

**LOCAL LAW NUMBER #4 OF 2024**

**A LOCAL LAW OF THE TOWN OF LANSING TO AMEND THE TOWN CODE TO ADD A NEW CHAPTER 80, ENTITLED “DEPARTMENT OF PUBLIC WORKS”**

The Town Board of The Town of Lansing, New York, pursuant to a Resolution dated November 20, 2024, does hereby adopt and pass this Local Law Number #4 of 2024, and therefore, **BE IT SO ENACTED** as follows:

**SECTION 1 - AUTHORITY:** This local law is adopted pursuant to the powers granted by the Town Law of the State of New York, including but not limited to §§ 20 and 64 therein, and Municipal Home Rule Law § 10, which authorize the Town of Lansing to adopt local laws providing for the governance and management of town affairs.

**SECTION 2 - PURPOSE:** The purpose of this local law is to formally organize and create a Department of Public Works.

**SECTION 3 - ADOPTION OF TOWN CODE CHAPTER 80:** Town Code Chapter 80 is added to the Town Code of the Town of Lansing, as follows:

**PUBLIC WORKS DEPARTMENT**

- § 80-1. Creation of Public Works Department.**
- § 80-2. Transfer of Highway Department functions.**
- § 80-3. Responsibilities.**
- § 80-4. Administrative head.**
- § 80-5. Salary of administrative head.**

[HISTORY: Adopted by the Town Board of the Town of Lansing 11/20/2024 by L.L. No.4 of 2024. Amendments noted where applicable.]

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**§ 80-1. Creation of Public Works Department.**

Pursuant to New York State Town Municipal Home Rule Law § 10(1)(ii)(d)(3) and New York State Town Law § (21-a) there is hereby created in the Town of Lansing a Public Works Department.

**§ 80-2. Transfer of Highway Department functions.**

The functions of the Highway Department of the Town of Lansing are hereby transferred to the Public Works Department.

**§ 80-3. Responsibilities.**

A. The Public Works Department’s responsibilities shall include the Town’s highway functions, along with responsibilities for the construction, improvement, repair, care, and maintenance of the walkways/sidewalks,

highways, bridges, sluices, waterways, culverts for drainage, water and sewer infrastructure and facilities, buildings and other related facilities, grounds, cemeteries, and stormwater facilities of the Town, including stormwater management. The Public Works Department will collaborate and assist the Park and Recreation Department with the maintenance of the facilities and grounds of the Town's parks, trails and ballfields. The Public Works Department shall have such other responsibilities, not inconsistent with law, as may be assigned by the Town Board.

B. In addition, the Public Works Department shall provide all services required or desirable in order to enable the Highway Superintendent to fulfill any duty or responsibility imposed upon such official, whether or not in their capacity as Town Highway Superintendent, by this chapter, or by any other local law, ordinance, or regulation of the Town, or further by any lawful directive of the Town Board or any statute or regulation of the State of New York.

C. Notwithstanding the foregoing, this chapter shall not prohibit the Town Board from providing for construction of any public building, street, highway, road or other facility by public contract.

#### **§ 80-4. Administrative head.**

A. The elected Town Highway Superintendent shall be the administrative head of the Department of Public Works, shall hold office as such administrative head for the terms set forth in New York Town Law § 20 Subdivision 4, shall have the powers and duties of a highway superintendent pursuant to the New York State Highway Law, Town Law, and other applicable laws and regulations of the State of New York, and shall have such powers as are necessary for the proper administration of the Department of Public Works consistent with applicable laws. The Highway Superintendent's office shall be in the unclassified civil service. The administrative head shall also hold the Town's informal administrative title of "Director of Public Works," and they may use the titles of "Highway Superintendent" and/or "Highway Superintendent/ Director of Public Works."

B. During the absence or inability of the Highway Superintendent to act for any reason, the Deputy Highway Superintendent will assume the roles, powers, and responsibilities of the Highway Superintendent as afforded by the New York State Town Law, Article 7 and 8 of the Highway Law, and any authority, duties, or powers inferred under this chapter.

#### **§ 80-5. Salary of administrative head.**

The salary of the Highway Superintendent/ Director of Public Works shall be fixed annually by the Town Board, and such moneys shall be paid out of the general fund of the Town as the Town Board shall direct, as well as from any

improvement or benefit district of the Town pursuant to New York State Town Law Articles 12, 12-A, and 12-C, including but not limited to § 202-a(7), as well as applicable provisions of the General Municipal Law and, if so charged to any benefit or improvement district such charges shall not be or be deemed, in whole or in part, a charge upon any item of the Highway Fund. The salary may be shown in any budget or notice relating to such budget under the classification of either Highway Superintendent or Highway Superintendent /Director of Public Works.

**SECTION 4 - SAVINGS AND SEVERANCE:** The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional must not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which must remain in full force and effect.

**SECTION 5 - CODIFICATION:** This local law and Chapter 80 as set forth herein shall be incorporated into the Town Code, and the incorporator may designate such new section and numerical headings, or other indexed references, as make for a coherent Town Code, sequentially numbered or marked. Nothing in this local law is intended to disrupt or affect the existing Town Code, except to the extent any existing code provision is herein expressly superseded or repealed. All other provisions of the Town Code are hereby reaffirmed and continued in force and effect, and the codification of these amendments shall follow the procedure for amending the code as set forth in the code or the Town's local laws, including but not limited to Local Law #2 of 2020.

**SECTION 6 - EFFECTIVE DATE:** This local law shall take effect immediately.