

# 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  Town  Village  
(Select one:)

of \_\_\_\_\_ Delaware \_\_\_\_\_

Local Law No. \_\_\_\_\_ of the year 20<sup>12</sup> \_\_\_\_\_

A local law replacing the three elected assessors of the Town of Delaware with a sole appointed  
(Insert Title)  
assessor.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

County  City  Town  Village  
(Select one:)

of \_\_\_\_\_ Delaware \_\_\_\_\_ as follows: \_\_\_\_\_

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

**§1. Short title and applicability.**

This local law shall be known and may be cited as the “Sole Assessor Conversion Law of the Town of Delaware.”

**§2. Purpose.**

It is the purpose of this local law to abolish the existing three (3) member board of assessors of the Town of Delaware and replace it with a single appointed assessor to be appointed pursuant to Real Property Tax Law §310.

**§3. Authority.**

This local law is adopted pursuant to Real Property Tax Law §328, which authorizes the Town Board, at its discretion, to adopt a local law, not subject to referendum, providing that from an after a date certain there shall be but one (1) assessor to be appointed as provided in Real Property Tax Law §310.

**§4. Abolition of Existing Board of Three Assessors and Creation of Sole Assessor.**

(a) The offices of the three (3) elected assessors as previously established and continued by Town of Delaware are hereby abolished and the terms of office of each of the three (3) elected assessors shall terminate on December 31<sup>st</sup> of the year in which this local law shall take effect.

(b) In place and stead of the three (3) elected assessors, the Town of Delaware shall have one (1) sole assessor to be appointed by the Town Board of the Town of Delaware.

(c) The office of sole appointed assessor of the Town of Delaware shall be filled for the remainder of the six (6) year term of office that commenced on October 1, 2007 and ends on September 30, 2013, consistent with Real Property Tax Law §310.

**§5. No Referendum.**

Pursuant to Real Property Tax Law §328, the Town Board of the Town of Delaware has elected not to adopt this subject either mandatory or permissive referendum, and to instead adopt it not subject to any manner of referendum whatsoever.

**§6. Inconsistency.**

All other local laws and ordinances of the Town of Delaware that are inconsistent with the provisions of this local law are hereby repealed; provided, however, that such repeal shall only be to the extent of any such inconsistency and in all other respects this

local law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered by this local law.

**§7. Effect of invalidity.**

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjusted finally by a Court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or any part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby intended to be the legislative intent that the remainder of this local law would have been adopted had any such provisions not been included.

**§8. Effective date.**

This local law shall take effect immediately upon filing in the office of the Secretary of State and, pursuant to Real Property Tax Law §328, the term of office of all three (3) elected assessors of the Town of Delaware shall terminate on December 31, 2012.

(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<sup>12</sup> of the ~~(County)(City)(Town)(Village)~~ of Town of Delaware was duly passed by the Town Board on 20<sup>12</sup>, 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.  
*(Name of Legislative Body)*  
*(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\_\_\_\_.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

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.

~~**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 was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject 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 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 1 above.

\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_

**(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 SULLIVAN

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  
Kenneth C. Klein, Town Attorney  
\_\_\_\_\_  
Title

~~County~~  
~~City~~ of Delaware  
Town \_\_\_\_\_  
~~Village~~

Date: \_\_\_\_\_