

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 of Canaan
Town
Village

Local Law No. 2 of the year 2024

A local law ABOLISHING THE ELECTIVE OFFICE OF TOWN TAX COLLECTOR
AND CREATING THE APPOINTIVE OFFICE OF TOWN TAX COLLECTOR WITH THE
APPOINTED TERM OF OFFICE TO BEGIN ON JANUARY 1, 2025.

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

County
City of Canaan as follows:
Town
Village

SECTION 1. PURPOSE AND INTENT

It is the intent of this local law to abolish the elective office of Town Tax Collector for the Town of Canaan and create the appointive office of Town Tax Collector; the abolition of said elective office to take effect on December 31, 2024, and the creation of said appointive office to take effect on January 1, 2025.

SECTION 2. AUTHORIZATION

This local law is adopted pursuant to Municipal Home Rule Law §§10(1)(i) and 10(1)(ii)(a)(1) which grants to local governments the authority to enact local laws pertaining to the qualifications of local officers. Moreover, the Town hereby expressly states its intention that this local law shall supersede any provision of Town Law of the State of New York to the contrary, including but not limited to Town Law § 20(1)(b) with respect to the manner in which the Town Tax Collector is selected, Town Law §24 with respect to the Town Tax Collector's Term of Office, and Town Law §23 with respect to the residency requirements to apply to the Town Tax Collector.

SECTION 3. ENACTMENT

Be it therefore enacted by the Town Board of the Town of Canaan as follows:

- A. The elected position of Town Tax Collector is hereby abolished, effective December 31, 2024. The appointed position of Town Tax Collector is hereby created, effective January 1, 2025.
- B. Effective January 1, 2025, the Town Tax Collector for the Town of Canaan shall be appointed by the Town Board.
- C. The appointed Town Tax Collector for the Town of Canaan shall serve at the pleasure of the Town Board.
- D. The person appointed to and holding the appointive office of Town Tax Collector for the Town of Canaan need not be an elector or reside within the Town of Canaan, but must be a resident of the State of New York.

SECTION 4. SUPPRESSION

This local law shall supersede application of Town Law §20(1)(b) with regard the selection of the Tax Collector for the Town of Canaan. This local law shall Town Law §24 with regard to the Term of Office of the Tax Collector for the Town of Canaan. This local law shall supersede the residency requirements set forth in Public Officers Law §3 and Town Law §23 with regard to their application to the appointed office of Town Tax Collector for the Town of Canaan.

SECTION 5. MANDATORY REFERENDUM

This Local Law is subject to mandatory referendum according to the provision of Section 23 of the Municipal Home Rule Law, which shall be determined in a special election on a date selected by the Town Board.

SECTION 6. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State and after approval of a majority of the electors voting thereon in accordance with the requirements of Section 23 of the Municipal Home Rule Law.

SECTION 7. REPEALER

Any prior local law currently in existence that is inconsistent with the terms of this local law is hereby repealed.

(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. 2 of 2024 of the Town of Canaan was duly passed by the Town Board on June, 2024, in
(Name of Legislative Body)

accordance with the applicable provisions of law.

~~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)(repassed after
(Name of Legislative Body)~~

~~disapproval) by the _____ and was deemed duly adopted on _____, 20____,
(Elective Chief Executive Officer*)~~

~~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)(repassed after
(Name of Legislative Body)

~~disapproval) by the _____ on _____, 20____. Such local law was
(Elective Chief Executive Officer*)~~

~~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 (approved)(not approved)(repassed after
(Name of Legislative Body)~~

~~disapproval) by the _____ on _____, 20____. Such local law was subject
(Elective Chief Executive Officer*)~~

~~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 chairman 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 _____, _____, 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 1, above.

Josh Weisbuch, Town Clerk

(Seal)

Date: June ____, 2024

(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 COLUMBIA

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.

Signature Andrew B. Howard

Title: Counsel

County
City of Canaan
Town
Village

Date: _____, 2024