

(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~~

~~TOWN~~

~~VILLAGE~~

of ----- Niagara -----

Local Law No. ----- 4 ----- of the year 20 04

A local law Amending Local Law No. 1 for the Year 2003 to Provide for the
(Insert Title)
Filling of Vacancies in the Niagara County Legislature

Be it enacted by the ----- Legislature ----- of the
(Name of Legislative Body)

County

~~CITY~~

~~TOWN~~

~~VILLAGE~~

of ----- Niagara ----- as follows:

A LOCAL LAW AMENDING LOCAL LAW NO. 1 FOR THE YEAR 2003 TO PROVIDE FOR THE FILLING OF VACANCIES IN THE NIAGARA COUNTY LEGISLATURE

1. Local Law No. 1 for the year 2003, and the same hereby is, amended so as to designate the current provisions thereof as subdivision (a) and insert therein a new Section 3 subdivisions (b) and (c) to read as follows:

Section 3. Filling Vacancy in Elective Office of County Legislator.

(a) A vacancy, otherwise than by expiration of term, in the elective office of County Legislator, shall be filled by appointment by a majority vote of the members of the County Legislature of the party with which the person last elected to such office was registered. A vacancy shall be included in the total count of which there is to be a majority vote. In the event that the vacancy in the elective office of County Legislator is of a person who is the sole member of the party to which the person was last elected to such office was registered, the vacancy shall be filled by the majority vote of the Niagara County Legislature. The person newly appointed shall be a qualified elector of the County and shall be a resident of the district to which such appointment is made. The person appointed shall hold office by virtue of such appointment for the balance of the unexpired term.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(b) A vacancy in the elective office of Niagara County Legislator, as a result of the expiration of such term of office and due to the failure of the electors to elect a successor to fill such vacancy as the result of a tie vote at the last General Election, shall be filled by appointment by a majority vote of the duly elected members of the Niagara County Legislature. The vacancy and any holdover to such vacancy shall not be included in the total count for which there is to be a majority vote. The person newly appointed shall be a qualified elector of Niagara County and shall be a resident of the Legislative District to which such appointment is made. The person so appointed shall hold office from the date of appointment through and until December 31st of the year of such appointment. Such vacancy shall be filled at the next succeeding General Election, and the person so elected shall take office on the day immediately following certification by the Niagara County Board of Elections of the results of such election and shall serve for the remainder of the term of such office of Niagara County Legislator.

(c) Severability. If any part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the part thereof directly involved in the controversy in which such judgment shall have been rendered.

2. This Local Law shall become effective 45 days after its adoption during which time said Local Law is subject to permissive referendum.

(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. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

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

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. _____ 4 _____ of 20⁰⁴ of the (County)(~~City~~)(~~Town~~)(~~Village~~) of _____ Niagara _____ was duly passed by the _____ on February 17 20⁰⁴, and was (approved)(~~not approved~~)(~~repassed after disapproval~~) by the _____ on February 17 20⁰⁴. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of April 5 20⁰⁴, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

* 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 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 _____ 20____, 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 _____, above.

Michelle P. Curran

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 4/6/04

(Seal)

(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 NIAGARA

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]

Signature _____
Niagara County Attorney
Title _____

County ~~City~~ of Niagara
~~Town~~
~~Village~~

Date: April 5, 2004