

## Chapter C. Charter

### Article II. City Officers; General Provisions; City Elections

#### § C-45. Residency Law.

1. The City of Lockport recognizes that emergency situations arise which require employees of the City of Lockport to be near their place of employment and to assume the continuation of public services to protect the health, safety, and general welfare of the people. Through adoption of this local law, the City of Lockport makes a legislative determination that those who are residents of the City of Lockport take a greater interest in promoting the public safety and health in the future of this community than do nonresidents who reside in areas unaffected by City of Lockport services. The City of Lockport further declares that such a quality is desirable for its employees. The legislative body considers that residency by its employees within the community will assure continuation of essential public services. The City of Lockport determines that the public need is sufficient to require that employees hired or promoted after the effective date of this local law be residents of the City of Lockport.
2. Definition. Residency shall mean, for the purpose of this local law, the actual principal domicile of an individual, where he or she (1) normally sleeps (2) maintains usual personal and household effects (3) lists as an address on tax filings; and lists as his or her address for a motor vehicle registration, if any.
3. Residency for new municipal employees. Except as otherwise provided by law, the City of Lockport hereby establishes a residency requirement for all prospective employees. Every person initially employed by the City of Lockport on or after the effective date of this local law shall, as a qualification of employment, become a resident of the City of Lockport within six months of the date of initial service for the City of Lockport. During the time of service of such an employee, no individual shall cease to be a resident of the City of Lockport.
4. Exceptions. The requirement of residency within the corporate limits of the City does not apply to temporary employees, temporary advisors and consultants, persons having an independent contractor status and current employees of the City of Lockport, who reside outside the corporate limits of the City. Also exempt from residency requirements are members of the Fire Department and Police Department, so long as the Police Department has 200 or more full-time members as set forth in further detail in Section 30(4) of the Police Officers Law.
5. Residency upon promotion. All employees promoted by the City of Lockport on or after the effective date of this local law shall be or, within six months of such promotion, shall become a resident of the City of Lockport.
6. Notice and posting. A copy of this local law shall be provided to each employee upon his or her initial appointment or promotion. However, a failure to do so shall not affect the application of this local law to any employee appointed or promoted after its effective date. A copy of this law shall be posted in all locations normally used for employee communications.
7. Investigation of residency. Should it be alleged that an employee is not in compliance with Section three or four of this local law as the case may be, the City of Lockport may initiate a hearing by providing the employee with written notice of his or her alleged violation and shall allow the

employee seven calendar days in which to respond. If there is a failure to respond or if, in the judgment of the City of Lockport, the response is not sufficient to satisfy the requirements of this local law, the City of Lockport shall set a date to hear the charge of nonresidence. The employee shall be sent a notice of the hearing date at least 15 calendar days prior to the hearing. A record of the hearing shall be made. Should an employee establish residency to the satisfaction of the City of Lockport prior to the hearing date, it shall result in a cancellation of the hearing authorized by this section.

To conduct the hearing, the City of Lockport may in writing designate an individual who for the purpose of the hearing shall be vested with all powers of the City of Lockport for review and decision. Should the City of Lockport determine that an employee is a nonresident in violation of this local law, the employee shall be notified in writing that he or she has been deemed to have voluntarily resigned from employment as of the date of the determination. Upon reestablishing residency, an individual having so resigned may apply for reinstatement to his or her former position and shall be reinstated if the position is vacant.

8. Waiver of requirements. In the event that the City of Lockport determines that it is in the best interest of the City of Lockport to do so, the provisions of Section three or four may be waived with respect to an incumbent or incumbents of a particular title or titles in accordance with the following standards:
  - a) Lack of applicants. The requirement of residency may be waived in those instances where the City of Lockport has difficulty hiring or promoting the most qualified person because of its residency requirements.
  - b) Necessity for nonresidence. The requirement of residency may be waived in those instances where it is determined that residency is not in the best interest of the municipality.

Such a waiver shall not in any way affect the application of Section three or four of this local law with respect to any other title or titles. **[Added 3-2-2005 by L.L. No. 3-2005]**