

**TOWN OF HAMPTON  
COUNTY OF WASHINGTON, STATE OF NEW YORK  
Local Law No. 1 of the Year 2021**

**A LOCAL LAW AUTHORIZING THE POSITION OF SUPERINTENDENT OF  
HIGHWAYS OF THE TOWN OF HAMPTON TO RESIDE OUTSIDE THE  
CORPORATE LIMITS OF THE TOWN OF HAMPTON, WASHINGTON COUNTY,  
NEW YORK**

*Be it Enacted by the Town Board of the Town of Hampton, as follows:*

**Section 1. Declaration of legislative findings.**

The Town of Hampton (the "Town") Town Board ("Town Board"), wishes to authorize any individual to hold the office of superintendent of highways of the Town of Hampton who resides within the corporate limits of the Town, or within the corporate limits of a town within Washington County, New York that immediately adjoins the corporate limits of the Town, and wishes to adopt this local law pursuant to Municipal Home Rule Law, §§2(5) and (12), 10(1)(ii)(a)(1), Public Officers Law §§3(1) and 30(1)(d), and Town Law §23(1).

**Section 2. Residency Requirement for Superintendent of Highways**

Notwithstanding any provision of any law to the contrary, any individual may occupy the office of superintendent of highways of the Town of Hampton, Washington County, New York, provided that such individual resides within the corporate limits of the Town, or within the corporate limits of a town within Washington County, New York that immediately adjoins the corporate limits of the Town. In the event of a question as to any individual meeting such geographic requirements, such question shall be settled by resolution of the Town Board. This local law shall apply to an elected or appointed superintendent of highways.

**Section 3. Supersession.**

It is the specific intent of the Town Board to supersede Town Law §23(1) which requires that any person appointed to the elective office of the superintendent of highways be a resident of the Town. This power is exercised pursuant to Municipal Home Rule Law, §§2(5) and (12), 10(1)(ii)(a)(1), as well as 1987 N.Y. Op. Atty. Gen 87-52 and by way of reference to Town Law §23(2), which rendered Town Law §23 other than a law of general applicability in New York State, permitting the Town Board to supersede Town Law §23(1) as set forth herein.

**Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision,

section, or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 5. Effective Date.**

This Local Law shall take effect upon filing with the New York State Secretary of State.