candidate may not always be a Resident of the City of Lockport. Therefore, through adoption of this local law, the City of Lockport amends the current local local for residency to require employees to live within five and one half (5.5) miles from One Locks Plaza, Lockport. The legislative body makes a legislative determination that when reviewing candidates for employment opportunities, qualified candidates that reside within 5.5 miles from One Locks Plaza will be given preference over those that are qualified, but do not live in the City and/or within that radius. Further, if there are no qualified City residents who apply for a given position, or residents within 5.5 miles of One Locks Plaza, then qualified residents of the County of Niagara shall be given preference over those candidates that do not live in the County. The City of Lockport determines that the public need for the best qualified candidate is sufficient to require that candidates of the City be given preference, if qualified, over nonresidents, but after the

(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.)

 (Final adoption by local legislative body only.) I hereby certify that the local law annexed hereto, design 	ınated	as local law No.	4	of 20 23 of
the (County)(City)(Town)(Village) of Lockport, NY				was duly passed by the
Common Council	on			3, in accordance with the applicable
(Name of Legislative Body)			_	,
provisions of law.				
(Passage by local legislative body with approve Chief Executive Officer*.) I hereby certify that the local law annexed hereto, design				
the (COUCKY)(City)(XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	,,,,,,,,,	40 1004 1417 110.		was duly passed by the
Common Council	on	December 20,	20 2	and was (approved) (pot) approved)
(Name of Legislative Body) (Xapassackx)মেন্দ্রমান্ত by the Mayor	·			
(Elective Chief Exe	cutive	Officer*)		
on December 20 20 23 , in accordance with t	ne app	olicable provision	is of la	W.
(Name of Legislative Body)	on		. 20	
(Elective Chief Exe	cutive	Officer*)		
Such local law was submitted to the people by reason ovote of a majority of the qualified electors voting thereor	f a (ma	andatory)(permis e (general) (spec	ssive) i ial)(ani	referendum, and received the affirmative nual) election held on
20 in accordance with the applicable provision	s of la	ıw.		
4. (Subject to permissive referendum and final ado hereby certify that the local law annexed hereto, design	ption I	because no vali as local law No.	id petit	cion was filed requesting referendum.)
he (County)(City)(Town)(Village) of				was duly passed by the
(Name of Legislative Body)	_ on _		20 _	_ , and was (approved)(not approved)
repassed after disapproval) by the (Elective Chief Executive C	cutive	Officer*)		on Such local
aw was subject to permissive referendum and no valid	petition	n requesting suc	h refer	endum was filed as of
20 in accordance with the applicable provision	is of la	w		

^{*} 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! hereby certify that the local law annexed hereto, designated		of 20 of
the City of having been submitted		
the Municipal Home Rule Law, and having received the affirm		
thereon at the (special)(general) election held on		
	•	
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, h		
November, pursuant to subdivisions 5	5 and 7 of section 33 of the Municipal	Home Rule Law, and having
received the affirmative vote of a majority of the qualified ele		
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 for I further certify that I have compared the preceding local la correct transcript therefrom and of the whole of such original paragraph 2, above.	w with the original on file in this of	ffice and that the same is a d in the manner indicated in City, Town or Village Clerk or e body
(Seal)	Date: 100	
(Certification to be executed by County Attorney, Corporauthorized attorney of locality.) STATE OF NEW YORK COUNTY OF Niagara		
l, the undersigned, hereby certify that the foregoing local law contains and or taken for the enactment of the local law annexed hereto	" Mul	COUNSEL
	XXXXXXX City _{of} Lockport XXXXXXX XXXXXXX	
	Date:	

Local Law Filing

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City of Lockport

Local Law No. 4 of the year 2023

A Local Law to amend Section C-45 under Article II – City Officers, General Provisions, City Elections of Chapter C of the Charter Section C-45 relative to the residency requirement shall be amended in the following manner:

§ C-45 Residency Law.

- The City of Lockport recognizes that emergency situations arise which require employees of the City of Lockport to be near their place of employment and to assume the continuation of public services to protect the health, safety, and general welfare of the people. The City of Lockport believes that those who are residents of the City of Lockport take a greater interest in promoting the public safety and health in the future of this community, than do nonresidents who reside in areas unaffected by City of Lockport services. The City of Lockport further declares that such a quality is desirable for its employees. The legislative body considers that residency by its employees within the community will help to assure continuation of essential public services. However, the City also recognizes the decline in population in the City, and the need to find the best possible candidate for each position within the City of Lockport. The best candidate may not always be a Resident of the City of Lockport. Therefore, through adoption of this local law, the City of Lockport amends the current local local for residency to require employees to live within five and one half (5.5) miles from One Locks Plaza, Lockport, The legislative body makes a legislative determination that when reviewing candidates for employment opportunities, qualified candidates that reside within 5.5 miles from One Locks Plaza will be given preference over those that are qualified, but do not live in the City and/or within that radius. Further, if there are no qualified City residents who apply for a given position. or residents within 5.5 miles of One Locks Plaza, then qualified residents of the County of Niagara shall be given preference over those candidates that do not live in the County. The City of Lockport determines that the public need for the best qualified candidate is sufficient to require that candidates of the City be given preference, if qualified, over nonresidents, but after the effective date of this local law, it is no longer a mandatory requirement to be a resident of the City of Lockport to be employed by the City, the employee only needs to maintain his or her permanent residence within 5.5 miles of One Locks Plaza. However, this local law does NOT affect any residency requirements of enumerated positions within this City Charter, Code. or employment agreements that specifically require residency, to wit: all elected positions, or the following officer positions: City Clerk, Corporation Counsel, Chief Building Inspector, Chief Water Treatment Plant Operator, Chief Waste Water Treatment Plant Operator, Chief of Police, Chief of Fire.
- 2. Definition. Residency shall mean, for the purpose of this local law, the actual principal domicile of an individual, where he or she (1) normally sleeps (2) maintains usual personal and household effects (3) lists as an address on tax filings; and lists as his or her address for a motor vehicle registration, if any.

- 3. Residency for new municipal employees that have a residency requirement as described hereinabove. Except as otherwise provided by law, the City of Lockport hereby maintains a residency requirement for all prospective employees that have been specifically enumerated in this Charter, Code, or in Employment contracts as stated hereinabove. Any other City employee shall be interviewed and/or hired as described hereinabove, with preference given to City residents who are qualified for the position, then residents within 5.5 miles of One Lock Plaza, then County residents who are qualified for the position, then the most qualified candidate if no City or County residents apply. Every person initially employed by the City of Lockport that is an enumerated position for residency, on or after the effective date of this local law shall, as a qualification of employment, become a resident within 5.5 miles of One Locks Plaza, Lockport, within twelve (12) months of the date of initial service for the City of Lockport. During the time of service of such an employee whose enumerated position requires residency, said individual shall not cease to be a resident of the City of Lockport.
- **4.** Exceptions. The requirement of residency within the corporate limits of the City does not apply to temporary employees, temporary advisors and consultants, persons having an independent contractor status and current employees of the City of Lockport, who reside outside the corporate limits of the City. Also exempt from residency requirements are members of the Fire Department and Police Department, so long as the Police Department has 200 or more full-time members as set forth in further detail in Section 30(4) of the Police Officers Law. Finally, the City Engineer position is no longer required to have a residency requirement due to the difficulty the City historically has had filling that position. However, said position of City Engineer does have the requirement of the 5.5 mile residency radius.
- **5.** Residency upon promotion. All employees promoted by the City of Lockport on or after the effective date of this local law, whose position specifically requires residency per the Charter, Code, or employment contract, shall be, or, within twelve (12) months of such promotion shall become, a resident within 5.5 miles of One Locks, Plaza, Lockport.
- **6.** Notice and posting. A copy of this local law shall be provided to each employee upon his or her initial appointment or promotion. However, a failure to do so shall not affect the application of this local law to any employee appointed or promoted after its effective date. A copy of this law shall be posted in all locations normally used for employee communications.
- 7. Investigation of residency. Should it be alleged that an employee, whose position requires residency, is not in compliance with Section three or four of this local law as the case may be, the City of Lockport may initiate a hearing by providing the employee with written notice of his or her alleged violation and shall allow the employee seven calendar days in which to respond. If there is a failure to respond or if, in the judgment of the City of Lockport, the response is not sufficient to satisfy the requirements of this local law, the City of Lockport shall set a date to hear the charge of nonresidence. The employee shall be sent a notice of the hearing date at least 15 calendar days prior to the hearing. A record of the hearing shall be made. Should an employee whose position requires residency, establish residency to the satisfaction of the City of Lockport prior to the hearing date, it shall result in a cancellation of the hearing authorized by this section.

To conduct the hearing, the City of Lockport may in writing designate an individual who for the purpose of the hearing shall be vested with all powers of the City of Lockport for review and decision. Should the City of Lockport determine that an employee, whose position requires residency, is a nonresident in violation of this local law, the employee shall be notified in writing that he or she has been deemed to have voluntarily resigned from employment as of the date of the determination. Upon reestablishing residency, an individual having so resigned may apply for reinstatement to his or her former position and shall be reinstated if the position is vacant.

- **8.** Waiver of requirements. In the event that the City of Lockport determines that it is in the best interest of the City of Lockport to do so, the provisions of Section three or four as it relates to enumerated positions with residency requirements- may be waived by the appointing/hiring body, with respect to an incumbent or incumbents of a particular title or titles in accordance with the following standards:
- a) Lack of applicants. The requirement of residency within 5.5 miles of One Locks Plaza may be waived in those instances where the City of Lockport has difficulty hiring or promoting the most qualified person because of its residency requirements.
- **b)** Necessity for nonresidence. The requirement of residency within 5.5 miles of One Locks Plaza may be waived in those instances where it is determined that residency is not in the best interest of the municipality.

Such a waiver shall not in any way affect the application of Section three or four of this local law with respect to any other title or titles. [Added 3-2-2005 by L.L. No. 3- 2005]

STATE OF NEW YORK NIAGARA COUNTY, SS.

RECEIVED DEC 18 2023

CITY

Jackie Bilogan, of said county, being duly sworn, deposes and says that she is now and during the whole time hereinafter mentioned was the Clerk of

LOCKPORT UNION-SUN & JOURNAL

A newspaper published in the County and State aforesaid, and that the annexed printed legal # 326673 was printed and published in said paper on the following dates:

12/08/2023

Principal

Subscribed and sworn to before me this

Teresa L McCarthy

02/26/2026

Notary Public

Expiration Date

TERESA L MCCARTHY Notary Public - State of New York No. 01MC4962698 Qualified in Niagara County My Comm. Expires Feb. 26, 2026

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ERWITER)



LOCKPORT MUNICIPAL BUILDING ONE LOCKS PLAZA LOCKPORT, NY 14094

OFFICE OF CITY CLERK

Sarah K. Lanzo, City Clerk Emily Stoddard, Deputy City Clerk

Office (716)439-6676 Fax (716)439-6702

TO:

Whom it may concern

FROM:

Sarah K. Lanzo, City Clerk

DATE: December 21st 2023

Please be advised, that at a regular meeting of the Common Council of the City of Lockport, NY held on December 20th, 2023 the following resolution was adopted:

122023.8

By Alderman Beakman:

Resolved, that the following local law be and the same is hereby adopted:

City of Lockport Local Law No. 4 of the year 2023

A Local Law to amend Section C-45 under Article II – City Officers, General Provisions, City Elections of Chapter C of the Charter Section C-45 relative to the residency requirement shall be amended in the following manner:

§ C-45 Residency Law.

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OFFICE OF CITY CLERK

Sarah K. Lanzo, City Clerk Emily Stoddard, Deputy City Clerk Office (716)439-6676 Fax (716)439-6702

TO:

Whom it may concern

FROM:

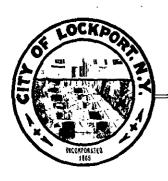
Sarah K. Lanzo, City Clerk

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specifically require residency, to wit: all elected positions, or the following officer positions: City Clerk, Corporation Counsel, Chief Building Inspector, Chief Water Treatment Plant Operator, Chief Waste Water Treatment Plant Operator, Chief of Police, Chief of Fire.

- **2.** Definition. Residency shall mean, for the purpose of this local law, the actual principal domicile of an individual, where he or she (1) normally sleeps (2) maintains usual personal and household effects (3) lists as an address on tax filings; and lists as his or her address for a motor vehicle registration, if any.
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LOCKPORT MUNICIPAL BUILDING ONE LOCKS PLAZA LOCKPORT, NY 14094

OFFICE OF CITY CLERK

Sarah K. Lanzo, City Clerk Emily Stoddard, Deputy City Clerk Office (716)439-6676 Fax (716)439-6702

TO:

Whom it may concern

FROM:

Sarah K. Lanzo, City Clerk

DATE: December 21st 2023

Please be advised, that at a regular meeting of the Common Council of the City of Lockport, NY held on December 20th, 2023 the following resolution was adopted:

any employee appointed or promoted after its effective date. A copy of this law shall be posted in all locations normally used for employee communications.

7. Investigation of residency. Should it be alleged that an employee, whose position requires residency, is not in compliance with Section three or four of this local law as the case may be, the City of Lockport may initiate a hearing by providing the employee with written notice of his or her alleged violation and shall allow the employee seven calendar days in which to respond. If there is a failure to respond or if, in the judgment of the City of Lockport, the response is not sufficient to satisfy the requirements of this local law, the City of Lockport shall set a date to hear the charge of nonresidence. The employee shall be sent a notice of the hearing date at least 15 calendar days prior to the hearing. A record of the hearing shall be made. Should an employee whose position requires residency, establish residency to the satisfaction of the City of Lockport prior to the hearing date, it shall result in a cancellation of the hearing authorized by this section.

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LOCKPORT MUNICIPAL BUILDING ONE LOCKS PLAZA LOCKPORT, NY 14094

OFFICE OF CITY CLERK

Sarah K. Lanzo, City Clerk Emily Stoddard, Deputy City Clerk Office (716)439-6676 Fax (716)439-6702

TO:

Whom it may concern

FROM:

Sarah K. Lanzo, City Clerk

DATE: December 21st 2023

Please be advised, that at a regular meeting of the Common Council of the City of Lockport, NY held on December 20th, 2023 the following resolution was adopted:

Such a waiver shall not in any way affect the application of Section three or four of this local law with respect to any other title or titles. [Added 3-2-2005 by L.L. No. 3- 2005]

Alderman Beakman: YES
Alderman Devine: ___YES___
Alderman Swanson-Gellerson: YES
Alderman Kantor: YES
Alderman Lupo: YES

The Local Law was thereupon declared duly adopted.

Seconded by Alderman Devine and adopted. Ayes 5.

CC:

Mayor Roman

Corporation Counsel

RESOLUTION CERTIFICATION

State of New York
City of Lockport
Office of the City Clerk

I, Sarah K. Lanzo, City Clerk of said City, do hereby certify that I have compared the foregoing copy with the original proceedings of the Common Council of said City of Lockport, New York, now remaining on file and of record in this office; and that the same is a correct transcript therefrom and of the whole of said original, and I further certify that said resolution has not been rescinded and is still in effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City, this 21 day of 12, 2022.

Sarah K. Lanzo, City Clerk

City of Lockport



Office of the

LOCKPORT MUNICIPAL BUILDING
One Locks Plaza
Lockport, New York 14094
Phone (716) 439-6665
Fax (716) 439-6668

Michelle M. Roman MAYOR

Mayor

FILED STATE RECORDS

DEC 2 9 2023

December 20th, 2023

DEPARTMENT OF STATE

To Whom It May Concern:

I, Michelle M. Roman, Mayor of the City of Lockport, New York, do hereby approve the local law adopted by the Common Council on December 14, 2022 entitled:

"A LOCAL LAW to amend Section C-45 of the City Charter - Residency Law."

Michelle M. Roman

Mayor