

Town Board Tool Kit

Legislative Tools

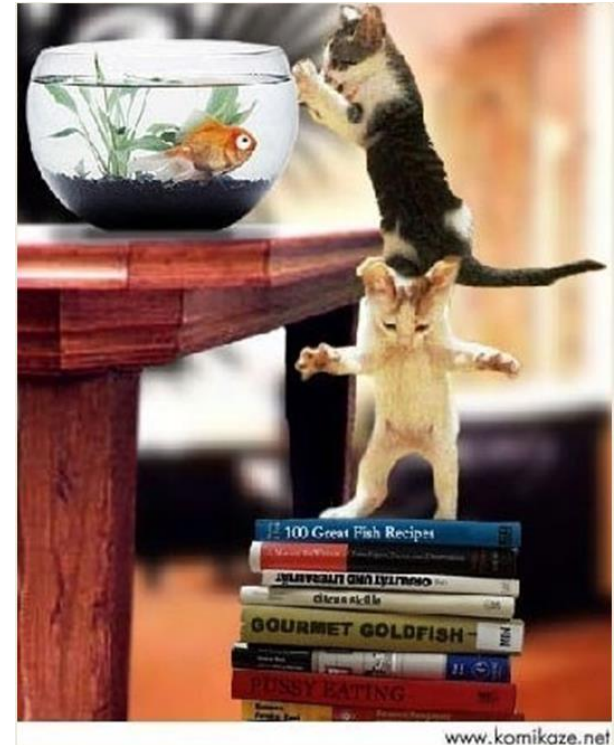


Association of Towns of the State of New York

Town Board Legislative Tools

The town board is the legislative branch of town government and has three legislative tools:

- **Resolutions**
- **Ordinances**
- **Local laws**



Resolutions

- **Most basic of the three legislative tools**
- **Primarily serve as the “workhorse” of the town board**
- **Used for routine actions**
- **May be legislative, quasi-legislative or administrative act**



Resolutions

- **Making appointments**
- **Approving contracts**
- **Expressing praise or mourning**
- **Approving claims**
- **Setting dates for public hearings & meetings**
- **Establishing rules of procedure**
- **Setting compensation**
- **Financial transactions**





Local Laws and Home Rule

- **Local laws are the highest form of legislative authority**
- **Entitled to a presumption of validity**
- **Doctrine of legislative equivalency**
- **Local laws can be adopted on a number of topics and supersede some state statutes**
- **Home Rule authority allows towns to adopt local laws on the “property, affairs and government” of the town - backyard chickens, short-term rentals, etc**

Local Laws and Home Rule

Local laws **MAY NOT**:

- **Be inconsistent with state law**
- **Deal with a matter of state concern**
- **Cover an area preempted by the state**
- **Example – cannabis time, place and manner regulations**
 - **State has explicitly stated how localities can regulate – cannot exceed that authority**



Local Laws - Procedure

Draft local law and introduce in final format to town board

- **Aging requirement- a certain amount of time must elapse before law can be voted on**
 - **Length of time determined by how law is introduced**
 - **“On the desks” – seven day aging requirement (exclusive of Sundays) (in person or via electronic dropbox)**
 - **Mailed (USPS) – 10 day aging requirement (exclusive of Sundays)**
 - **Electronic Transmission (Email) – 10 day aging requirement exclusive of Sundays AND:**
 1. **Must be in PDF format,**
 2. **Town member email addresses must be published on clerk’s signboard, and**
 3. **Town Board has unanimously approved introduction via email**

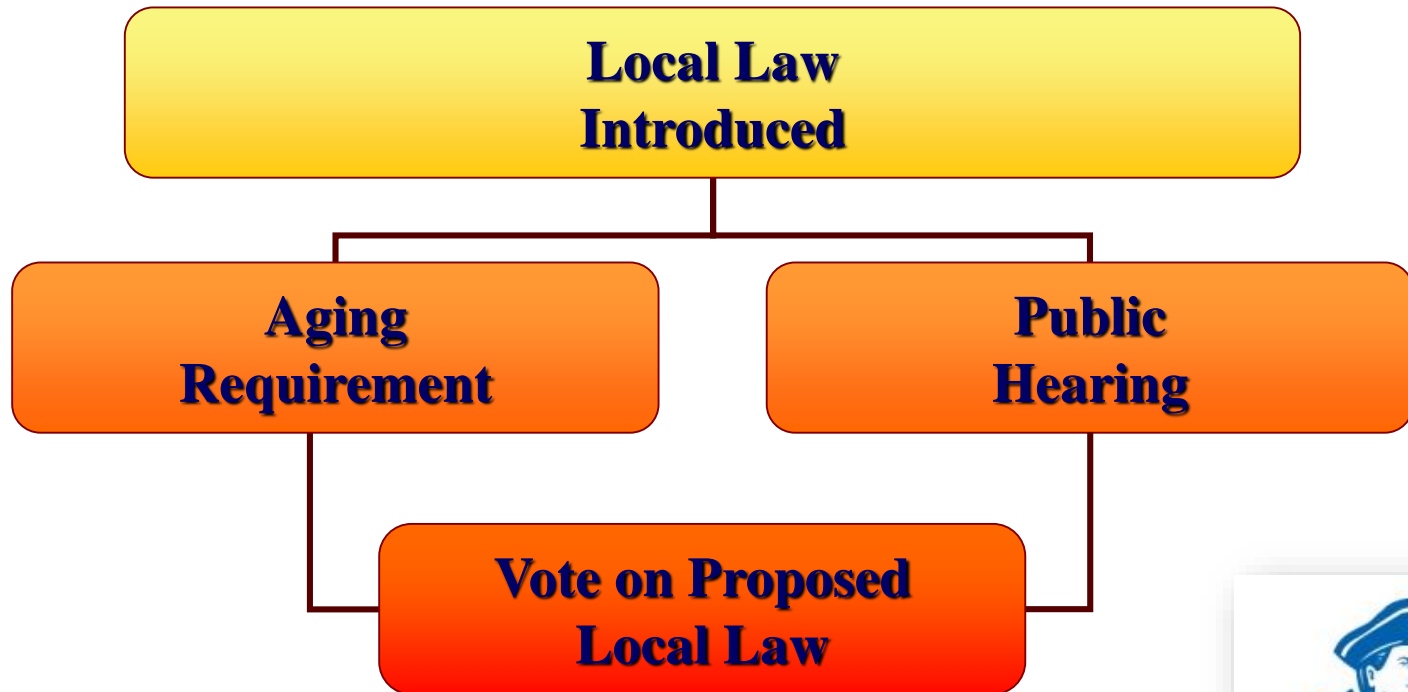


Local Laws - Procedure

- **Schedule public hearing**
- **Publish legal notice of public hearing in newspaper at least 5 days before hearing (list date, time, place and brief summary of proposed local law)**
- **Provide reasonable opportunity for public comment at hearing**
- **Adopt local law by majority vote at board meeting**
 - **Board may vote at public hearing if no substantive changes made and the law aged appropriately**



Local Law - Procedure



Local Law - Procedure

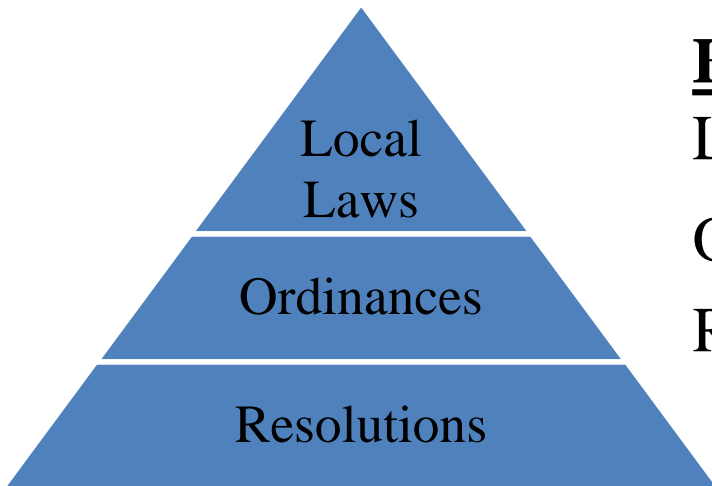
Post-adoption issues:

- **File local law within 20 days of adoption with Secretary of State**
- **File in town clerk's Office**
- **Effective date: Not effective until filed with Secretary of State. If no effective date in law, effective 20 days after adoption**
- **Referendum compliance if required**
 - **Permissive or mandatory**



Doctrine of Legislative Equivalency

- **Existing legislation**
 - May be amended or repealed in the same manner as originally enacted or by a higher form of legislative enactment
 - Hierarchical order of local legislation:



<u>Existing Legislation</u>	<u>Amended by:</u>
Local Law	Local Law
Ordinance	Local Law, Ordinance
Resolution	Local Law, Ordinance, Resolution