

Chapter 16

OFFICERS AND EMPLOYEES

[HISTORY: Adopted by the Town Board of the Town of Canadice as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 52.

Unsafe buildings — See Ch. 58.

ARTICLE I

Code Enforcement Officer

[Adopted 7-15-1996 by L.L. No. 2-1996]

§ 16-1. Short title.

This article shall hereafter be known as the "Town of Canadice Local Law for Administration and Enforcement of all Town of Canadice Local Laws and Ordinances."

§ 16-2. Legislative intent.

The purpose of this article is to provide a specific procedure for the administration and enforcement of the Town of Canadice local laws and ordinances.

§ 16-3. Legislative authority.

This article is enacted pursuant to the provisions of the Executive Law of the State of New York and Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York, Part 444, and the Town of Canadice local laws and ordinances.

§ 16-4. Establishment.

There is hereby created and established a position in the Town of Canadice to be known as Code Enforcement Officer (CEO). The term of office shall be at the pleasure of the Board and remuneration for such office shall be such as is determined by the Town Board.

§ 16-5. Duties and powers.

Except as otherwise specifically provided by law, ordinance, rule or regulation or except as herein otherwise provided, the Code Enforcement Officer shall administer and enforce all of the provisions of the New York State Uniform Fire Prevention and Building Code, hereinafter referred to as the "Uniform Code," and all the Town of Canadice local laws and ordinances.

§ 16-6. Acting Code Enforcement Officer.

In the absence of the Code Enforcement Officer, or in the case of his inability to act for any reason, the Town Board shall have the power to designate a person to act on behalf of the Code Enforcement Officer and to exercise all the powers conferred upon him by this article.

§ 16-7. Board of Review.

- A. Where practical difficulties or unnecessary hardship may result from enforcement of the strict letter of any provision of the Uniform Code, applications for variances, consistent with the spirit of the Uniform Code, may be made to the regional Board of Review in accordance with Part 450 of the New York Code, Rules and Regulations, entitled "Uniform Code: Board of Review," as promulgated by the New York Department of State. The Code Enforcement Officer shall maintain a copy of such rules and regulations for public inspection and shall obtain and retain a copy of all decisions rendered by the Board of Review pertaining to matters affecting the Town of Canadice.
- B. Where practical difficulties or unnecessary hardship may result from enforcement of the strict letter of any provision of this article or any rule or regulation whereunder which provision is not also required by the Uniform Code, applications for variances consistent with the spirit of such law, rule or regulation may be made to the Town of Canadice Board of Appeals.¹

ARTICLE II

Residency Requirements

[Adopted 11-10-2003 by L.L. No. 2-2003]

§ 16-8. Title.

This article shall be known and may be cited as "A Local Law Establishing Residency Requirements for Certain Appointed Officials."

§ 16-9. Statutory authority.

This article is adopted pursuant to Municipal Home Rule Law § 10[1][ii][a][1], which grants to local government the authority to enact local laws regarding the qualifications of local officers. Furthermore, this article recognizes that the State Legislature amended the Public Officers Law, Subsection 3, adding a new Subdivision (24) expanding the residency requirements for any appointed public office in the Town of Greenburgh, Westchester County, thereby rendering the Public Officers Law a special law with respect to any appointed Town officer. [See NY Op. Atty. Gen. (Inf.) No. 91-37.]

§ 16-10. Supersession of state law.

This article shall supersede Town Law § 23(1) in its application to the offices of Code Enforcement Officer, Deputy Code Enforcement Officer and Court Clerk for the Town of

¹. Editor's Note: Former § 16-8, Permits, § 16-9, Inspections, § 16-10, Performance of inspections; orders of correction, §16-11, Records and reports, § 16-12, Stop-work orders, §16-13, Notice of violations, and §16-14, Penalties for offenses, which immediately followed this section were repealed 12-11-2006 by L.L. No.1-2006. Said local law also renumbered former §§ 16-15 through 16-21 as §§16-8 through 16-14. For current provisions, see Ch. 52, Construction Codes, Uniform.

Canadice, Ontario County.

§ 16-11. Requirements.

Residency requirements for the positions of Code Enforcement Officer, Deputy Code Enforcement Officer and Court Clerk for the Town of Canadice: The person(s) holding the office of Code Enforcement Officer, Deputy Code Enforcement Officer or Court Clerk in the Town of Canadice need not be a resident nor an elector of the Town of Canadice; provided, however, that such person shall reside in the county in which such Town is located or an adjoining county within the State of New York.

ARTICLE III

Term of Town Clerk/Tax Collector
[Adopted 8-9-2004 by L.L. No. 2-2004²]

§ 16-12. Statutory authority.

This article is enacted pursuant to the authority of Chapter 365 of the Laws of 1976 which added a new Subparagraph (3) to Paragraph d of Subdivision I of § 10 of the Municipal Home Rule Law authorizing a town to adopt a local law which amends or supersedes any provision of the Town Law in relation to the property, affairs or government of the Town or in relation to any of the other enumerated subject matters in such § 10, unless there is a state legislative restriction on such amendment or supersession.

§ 16-13. Purpose.

In order to permit the Town Board to increase the two-year term of the position of Town Clerk/Tax Collector to provide for more efficient and continuous government representation and to further provide for such referendum at an annual election of any year, rather than any biennial Town election.

§ 16-14. Establishment of term.

In conformance with the Municipal Home Rule Law, and subject to a mandatory referendum of the voters of the Town of Canadice, the term of office for the Town Clerk/Tax Collector shall be four years thereafter, effective with the general election for Town officers in November 2005, for that term starting January 1, 2006.

2. Editor's Note: This local law was subject to mandatory referendum. The local law was passed by a majority of the electors voting 11-2-2004.