

Local Law Filing

162 WASHINGTON AVENUE, ALBANY, NY 12231

NEW YORK STATE DEPARTMENT OF STATE

(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.

Village of Penn Yan

Local Law 3 of the year 2020

A Local Law providing that the Village of Penn Yan amend Article I, "Code Enforcement Officer" of Chapter 19, "Officers and Employees" of the Village Code.

Be it enacted by the Village of Penn Yan as follows:

Section 1. Legislative Intent and Findings

The purpose of this Local Law is to adopt a provision of the Village Code placing the office of Code Enforcement Officer under the control and supervision of the Director of the Department of Public Works.

Section 2. Short Title.

This Local Law shall hereafter be known as: "The Village of Penn Yan Code Enforcement Officer Amendment of the Village Code of 2020".

Section 3. Legislative Authority

This Local Law is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York.

Section 4. Provisions.

Article I, "Code Enforcement Officer", of Chapter 19, "Officers and Employees" of the Code of the Village of Penn Yan is amended to provide as follows:

I. §19-1 Code Enforcement Officer (CEO) Position Created.

There is hereby created in the Village of Penn Yan the appointive office of "Code Enforcement Officer", who shall be appointed by the Mayor, subject to the approval of the Board of Trustees. The Code Enforcement Officer, prior to appointment, shall have been certified by the State of New York to serve as a Code Enforcement Officer.

II. §19-2 Deputy Code Enforcement Officer and Acting Code Enforcement Officer

- A. In the event that volume of work so necessitates the Board of Trustees may, by resolution duly adopted, create and fund one or more positions of Deputy Code Enforcement Officer. The Deputy Code Enforcement Officer shall be appointed by the Mayor, subject to the approval of the Board of Trustees. The Deputy Code Enforcement Officer shall function under the control and supervision of the Code Enforcement Officer and shall have been certified by the State of New York to act as a CEO prior to appointment to the position.
- B. In the event of the unavailability of the Code Enforcement Officer or a Deputy Code Enforcement Officer due to illness, conflict of interest or other reason, the Mayor may, subject to the approval of the Board of Trustees, designate a person, who is certified by the State of New York to so act, to serve as Acting Code Enforcement Officer for the Village, at a compensation set by the Board of Trustees. Such Acting Code Enforcement Officer shall have the equivalent powers of the Code Enforcement Officer.
- III. §19-3 Code Enforcement Officer, Deputy Code Enforcement Officer and Acting Code Enforcement Officer under the Control and Supervision of the Director of the DPW.

Within the structure of the Government of the Village of Penn Yan, the Code Enforcement Officer, together with any Deputy Code Enforcement Officer(s) and/or Acting Code Enforcement Officer (s), as public officers, requiring certification by the State of New York to hold that office, shall be answerable to, as well as under the control and supervision of the Director of the Department of Public Works of the Village of Penn Yan.

Section 5: Severability Clause.

In the event that any section, paragraph, subdivision or provision of this local law shall be held invalid, such invalidity shall apply only to the section, paragraph, subdivision or provision adjudged invalid, and the rest of this Local Law shall remain valid and effective.

Section 6. Effective Date

This Local Law shall take effect immediately upon its filing with the Secretary of State of the State of New York, subsequent to having been duly adopted by the Board of Trustees of the Village of Penn Yan.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

- I. (Final adoption by local legislative body only)

I hereby certify that the local law annexed hereto, designated as Local Law No. 3 of the year 2020, of the Village of Penn Yan was duly passed by the Town Board on February 18,2020, in accordance with the applicable provisions of law.

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.



Gary Meeks, Clerk/Treasurer

(SEAL)

Date: February 26, 2020

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality)

STATE OF NEW YORK)
COUNTY OF YATES) ss:

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Edward J. Brockman, Village Attorney
Village of Penn Yan

Dated February 27, 2020