

**VILLAGE OF HIGHLAND FALLS**  
**LOCAL LAW NO. \_\_\_ of 2024 TO AMEND CHAPTER 28 OF THE VILLAGE OF**  
**HIGHLAND FALLS CODE EXPANDING RESIDENCY REQUIREMENTS FOR**  
**APPOINTED VILLAGE OFFICERS AND CLERKS TO THE COUNTY OF**  
**ORANGE, NEW YORK**

**BE IT ENACTED** by the Village Board of Trustees of the Village of Highland Falls, County of Orange, State of New York, as follows:

**Section 1.** Legislative Findings, Purpose and intent. The Board of Trustees finds that it is imperative to good government to employ individuals who possess the requisite knowledge, expertise and experience necessary to carry out the business of the people. The Board also finds, however, that it is not always possible to find qualified people to fill certain appointive offices and nonjudicial positions in Village government requiring municipal, administrative, or financial expertise within the Village. Therefore, to ensure that the people of the Village have a wide range of qualified individuals to work on their behalf as Village employees, it is necessary to expand such residency requirements to allow residents of Orange County to be eligible for appointment to said offices.

**Section 2.** Authority. This local law is enacted by the Village Board of Trustees of the Village of Highland Falls pursuant to its authority to adopt local laws pursuant to the New York State Constitution, Article IX, § 2[c], Municipal Home Rule Law, § 10[1][ii][a][1] and § 3-300(2) and § 4-412(a) of the Village Law.

**Section 3.** Article I of Chapter 28, titled, “Officers and Employees,” of the Village of Highland Falls is hereby deleted in its entirety and replaced as follows:

**Article I**

Village Clerk; Deputy Clerk; Treasurer; Deputy Treasurer; Election Inspectors

**§ 28-1 Purpose; legislative authority.**

The Board of Trustees finds that it is not always possible to fill certain appointive offices and nonjudicial positions in Village government requiring municipal, administrative, or financial expertise with Village residents who are duly qualified to hold such positions and, therefore, determines that it is in the public interest to expand eligibility to all residents of the County of Orange. The Village Board of Trustees is authorized to expand residency qualifications pursuant to the New York State Constitution, Article IX, § 2[c], Municipal Home Rule Law, § 10[1][ii][a][1] and § 3-300(2) and § 4-412(a) of the Village Law.

**§ 28-2 Residency within county required: effect on state law.**

A. Notwithstanding any other general or special law, no person shall be eligible to be appointed to or hold office of the Village Clerk, Deputy Clerk, Village Treasurer, or Deputy Treasurer who is not a citizen of the United States, is not at least 18 years of age and is not either a resident of Orange County, New York, or of any village, town or city located

within Orange County at the time of such appointment. No person shall be eligible to be appointed as an election inspector in the Village of Highland Falls unless such person is a resident of Orange County.

B. This section shall change or supersede Public Officers Law § 3 as last amended, to the extent that the provisions thereof conflict with or are contrary to the provisions of this article.

**§ 28-3 When effective; applicability.**

This article shall take effect immediately upon filing with the Secretary of State of the State of New York and shall apply to all persons currently holding the positions of Village Clerk, Deputy Clerk, Village Treasurer and Deputy Treasurer as well as any persons hereafter appointed to fill such offices and to all persons acting as election inspectors.

**Section 4.** Supersession, of Inconsistent Laws. The Village Board of Trustees hereby declares its legislative intent to supersede any provision of any local law, rule, or regulation and any provision of the state Public Officers Law, Village Law or other special law that may be declared inconsistent or in conflict with this local law. The courts are specifically requested to take notice of this legislative intent and apply such intent in the event the Village has failed to specify any provision of law that may require supersession. The Village Board hereby declares that it would have enacted this local law and superseded such provision had it been apparent.

**Section 5.** Severability.

If any section, part or provision of this local law or the application thereof to any person, property or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, provision or application directly and expressly adjudged invalid and shall not affect or impair the validity of the remainder of this local law or the application thereof.

**Section 6.** Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.