

VILLAGE OF CAMBRIDGE

LOCAL LAW NO. 1 OF 2009

**A LOCAL LAW ENTITLED: "VILLAGE OF CAMBRIDGE RESIDENCY
REQUIREMENTS LAW"**

Be it enacted by the Board of Trustees of the Village of Cambridge as follows:

SECTION 1.0

AUTHORITY

This Local Law is enacted pursuant to the authority of: (a) Municipal Home Rule Law (MHRL) Section 10(l)(i). which authorizes a Village to adopt a local law not inconsistent with the provisions of the Constitution or not inconsistent with any general law relating to its property, affairs or government; and (b) MHRL Section 10(l)(a)(i). which authorizes a Village to establish qualifications for its officers and employees; and (c) MHRL Section 10(l)(e)(iii), which authorizes a Village, under certain defined circumstances, to adopt a local law amending or superseding the provisions of the Village Law of the State of New York; and (d) Section 30(4)(iii) of the Public Officers Law of the State of New York, which authorizes the legislative body of a municipality having a police force consisting of less than two hundred full-time members to adopt a local law requiring the members of such police force to reside in such municipality, or within a specified distance from such municipality.

SECTION 2.0

PURPOSE

The purpose of this Local Law is to promote the public health, safety and welfare

by establishing residency requirements for persons hired or promoted to certain offices or positions of employment with the Village of Cambridge after the effective date of this law.

SECTION 3.0

TITLE

The title of this Local Law shall be "Village of Cambridge Residency Requirements Law", and may be cited as "Village of Cambridge Local Law No. 1 of 2009" or "VOC LL-2009-1".

SECTION 4.0

DEFINITIONS

As used in this Local Law, the following words shall, unless the context clearly indicates otherwise, have the following meanings:

Section 4.1: "**Reside**" means to maintain one's actual principal domicile — i.e., the place where he or she normally sleeps and maintains usual personal and household effects — at an abode which is inhabited, occupied and used as one's home.

Section 4.2: "**Village**" means the Village of Cambridge.

Section 4.3: "**Village Board**" means the Board of Trustees of the Village of Cambridge.

SECTION 5.0

RESIDENCE REQUIREMENTS

Section 5.1: Village Police Chief. Any person serving in the position of Chief of

Police of the Village's police department shall, at the time of his appointment to said position and at all times during the continuance of employment in said position, reside within the corporate limits of the Village.

Section 5.2: Full-Time Police Officers. Subject to the provisions of Section 5.5 following, any person serving in the position of full-time police officer of the Village's police department shall, at the time of his appointment to said position and at all times during the continuance of employment in said position, reside: (a) inside the corporate limits of the Village; or (b) at a location outside the corporate limits of the Village which is not more than ten (10) road miles from the headquarters of the Village's police department.

Section 5.3: Other Police Department Employees. Any person serving in any other position of employment with the Village's police department (including, without limitation, part-time patrol officers) shall, at the time of his appointment to said position and at all times during the continuance of employment in said position, reside either: (a) inside the corporate limits of the Village; or (b) at a location outside the corporate limits of the Village which is within the Counties of Washington, Warren, Rensselaer, Saratoga or Albany.

Section 5.4: Other Village Offices. Any person serving as a non-elected officer of the Village (e.g., Village Clerk, Village Treasurer, Village Attorney, etc.) shall, at the time of his appointment to said position and at all times during the continuance of employment in said position, reside either: (a) inside the corporate limits of the Village; or (b) at a location outside

the corporate limits of the Village which is within the Counties of Washington, Warren,

Rensselaer or Saratoga.

Section 5.5: Waiver of Residency Requirement. The residency requirement for full-time or part-time police officers set forth in Section 5.2 & 5.3 above may be waived by the Village Board if:

(A) The Village's Police Chief proposed to the Village Board the employment of an individual as a full time or part-time officer of the Village's Police Department and certifies in writing to the Village Board that neither that person, nor any of the other persons meeting the civil service eligibility requirements for the position in question, then satisfies, or is willing to satisfy, the residency requirement for the position; and

(B) The Village Board determines, in the exercise of its discretion, that it would not be in the best interests of the Village to leave the position vacant until the next list of eligible persons is released by the County Civil Service Commission.

Should the Village Board of Trustees elect to waive the residency requirements contained herein, it shall do so by resolution. Such waiver shall not alter, change or eliminate the application of the residency requirements to any other person for whom a waiver has not previously been granted.

SECTION 6.0

APPLICATION OF LOCAL LAW

This Local Law shall apply to all persons initially employed by the Village, or appointed to Village office, on or after the effective date of the Local Law, and to all

persons promoted on or after the effective date of the Local Law. Such persons shall, as a condition of their employment and service by and for the Village, be and remain in continuous compliance with the residency requirements effecting the position held by them.

SECTION 7.0

INVESTIGATION OF RESIDENCY

Should it be alleged that an employee or officer is not in compliance with the provisions of this Local Law, the Village Board may initiate a hearing by providing the employee or officer with written notice of his or her alleged violation and shall allow the employee or officer seven (7) calendar days in which to respond. If there is a failure to respond, or if, in the judgment of the Village Board, the response is not sufficient to satisfy the requirements of this Local Law, the Village Board shall set a date to hear the charge of non-residence. The employee or officer shall be sent a notice of the hearing date at least fifteen (15) calendar days prior to the hearing. A record of the hearing shall be made. Should an employee or officer establish residency to the satisfaction of the Village Board prior to the hearing date, it shall result in a cancellation of the hearing authorized by this Section.

To conduct the hearing, the Village Board may in writing designate an individual who, for the purpose of the hearing, shall be vested with all the powers of the Village Board and who shall refer the hearing record and his or her recommendations to the Village Board for review and decision. Should the Village Board determine that an employee is a non-resident in violation of this Local Law, the Village Board may impose a penalty in accordance with the provisions of Section 8 of this Local Law.

SECTION 8.0

PENALTY FOR VIOLATION

Should any employee or officer of the Village fail or omit to comply with the residence requirements provided in this Local Law, the Village Board, at its option, may after a hearing held in accordance with the provisions of Section 7 hereof, declare such person's office or position of employment to be "vacant", and inform the officer or employee that he or she has been deemed to have voluntarily resigned from his/her employment or office as of the date of the determination of non-compliance; may suspend, dismiss or otherwise discipline such person, pursuant to Section 8-804 of the Village Law and/or Section 75 of the Civil Service Law; may maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with, or restrain by injunction the violation of, this Local Law; or may exercise any other rights or remedies available to the Village at law or in equity. Such rights and remedies shall be deemed cumulative, and not exclusive, of each other.

SECTION 9.0

SEVERABILITY

If any term or provision of this Local Law, or the application thereof to any person or circumstance, shall to any extent be determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Local Law, or the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Local Law shall be valid and be enforced to the fullest extent permitted by law.

SECTION 10.0

REPEALER

This Local Law shall repeal in its entirety, Village of Cambridge Local Law No. 1 for the Year 2005, establishing residency requirements for Village officials. However, such repeal shall not affect any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time such repeal takes effect, but the same may be enjoyed, asserted, enforced, and prosecuted, or inflicted as fully and to the same extent as if such repeal had not been effected.

SECTION 11.0

EFFECTIVE DATE

This Local Law shall take effect upon adoption and filing with the Secretary of State, as provided in Section 27(3) of the Municipal Home Rule Law.