

THE CHARTER OF THE CITY OF SHERRILL
(Local Law 1925, No. 1, as amended)

TITLE I

Short Title, Boundaries, Powers

- Section 1. Short title.
 2. Boundaries.
 3. Powers.
 4. Saving clause.
 5. Form of government.

Section 1. SHORT TITLE. This act is a public act and shall be known and may be cited by the short title of “The Charter of the City of Sherrill.”

2. BOUNDARIES. The city shall be all that part of the town of Vernon, county of Oneida, state of New York, bounded and described as follows:

Beginning at a point in the center of the highway known as Seneca turnpike (state road) thirteen hundred (1,300) feet west from the center of Morrison's crossing so called, a crossing of the Seneca turnpike and the New York, West Shore and Buffalo railroad in the westerly part of the town of Vernon, Oneida county, state of New York; running thence south in a true meridian line to the center of Mud creek; thence turning and running in the center of said creek as it winds and turns westerly to the westerly line of lot number twenty-one of the purchase by the state of New York from the Oneida Indians of lands known as the purchase of seventeen hundred and ninety-eight; thence turning and running southerly along the westerly line of said lot number twenty-one to its southwest corner formerly marked by a stone monument; thence west along the southerly line lot number twenty-three of a purchase of land from the Oneida Indians by the state of New York known as the purchase of eighteen hundred and forty to the center of Oneida creek; thence westerly along the center of said creek as it winds and turns to the southwest corner of lot number twenty-one of said purchase of eighteen hundred and forty where it corners in said creek; thence northeasterly along the line of separation between lots numbered twenty-one and eighteen of said purchase of eighteen hundred and forty to a corner in Mud creek; thence along the center of said creek as it winds and turns to a point where a meridian passing through the southeast corner of lot number thirty of a purchase of land from the Oneida Indians by the state of New York known as the purchase of eighteen hundred and twenty-four intersects said creek; thence north on said meridian to the southeast corner of lot number thirty aforesaid, and turning at this point and running along the easterly line of said lot number thirty to the center of Sconondoa creek; thence turning and running in and with the center of said creek as it winds and turns in a generally easterly direction to a corner marking the boundaries of lands of the Burt Olney Canning Company and the Oneida Community, Limited; thence turning and running northerly in and with the boundary line separating lands of the aforesaid companies to a point two hundred fifty (250) feet north from a line prolonging the center line of a short street known as Cedar street; thence turning and running easterly parallel to the center line of Cedar street and two hundred fifty (250) feet northerly therefrom to a point due north of the easterly boundary of lands

of the Oneida Community, Limited, on the east side of Foundry street; thence turning and running south to the northeasterly corner of lands of the Oneida Community, Limited, aforesaid, and in and with the easterly boundary of said lands to the center of Sconodoa creek; thence turning and running in and with the center line of said creek as it winds and turns in an easterly direction to a point due north of the point of beginning; thence turning and running due south to the center of the Seneca turnpike to the point of beginning; also the following described territories:

(a) Beginning at the southwesterly corner of the boundaries of the city of Sherrill, where it corners in Oneida creek, and running thence down the center of said creek as it winds and turns to its junction with Mud creek (so called); thence up the center of said creek as it winds and turns to a point where lands of the New York, West Shore and Buffalo railroad corner in said creek, approximately five hundred (500) feet westerly from the so called Duross under-pass of the Seneca turnpike; thence in an easterly direction along the south side of the right of way of the said New York, West Shore and Buffalo railroad to the intersection of same with the westerly boundary of the city of Sherrill; thence southerly along said boundary to the point of beginning.

(b) Beginning at the southeasterly corner of the boundaries of the city of Sherrill; running thence west along the southerly boundary of said city, to a corner in the center of Oneida creek; thence southerly up the center of said creek as it winds and turns to the junction of a waste water race and said creek, approximately three hundred fifty (350) feet south of the bridge over said creek of New York, Ontario and Western railway; thence easterly up said waste water race to the power canal of the Oneida Community, Limited, and crossing said canal by the shortest line to a corner marking lands of the said Oneida Community, Limited, and lands of Sarah Snell; thence easterly, approximately two hundred (200) feet, and northerly four hundred (400) feet along the boundary between said lands of the Oneida Community, Limited, and said Sarah Snell to a corner; thence easterly approximately four hundred (400) feet along aforesaid boundaries to a corner in the bottom of Parsons gulf (so called), the same being the southwest corner of lands of Marble; thence in an easterly direction up the bottom of said Parsons gulf, being the southerly boundary of said Marble's land to the southeasterly corner thereof; thence north along said Marble's east boundary to the center of the highway from Kenwood park toward Vernon, called locally Hamilton avenue; thence east along the center line of said Hamilton Avenue approximately three rods to the east line of the highway running north, known locally as Betsinger Road; thence north, in the east line of said road to the north line of lands of George Snell; thence east along said Snell's north boundary ten rods to an intersection therewith of a line parallel to the center of Betsinger Road; thence north in said line parallel to the Betsinger road and ten rods therefrom to a point of intersection in Mud creek with the boundary of city of Sherrill at that point; thence west and again south along said boundary of the city of Sherrill to the point of beginning.

(c) Beginning at a concrete monument on the northerly highway boundary of Highbridge Road, said monument marking the southeast corner of premises now or formerly of Donald O. Cobb, Jr. and Janet E. Cobb as described in a deed recorded in the office of the Oneida County Clerk in Liber 2052 of Deeds at Page 742, said point of beginning being further described as the point of intersection of the northerly highway boundary of Highbridge Road and the westerly line of Lot #29 in the Oneida Purchase of 1824; thence, from said point of beginning, N. 06° 41' 38" W. along said westerly line of Lot #29 a distance of 1451.76 feet to a point on the southerly bounds of premises now or formerly owned by Mark Ellis Roberts and Kathleen Mae Roberts (D.L. 2558, P. 135); thence N. 68° 43' 23" E. along the southerly bounds of Roberts and

continuing along the southerly bounds of premises now or formerly owned by George Wentworth (D.L. 2754, P. 49) a distance of 382.22 feet to a point; thence N. 84° 30' 23" E., continuing along the southerly line of Wentworth a distance of 393.00 feet to a point; thence N. 69° 55' 23" E., 199.00 feet to a point; thence N. 28° 07' 23" E., 114.00 feet to a point; thence N. 73° 13' 23" E., 104.50 feet to a point; thence S. 72° 47' 37" E., 62.77 feet to a point on the easterly line of Lot #29 in the Oneida Purchase of 1824 (which line is also the westerly line of the City of Sherrill at this time); thence S. 01° 01' 01" W. along said westerly line a distance of 1886.06 feet to an iron pin on the northerly highway boundary of Highbridge Road; thence along the northerly highway boundary of Highbridge Road the following courses and distances:

1. N. 81° 29' 03" W., 286.61 feet; thence
2. N. 76° 58' 38" W., 290.10 feet; thence
3. N. 81° 39' 38" W., 66.27 feet; thence
4. N. 84° 34' 38" W., 71.60 feet; thence
5. S. 81° 18' 22" W., 245.20 feet to the concrete monument marking the point or place of beginning.

Containing 39.433 acres of land, more or less.

(As added by L.L. No. 1, 2000)

(d) Beginning at an iron pin on the southerly highway boundary of New York State Route #5, said iron pin standing at the intersection of the southerly highway boundary of New York State Route #5 with the westerly boundary of the Village of Vernon (Now or Formerly) as described in a Warranty Deed dated November 15, 1933 and filed in the Oneida County Clerk's Office in Liber 939 of Deeds at Page 384; thence S 09° 21' 00" W 50.00 feet along the westerly boundary of the Village of Vernon to a point standing on the southerly boundary of the Village of Vernon; thence N 80° 48' 11" E 50.00 feet along the southerly boundary of the Village of Vernon to an iron pin standing on the westerly boundary of Michael F. Gaiser and Deborah J. Anderson-Gaiser (Now or Formerly); thence S 09° 21' 00" W 517.39 feet along the westerly boundary of Gaiser and the westerly boundary of Thurston (Reputed Owner) to an iron pin; thence S 62° 44' 40" W 20.0± feet to a point standing on the nominal centerline of Taylor Creek; thence southwesterly, westerly, southwesterly, northerly, westerly 773± feet along the nominal centerline of Taylor Creek to a point; thence northerly 414± feet to a point standing on the southerly boundary of Wesley L. and Alice T. Phillips (Now or Formerly); thence N 77° 15' 56" E 60± feet along the southerly boundary of Phillips to an iron pin standing on the southerly boundary of Olivia C. DeFazio and Michael J. Bailey (Now or Formerly); thence N 79° 08' 34" E 254.20 feet along the southerly boundary of DeFazio and Bailey and the southerly boundary of Michael D. and Margaret V. Munroe (Now or Formerly) to an iron pin standing on the southerly boundary of Rolfe S. and Barbara M. Freeman (Now or Formerly); thence N 79° 59' 02" E 125.00 feet along the southerly boundary of Freeman to an iron pin standing on the easterly boundary of Freeman; thence N 08° 48' 03" E 246.84 feet along the easterly boundary of Freeman to a point standing on the southerly highway boundary of New York State Route #5; thence N 80° 48' 11" E 109.52 feet along the southerly highway boundary of New York State Route #5 to the point and place of beginning.

The above described premises containing 6.46± acres of land more or less.

(As added by L.L. No. 2, 2007)

(e) Beginning at a point on the centerline of Marble Road, said point standing at the intersection of the centerline of Marble Road with the easterly boundary of Thomas G. Desnoyers (Now or Formerly) as described in a Quit Claim Deed dated October 29, 1990 and filed in the Oneida County Clerk's Office in Liber 2559 of Deeds at Page 129; thence N 16° 14' 00" E 706.50 feet along the easterly boundary of Desnoyers to an iron pin standing on the northerly boundary of Desnoyers; thence N 80° 26' 00" W 129.00 feet along the northerly boundary of Desnoyers to an iron pin standing on the easterly boundary of Richard L. and Pamela J. Musacchio (Now or Formerly); thence N 08° 44' 30" E 901.99 feet along the easterly boundary of Musacchio to an iron rod standing on the easterly boundary of Daniel H. Stobel and Robin A. Vanderwall (Now or Formerly); thence N 09° 26' 44" E 3562.37 feet along the easterly boundary of Stobel and Vanderwall, the easterly boundary of Raymond A. Winterton, Jr. and Linda J. Winterton (Now or Formerly), the easterly boundary of Ted J. and Wanda L. Zinski (Now or Formerly), the easterly boundary of Michael M. and Diane P. Crumb (Now or Formerly), the easterly boundary of Charles A. and Linda J. Ingalls (Now or Formerly), the easterly boundary of Julie A. Stickels (Now or Formerly), the easterly boundary of D. Joseph and Francine Marie Stadmiller (Now or Formerly) and the easterly boundary of John S. Mierek, Jr. Etal. (Now or Formerly) to a point standing on the nominal centerline of Taylor Creek; thence easterly, southerly, easterly, northeasterly, northerly, easterly, southerly, northeasterly, easterly and northeasterly 1176.0± feet along the nominal centerline of Taylor Creek to a point standing on the southeasterly boundary of Meadow View Townhomes, Inc. (Now or Formerly); thence N 62° 44' 40" E 20.0± feet along the southeasterly boundary of Meadow View Townhomes, Inc. to a point standing on the easterly boundary of Meadow View Townhomes, Inc.; thence N 09° 21' 00" E 282.46 feet along the easterly boundary of Meadow View Townhomes, Inc. to an iron rod standing on the southerly boundary of Michael F. Gaiser and Deborah J. Anderson-Gaiser (Now or Formerly); thence S 78° 10' 58" E 421.85 feet along the southerly boundary of Gaiser to an iron pin standing on the westerly boundary of Gaiser; thence S 11° 13' 42" W 381.90 feet along the westerly boundary of Gaiser to an iron rod standing on the southerly boundary of Gaiser; thence N 89° 32' 13" E 576.21 feet along the southerly boundary of Gaiser to an iron rod; thence S 82° 33' 08" E 382.56 feet continuing along the southerly boundary of Gaiser to an iron rod standing on the westerly boundary of Norman E. and Agnes M. Graves (Now or Formerly); thence S 09° 12' 57" W 2243.48 feet along the westerly boundary of Graves to an iron pin standing on the northerly boundary of Graves; thence N 80° 36' 03" W 1355.43 feet along the northerly boundary of Graves and a westerly extension thereof to an iron rod; thence S 09° 11' 39" W 3356.37 feet to an iron pin standing on the northerly boundary of Bernard J. and Jacquelyn E. Bayne (Now or Formerly); thence N 51° 08' 44" W 253.92 feet along the northerly boundary of Bayne to an iron pin standing on the northerly boundary of other lands of Myron J. and Minnie Thurston (Now or Formerly); thence N 55° 54' 44" W 164.60 feet along the northerly boundary of other lands of Thurston to an iron rod standing on the westerly boundary of other lands of Thurston; thence S 30° 09' 14" W 279.63 feet along the westerly boundary of other lands of Thurston to a point standing on the centerline of Marble Road; thence N 57° 09' 16" W 105.10 feet along the centerline of Marble Road to a point; thence N 60° 11' 22" W 200.87 feet continuing along the centerline of Marble Road to the point and place of beginning.

The above described premises containing 166.66± acres of land more or less.
(As added by L.L. No. 2, 2007)

f) Beginning at an iron pin on the southerly highway boundary of the Utica-Oneida Castle, Sec. 2, SII 271, (Seneca Turnpike) said point being the northeast corner of the lands of Wesley Phillips (now or formerly) and approximately (295) feet east of the Sherrill City lines; thence

N (79° 21'') E along the southerly highway boundary (120.0) feet to an iron pin, and the northwest corner of the lands of Florence K. Grower (now or formerly); thence

S. (10° 51') W. along the lands of Grower (255.6) feet to an iron pin; thence

Along the northerly property line of Myron Thurston (now or formerly) S (79°45') W. (120.00) feet to an iron pin; thence

N. (11° 00') E. along the lands of Wesley Phillips (255.0) feet to the place and point of beginning, containing (0.730) acres of land, more or less.

Being the same premises conveyed by Carmine T. DeVito to Olivia C. DeFazio and Michael J. Bailey by deed dated March 12, 2001 and recorded in the Oneida County Clerk's Office on March 15, 2001 in Liber 2959 of Deeds at Page 648.
(As added by L.L. No. 3, 2007)

(g) Beginning at an iron pipe found at the northeast corner of lands now or formerly belonging to Michael D. Munroe (liber 2007, page 551), said pipe being on the south line of New York State Route 5; thence

1) N 84° 45' 00'' E along said south line a distance of 124.47 feet to an iron pipe found; thence

2) S 13° 00'' 12'' W along a west line of lands now or formerly belonging to Myron J. and Minnie C. Thurston a distance of 253.00 feet to an iron pipe set; thence

3) S 84° 11' 11'' W along a north line of said Thurston a distance of 125.00 feet to an iron pipe found; thence

4) N 13° 01' 43'' E along the east line of lands of said Munroe a distance of 254.33 feet to the Point of Beginning, containing in all an area of 0.69 acre.

Being the same premises conveyed by Mary Shooshan to Rolfe S. Freeman and Barbara M. Freeman by deed dated August 7, 1991 and recorded in the Oneida County Clerk's Office on August 9, 1991 in Liber 2597 of Deeds at Page 218.
(As added by L.L. No. 3, 2007)

(h) Beginning at an iron pin on the southerly highway boundary of the Utica-Oneida Castle, Section II, S.H. 271, (Seneca Turnpike), said point being the northeasterly corner of the lands of now or formerly Ernest P. Moot, and said point being approximately 415 feet east of the

Sherrill City Line, thence running South 10° 51' W., along the easterly line of said Moot premises 255.67 feet to an iron pipe marking the southeasterly corner of said Moot, thence running North 79° 45' E., along an existing fence line 134.2 plus or minus feet to an iron pin; thence running North 9° 26' E., 254.22 feet to an iron pin marking the southerly New York State right-of-way line; thence running South 79° 21' W., along said southerly right-of-way line 127.4 feet to an iron pin marking the point and place of beginning.

Being the same premises conveyed by Florence K. Grower to Michael D. Munroe and Margaret V. Munroe by deed dated April 20, 1975 and recorded in the Oneida County Clerk's Office on April 25, 1975 in Liber 2007 of Deeds at Page 551.

(As added by L.L. No. 3, 2007)

(i) Beginning at a point on the centerline of Kenwood Avenue, said point standing at the intersection of the centerline of Kenwood Avenue with the northerly boundary of Robert G. and Catherine E. Suttmeier (Now or Formerly) as described in a Warranty Deed dated January 30, 1992 and filed in the Oneida County Clerk's Office in Liber 2621 of Deeds at Page 488; thence S03°59'50"W 105.21 feet along the centerline of Kenwood Avenue to a point standing on the northerly boundary of Kenwood Station, LLC (Now or Formerly); thence S89°11'16"W 81.25 feet along the northerly boundary of Kenwood Station, LLC to a point; thence S78°23'14"W 79.97 feet continuing along the northerly boundary of Kenwood Station, LLC to a point standing on the nominal southerly top of bank of the old Mill Race and the northerly boundary of Kenwood Station, LLC; thence northwesterly 474± feet along the nominal southerly top of bank of the old Mill Race and still along the northerly boundary of Kenwood Station, LLC to a point standing on the southerly corner of the dam over Oneida Creek; thence N20°16'40"E 43.64 feet along the easterly line of said dam to a point standing on the nominal centerline of Oneida Creek; thence S81°21'16"E 293.13 feet along the nominal centerline of Oneida Creek to a point; thence N86°58'05"E 111.88 feet continuing along the centerline of Oneida Creek to a point; thence N61°31'59"E 47.12 feet to a point; thence N25°22'20"E 53.02 feet to a point; thence N00°48'39"W 194± feet still along the centerline of Oneida Creek to a point standing on the line between the City Of Sherrill on the north and the Town Of Vernon on the south; thence northeasterly, easterly, northwesterly, northerly, easterly and southeasterly along aforementioned city and town line to a point standing on the nominal centerline of Gulf Brook (so called) (Parson's Brook); thence S03°38'55"W 72.90 feet to a point; thence N88°21'38"W 200.00 feet to a point; thence S27°50'31"W 300.00 feet to a point; thence S03°41'51"W 763.11 feet to a point standing on the northerly boundary of Suttmeier; thence N76°32'36"W 400.00 feet along the northerly boundary of Suttmeier to the point and place of beginning.

The above described premises containing 11± acres of land more or less.

(As added by L.L. No. 6, 2007)

3. POWERS. The citizens of this state who may, from time to time, reside within the territorial limits, as specified in this act, are hereby created a municipal corporation and a city in perpetuity to be known as the City of Sherrill. It may use a corporate seal, may sue and be sued; may acquire property in fee simple; or lesser interest or estate, by condemnation or by purchase,

gift, devise, lease, or lease with privilege to purchase for any municipal purpose; may sell, lease, hold, manage and control such property, and may make any and all rules and regulations by ordinance or resolution which may be required to carry out fully all the provisions of any conveyance, deed or will, in relation to any gift by bequest, or the provisions of any lease by which it may acquire property; may assess, levy and collect taxes for general city and specific purposes on all the subjects or objects which the city may lawfully tax; may appropriate the money of the city for all lawful purposes; may create, provide for, construct, regulate and maintain all things of the nature of public works and improvements; and prescribe the widths and grades of streets and sidewalks as herein provided; and provide for the numbering of the lots or buildings adjoining the streets; may levy and collect assessments for local improvements; may license and regulate persons, corporations and associations engaged in any business, occupation, profession or trade which it may be necessary or proper to license or regulate to promote the health, morals, safety or general welfare of its inhabitants; may define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city and all the nuisances and causes thereof; may regulate the construction, height and material used in all buildings and the maintenance and occupancy thereof, and establish fire limits and require the erection of fire escapes, may regulate and license the construction of bill boards, signs and similar structures; may regulate and control the use for different purposes of the streets and other public places, may compel the owner or occupants of any premises adjoining any street to construct, maintain and repair sidewalks in front of said premises including the space between the outside limits of the street and the curb, and to erect barriers or safeguards at dangerous places, and to remove snow and ice from such sidewalks and barriers and, in case of failure of such owner or occupant to remove such snow and ice, to assess the cost and expense thereof against such property; may fix the salaries and compensations of all officers and employees; may make and enforce local police, sanitary and other regulations; may establish and maintain a lockup or police station; and may pass such ordinances as may be expedient for maintaining and promoting the peace, good government, welfare, education and amusement of the citizens of the city and for the performance of the functions thereof, and for the purposes of town meetings, general elections, general taxation, the liquor tax law and the relief or support of the poor, the city hereby created shall stand in the same relation to the town of Vernon, the county of Oneida, and the state of New York, as if it were a village incorporated under the general village law of the state of New York.

4. SAVING CLAUSE. Such municipal corporation shall have all the powers and be subject to all the obligations of a city except as inconsistent with the provisions of this act. It is expressly provided that the town officers of the said town, as now provided by the constitution and general laws of the state, shall hereafter continue to exercise the same powers and duties over the property and persons within the territory hereby constituted as the city of Sherrill, unless herein to the contrary expressly provided.

5. FORM OF GOVERNMENT; GENERAL DESCRIPTION. The governing body shall consist of a Commission of five persons who shall be elected at large in the manner herein provided, with power to pass and enforce ordinances and appoint a chief administrative officer to be known as manager and such other officers as are herein provided, and except as herein otherwise provided and not inconsistent herewith, the chairman of the Commission and the Commission are hereby respectively vested with all the powers and authority now or which may

be hereafter conferred upon the mayor or common council or other legislative body of cities by general law.

TITLE II

Elective and Appointive Officers

- Section 10. Commissioners.
 11. Election of Commissioners.
 12. Chairman.
 12-a. Vice Chairman.
 13. Appointive officers.
 14. Salary of officers.

10. COMMISSIONERS. Members of the Commission shall be resident electors and taxpayers of the city. In case any Commissioner ceases to be a resident elector and taxpayer of said city, such office shall be vacant.

11. ELECTION OF COMMISSIONERS. (a) The term of office of the commissioners shall be four years and the municipal election shall be held biannually at the same time as the general election in odd numbered years.

(b) Notwithstanding the provisions of subparagraph (a) hereof, the terms of office of the commissioners elected at the 1971 municipal election shall be as follows:

(1) The term of office of the three commissioners-elect receiving the first and second and third highest number of votes shall be four years commencing January 1, 1972.

(2) The term of office of the two commissioners-elect receiving the fourth and fifth highest number of votes shall be two years commencing January 1, 1972.

(3) Starting with the city election of 1973 and in alternate odd numbered years thereafter, two commissioners shall be elected for a four year term.

(4) Starting with the city election of 1975 and in alternate odd numbered years thereafter, three commissioners shall be elected for a four year term. (As amended by L.L. 1971, No. 1)

12. CHAIRMAN. The chairman of the committee, appointed as hereafter provided, shall be known as the mayor of the city of Sherrill.

12-a. VICE CHAIRMAN. The senior-most member of the Commission not to be elected the chairman of the Commission as hereafter provided shall be the vice chairman of the Commission and shall be known as the deputy mayor of the city of Sherrill. For the purposes of this section, seniority shall be determined by the current uninterrupted number of years that such member has served on the Commission. In the event that two or more members of the Commission are equal in seniority, the commissioner that received the highest number of votes at their preceding election shall be deemed vice-chairman. (As amended by L.L. No. 2, 2003)

13. APPOINTIVE OFFICERS. The appointive officers of the city shall be a chairman of the Commission, a city manager, a city clerk, a deputy city clerk who with the city clerk shall act as a collector, a city judge, a city comptroller who may be the same person as the city clerk, a deputy city comptroller, an assessor, a health officer, and inspectors of election, as needed, to be appointed as hereinafter provided. (As amended by L.L. 2002, No. 1)

14. SALARY OF OFFICERS. The city commissioners, including the chairman shall severally receive a salary of \$1,000.00 a year. The commissioner designated as Mayor shall receive an additional annual salary of \$500.00. All other officers and employees of the City shall receive such a salary and other compensation as may be fixed from time to time by the City Commission. (As amended by L.L. 1969, No. 3; L.L. 1978, No. 1; L.L. 2002, No. 1; L.L. 2009, No. 3)

TITLE III

Organization of Commission and Adoption of Ordinances

- Section 21. Chairman.
21-a. Vice Chairman.
22. Vacancies in office.
23. Meetings of the commission.
24. Ordinances.
25. Record of ordinances.
26. Violation of ordinances.
27. Restraint of violation.
28. Public hearing on local laws.

21. CHAIRMAN. The members of the Commission, at their first regular meeting held in January following each election of commissioners, shall select from their number a chairman, who shall hold office until December thirty-first of the next odd-numbered year following such election, and shall be known as the mayor of the city of Sherrill. At such meetings if no candidate receives a majority of the vote of the Commission for the office of chairman, the vice chairman shall act as chairman until the Commission shall by majority vote select a chairman. The chairman shall be the presiding officer, except that in his absence and in the absence of the vice chairman, a chairman pro tempore may be chosen. The chairman shall exercise the powers conferred and perform all duties imposed upon him by this act, the ordinances of the city and the general laws of the state. Legal processes directed to the city shall be served on the chairman or the city clerk.

21-a. VICE CHAIRMAN. The vice chairman of the Commission shall act as the chairman during the chairman's absence or inability to perform and during any vacancy in the office of the chairman. The vice chairman shall be determined in accordance with the provisions of section 12-a hereof and shall hold office until December thirty-first of the first year (including the year of his selection) in which an election of commissioners shall occur. (As amended by L.L. No. 2, 2003)

22. VACANCIES IN OFFICE. In the event of a vacancy in the office of chairman, the remaining members of the Commission shall choose his successor from their own number. Whenever a vacancy shall occur or exist in the office of commissioner, except by reason of expiration of term, a majority of the remaining commissioners may appoint a qualified person to fill the vacancy. The person so appointed shall hold office to and including the 31st day of December following the next municipal election at which the vacancy could be filled. At such election the vacancy shall be filled for the balance of the term of the last elected holder of the vacant office, and the person so elected shall take office for the first day of January following his or her election. In an election where a vacancy in an unexpired term is filled, the candidate receiving the greatest number of votes shall be deemed elected for the full four year term and the candidate receiving the next greatest number of votes shall be deemed elected for the remainder of the unexpired term. (As amended by L.L. 1971, No. 1)

23. MEETINGS OF THE COMMISSION. The first meeting of the Commission shall be held at the office of the city clerk in the city of Sherrill not later than the second Monday of January following the general election at seven P.M. The Commission shall annually, by resolution duly adopted during the preceding month of December, fix the date of the first meeting. Thereafter the commissioners shall meet at such time and place as may be prescribed by resolution, except that they shall meet not less than once each month. The chairman, any two members of the Commission, or the manager, may call special meetings of the Commission upon at least twelve hours' written notice to each member of the Commission, duly served on each member of the Commission. All meetings of the Commission shall be public and any citizen shall have access to the minutes and records thereof at all reasonable times. The Commission shall determine its own rules and order of business, and shall keep a journal of its proceedings and a majority shall constitute a quorum to do business but the affirmative vote of a majority of the members of the Commission shall be necessary to adopt any ordinance or resolution; provided, however, that resolutions authorizing the issuance of obligations shall be adopted pursuant to the local finance law.

The vote upon the passage of all ordinances and upon the adoption of resolutions shall be taken by "yea" and "nay" and entered upon the journal. (As amended by L. 1943, Ch. 710; L.L. 2009, No. 3)

24. ORDINANCES. The enacting clause of all ordinances passed by the Commission shall be "Be it ordained by the city commission of the City of Sherrill". The enacting clause of all ordinances submitted by the initiative shall be "Be it ordained by the City of Sherill".*

The Commission shall duly publish all proposed ordinances, and a notice fixing a time and place within a reasonable time thereafter, at which a public hearing thereon will be held, and that after such hearing the ordinance will be put upon its final passage for adoption or rejection.

All ordinances shall be in effect from the date of their final passage by the Commission, except as otherwise provided therein or by this act. The Commission, may however, by an affirmative vote of not less than four of its members, pass emergency measures to take effect at the time indicated therein. An emergency measure is an ordinance for the immediate preservation of the public peace, property, health or safety, or providing for the usual daily operation of a city department, in which the emergency is set forth and defined in a preamble thereto. Ordinances or resolutions appropriating money may be passed as emergency measures, but no measure making a grant, renewal, or extension of a franchise or other special privilege shall be passed as an emergency measure. (As part repealed by L.L. 1956, No. 3, para. 2)

25. RECORD OF ORDINANCES. Every ordinance upon its final passage shall be filed by the City Clerk in his office. (As amended by L.L. 1961, No. 1)

26. VIOLATION OF ORDINANCES. Any person violating any city ordinance shall be guilty of a misdemeanor or an offense as the Commission may provide therein or by general ordinance that any person guilty of such violation shall be liable to a fine which shall not exceed one thousand dollars in amount, or to imprisonment not to exceed ten days or to both such fine or imprisonment, or such ordinance may provide for a penalty of not exceeding one thousand dollars to be recovered by the city in a civil action. (L.L. No. 2 of 1983; as amended by Local Law No. 1, 1996)

27. RESTRAINT OF VIOLATION. The manager when directed by the Commission shall in the name of the city maintain actions or proceedings in a court of competent jurisdiction to restrain the threatened performance of any act contrary to his official orders, directions and decisions, or the city ordinances and to restrain and abate nuisances; and for the purpose of obtaining a temporary injunction in such action no undertaking shall be required.

28. PUBLIC HEARING ON LOCAL LAWS. No local law shall be passed by the Commission until a public hearing has been held thereon before the Commission not less than three days after notice of the time and place of the holding of such public hearing has been published by the City Clerk in the official paper of said City. Such notice in addition to fixing the time and place of such public hearing, shall also contain an abstract of such local law. (As added by L.L. 1956, No. 1)

*So in original. (City misspelled.)

TITLE IV

Appointive Officers and Duties

- Section 41. Powers and duties of the manager.
41-a. Additional Powers and Duties of City Manager.
42. City Clerk.
43. City Clerk, collector.
44. Special assessments.
45. Deputy Clerk.
46. Assessors.
47. Health officer. (Repealed 2002)

41. POWERS AND DUTIES OF THE MANAGER. The power and duties of the manager shall be:

1. To see that the laws and ordinances are enforced;
2. To appoint and, except as herein provided, remove all directors of departments and all subordinate officers and employees in the departments;
3. To exercise control over all departments and divisions created herein or that may be hereafter created by the Commission;
4. To attend all meetings of the Commission with the right to take part in its proceedings but shall have no vote therein unless he be a member thereof;
5. To recommend to the Commission for the adoption such measures as he may deem necessary or expedient;
6. To keep the Commission fully advised as to the financial condition and needs of the city;
7. To perform such other duties as may be prescribed by this act or be required of him by ordinance or by resolution of the Commission;
8. The manager is authorized, when directed by the Commission to maintain actions in the name of the city, to restrain the threatened performance of any act contrary to his official orders, directions and decisions, or the city ordinances, and to restrain and abate nuisances; and for the purpose of obtaining a temporary injunction in any such action no undertaking shall be required. The manager shall keep an accurate and detailed account and record of all his official acts and transactions.

Salary. The manager shall receive such salary as may be fixed by the commission.

41-a. ADDITIONAL POWERS AND DUTIES OF CITY MANAGER. Pursuant to the powers granted by Section 77-b of the General Municipal Law, there is hereby delegated to the City Manager the power to authorize City officials and employees to attend conventions, conferences of municipal officers or employees and schools for the betterment of municipal government, if believed to be of benefit to the municipality.

Where authorization to attend a convention, conference or school is granted by the City Manager, no claim for expenses shall be audited, allowed or paid unless there shall be attached thereto a travel order or similar document signed by the City Manager authorizing such attendance.

The City Manager shall not authorize attendance at such conventions, conferences or schools unless the City Commission has included an appropriation therefor in the annual budget or has otherwise provided funds therefor prior to the granting of such authorization. (As added by L.L. 1959, No. 1.)

42. CITY CLERK. The Commission shall appoint a city clerk who shall hold office during its pleasure, he shall have the custody of and preserve the seal of said city and the city records and keep a journal of the proceedings of the Commission. He shall maintain an office where all books and papers required by law shall be kept and deposited. He shall, upon the payment of the fees provided by law, furnish to any person copies of any record or document in his office certified by him under the seal of the city to be a true copy of such record or instrument. He shall be the registrar of vital statistics in and for the city and shall perform such duties incident to his office as may be required by the Commission or by law.

The city clerk shall issue all licenses required by this act or general law and the fees received therefor shall be paid by him on the first of each month to the city comptroller. (As amended L.L. 1992, No. 3; L.L. 2002, No. 1)

43. CITY CLERK, COLLECTOR. The city clerk shall possess all the powers and perform all duties in and for the said city of a collector of the taxes in towns for the collection and return of taxes in said city, and shall deposit all collections, fees, et cetera, as instructed by the city comptroller. (As amended L.L. 1992, No. 3)

44. SPECIAL ASSESSMENTS. The city clerk shall have charge of the preparation of all special assessments for public improvements, and all other duties connected therewith; the collection of such assessments as are payable directly to the city, and shall pay the same to the director of finance.

45. DEPUTY CLERK. The Commission may appoint a deputy city clerk to assist the city clerk in performance of his duties and in the absence or inability of the city clerk or a vacancy in the office he shall perform the duties of such office.

46. ASSESSORS. The Commission shall appoint an assessor in accordance with the laws of the State of New York and specifically Section 310 of the Real Property Law. (As amended by L.L. 1969, No. 1; L.L. 1956, No. 2; L.L. 2002, No. 1)

47. HEALTH OFFICER. REPEALED BY L.L. 2002, No. 1

TITLE V

Department of Finance

- Section 50. Appointment and duties of director of finance. (Repealed 2002)
51. City comptroller.
- 51-a. Deputy city comptroller.
52. Accounting procedure.
53. Payment of claims.
54. Sinking funds.
55. Purchasing agent.
56. Certification of funds.
57. Money in the fund.
58. Contracts in excess of one hundred dollars.
59. Bids in excess of estimates.
60. Contracts; when void.
61. Police Investigation Fund (Added L.L. No. 3 of 1989)

50. APPOINTMENT AND DUTIES OF DIRECTOR OF FINANCE.
REPEALED BY L.L. 2002, No. 1

51. CITY COMPTROLLER. The city comptroller shall be the chief fiscal officer of the city and shall:

- a. Have charge of the administration of all the financial affairs of the city except as otherwise provided in this charter or other provisions of law.
- b. Maintain and supervise the general accounting system of the city in accordance with the uniform system of accounts prescribed by the state comptroller.
- c. Examine and audit the accounts of all officers of the city and all persons indebted to the city, and certify the condition of such accounts.
- d. Have supervision over and be responsible for the issuance of receipts to be used by all offices, departments, boards, bureaus, commissions and agencies of the city. (As amended L.L. 2002, No. 1)
- e. Shall keep and have custody of all public moneys of the City, have supervision over and be responsible for the disbursement and deposits of all city funds and shall at all times keep a correct and accurate account of all the moneys received and paid out on behalf of the city. (As amended L.L. 2002, No. 1)
- f. Have supervision over and be responsible for the deposit of the city moneys in such a place or in such institution or institutions as the commission may determine or the provision of any general law may direct. (As added L.L. 2002, No. 1)
- g. Have supervision over and be responsible for the payout of money when authorized by the commission upon a warrant and countersigned by their designee. (As added L.L. 2002, No. 1)
- h. Submit the annual financial statement of the city to the state comptroller and provide such other statements or reports as may be required from time to time by the city manager, the City Commission or as otherwise prescribed by law.
- i. With the assistance of the city manager, prepare the annual city budget.

j. Perform such other similar and related duties as may be assigned to him by the City Commission. (Added L.L. 1992, No. 3)

51-a. DEPUTY CITY COMPTROLLER. The deputy city comptroller shall assist the city comptroller in the performance of his duties and, in the absence or inability of the city comptroller or vacancy in the office, he shall perform the duties of the city comptroller. (As added L.L. 1992, No. 3, as amended L.L. 2002, No. 1)

52. ACCOUNTING PROCEDURE. Accounting procedure shall be devised and maintained for the city adequate to record in detail all transactions affecting the acquisition, custodianship, and disposition of values, including cash receipts and disbursements; and the recorded facts shall be presented periodically to officials and to the public in such summaries and analytical schedules in detailed support thereof as shall be necessary to show the full effect of such transactions for each fiscal year upon the finances of the city and in relation to each department of the city government, including distinct summaries and schedules for each public utility owned or operated.

53. PAYMENT OF CLAIMS. No warrant for the payment of any claim shall be issued by the city comptroller unless such claim shall be evidenced by a voucher approved by the head of the department for which the indebtedness was incurred and countersigned by the manager. Before issuing such voucher the supplies and materials delivered, or work done, shall be duly inspected and certified to by the head of the proper department or office, or by a person designated by him. (As amended L.L. 1992, No. 3)

54. SINKING FUND. The members of the Commission and the city comptroller shall constitute the sinking fund trustees. The chairman shall be the president and the city comptroller shall be the secretary of the trustees of the sinking fund. The trustees of the sinking shall manage and control the sinking fund in the manner provided by the general laws of the state of New York or by resolution when not in conflict therewith. (As amended L.L. 1992, No. 3)

55. PURCHASING AGENT. The manager shall act as purchasing agent until such time as a purchasing agent be appointed. He shall purchase all supplies for the city.

56. CERTIFICATION OF FUNDS. No contract, agreement or other obligation involving the expenditure of money shall be entered into or be authorized by any officer of the city, unless the city comptroller first certify to the Commission or to the proper officer, as the case may be, that at least the amount required for such contract, agreement, obligation or expenditure, be drawn, and not appropriated for any other purpose, which certified shall be filed and immediately recorded. The sum so certified shall not thereafter be considered unappropriated until the city is discharged from the contract, agreement or obligation. (As amended L.L. 1992, No. 3)

57. MONEY IN THE FUND. All moneys actually in the treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the treasury before the maturity of such contract, agreement or obligation, from taxes or assessments, or from sales or

services, products or by-products or from any city undertaking, fees, charges, accounts and bills receivable or other credits in the process of collection, and all moneys applicable to the payment of such obligation or appropriation, which are to be paid into the treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and moneys to be derived from lawfully authorized bonds or notes shall, for the purpose of such certificate, be deemed in the treasury to the credit of the appropriate fund and subject to such certification. (As amended by L. 1943, Ch. 710)

58. **CONTRACTS IN EXCESS OF ONE HUNDRED DOLLARS.** No contract involving an expenditure in excess of one hundred dollars shall be awarded except upon the approval of the manager and the Commission.

59. **BIDS IN EXCESS OF ESTIMATE.** In no case shall contracts be let (either as a whole, or which aggregate, if bids for part of the work are taken) which exceed the estimate for the improvement contemplated by more than one per centum of the amount of such estimate.

60. **CONTRACTS; WHEN VOID.** All contracts, agreements or other obligations entered into and all ordinances passed, resolutions and orders adopted, contrary to the provisions of the preceding sections, shall be void.

61. **POLICE INVESTIGATION FUND.** There is hereby created a petty cash fund to be known as the "Police Investigation Fund." The amount of such fund shall not exceed one thousand dollars, and the fund shall be subject to audit. Expenditures from the said fund may be authorized by the city manager and shall be used solely to advance funds to members of the city police department for use by them in the undercover purchase of illegal drugs and/or other contraband in connection with one or more criminal investigations. Upon audit of vouchers, such fund shall be reimbursed from the appropriate budgetary item or items in an amount equal to the amount audited and allowed. The city clerk shall immediately notify the city comptroller in writing of the disallowance of any such voucher or any portion of any such voucher, stating the amount in each case disallowed. Any of such voucher or any portion of any such voucher as shall be disallowed upon audit shall be the personal liability of the police officer receiving the expenditure from the said fund, and such police officer shall forthwith reimburse such fund in the amount of the disallowance. If such reimbursement has not been made by the time of the first payment of salary to such official after the disallowance of any such voucher or any portion of any such voucher, the amount of such disallowances shall be withheld by the city comptroller from such salary payment and, if necessary, subsequent salary payments, and paid into such fund until an amount equal to the amount of such disallowances has been repaid to such fund. The city comptroller may at any time require the city manager to account for the moneys in such fund, except that neither the city manager nor any member of the city police department shall be required to disclose the name of any individual from whom illegal drugs and/or contraband were purchased with such funds or any of the details of such purchase as might jeopardize any ongoing investigation while such investigation is pending, but upon conclusion of the investigation by arrest or otherwise, such names and/or other details as the city comptroller deems reasonably necessary for audit purposes may be required to be given. The police investigation fund shall be subject to the provisions of section 60 of the city charter, but shall be

exempt from the provisions of section 58 of the city charter. (As amended L.L. 1989, No. 3; as amended L.L. 1992, No. 3, as amended L.L. 2002, No. 1)

TITLE VI

Officers – General Provisions

- Section 70. Oath of office.
71. Interested in no city contracts. (Repealed 1997)
72. No favors to city employees.
73. Misdemeanor. (Repealed 1997)
74. Bonds of city officials.
75. Civil service commission.

70. OATH OF OFFICE. All officers provided for in this act shall, before entering upon the duties of their offices, take and file with the city clerk the constitutional oath of office, and each city clerk, deputy city clerk, city judge and acting city judge shall also file with the clerk of Oneida county a certificate of his appointment and a constitutional oath office subscribed by him.

71. INTERESTED IN NO CITY CONTRACTS. (Repealed Local Law No. 1, 1997)

72. NO FAVORS TO CITY EMPLOYEES. No commissioner, officer or employee of the city shall accept any frank, free ticket, pass or service directly or indirectly from any person, firm or corporation upon terms more favorable than are granted the public generally. Any violation of the provisions of this section shall be a misdemeanor.

It may be provided by resolution that such prohibition of free service shall not apply to policemen or firemen in uniform or wearing their official badges, nor to any pass, free ticket or service furnished by any corporation to its employees.

73. MISDEMEANOR. (Repealed Local Law No. 1, 1997)

74. BONDS OF CITY OFFICIALS. The city clerk and deputy city clerk, if any, shall severally, on assuming the duties of their offices, give a bond with a surety company as surety, to be approved by the Commission in the penal amount of at least five thousand dollars but not to exceed fifty per cent of the estimated taxes and revenues payable to the city during each year, which amount shall be determined by resolution of the Commission. Such bond shall be executed in duplicate, one shall be filed with the chairman of the Commission and the other shall be filed by the chairman with the Oneida county clerk. The Commission may by resolution determine that any other officer or employee of the city shall give a similar surety bond in an amount to be fixed and determined by the Commission, which bond shall be executed and filed in the same manner as the bond of the city clerk.

75. CIVIL SERVICE COMMISSION. The Commission may at any time, if in their judgment it is necessary, or if so ordered by the state civil service commission, appoint a city civil service commission who shall hold office and perform the duties provided for by the general civil service law.

TITLE VII

Franchises and Public Utilities

- Section 80. Grant.
81. Renewals.
82. No exclusive grant.
83. Conditions.
84. Extensions.
85. Consents.
86. Regulations.

80. GRANT. The Commission may by ordinance grant permission to any individual, company or corporation to construct and operate a public utility in the streets and public grounds of the city and every original franchise, or grant or renewal for inter-urban or street railways, gas or waterworks, electric light or power plants, heating plants, telegraph or telephone systems or other public service utilities within said city must be authorized or approved by four-fifths vote of the Commission. No franchise ordinance shall be considered an emergency measure. No original franchise or renewal shall be granted or extended for more than fifty years from the date of the passage of the ordinance, granting such franchise or renewal.

81. RENEWALS. The Commission may, by ordinance, renew any grant for the construction or operation of any utility, at its expiration, subject to the fifty-year limitation hereinbefore provided.

82. NO EXCLUSIVE GRANT. No exclusive franchise or renewal shall ever be granted and no franchise shall be renewed before one year prior to its expiration.

83. CONDITIONS. The Commission may in any ordinance granting or renewing any franchise to construct and operate a public utility, prescribe the manner in which the streets and public grounds shall be used and occupied, any other terms and conditions conducive to the public interest, and may reserve to the city the right to terminate the same at stated times and to purchase all the property of the utility in the city and elsewhere (as may be provided in the ordinance or resolution making the grant or renewal) used in or useful for the operation of the utility, at a price either fixed in the ordinance, or to be fixed in the manner provided by the ordinance making the grant or renewal of the grant. Upon the acquisition by the city of the property of any utility, by purchase, all grants or renewals in connection therewith shall at once terminate.

84. EXTENSIONS. The Commission may, by ordinance, grant to any individual, company or corporation operating a public utility, the right to extend the appliances and service of such utility. All such extensions shall become a part of the aggregate property of the utility, and shall be subject to all the obligations and reserved rights in favor of the city applicable to the property of the utility by virtue of the ordinance providing for its construction and operation. The right to use and maintain any such extension shall expire with the original grant of the utility to which the extension was made or any renewal thereof.

85. CONSENTS. No consent of the owner of property abutting on any highway or public ground shall be required for the construction, extension, maintenance or operation of any public utility by original grant or renewal, unless such public utility is of such character that its construction or operation is an additional burden upon the rights of the property owners in such highways or public grounds.

86. REGULATIONS. The Commission shall at all times control the distribution of space in, over, under or across all streets or public grounds occupied by public utility fixtures. All rights granted for the construction and operation of public utilities shall be subject to the continuing right of the city Commission to require such reconstruction, relocation, change or discontinuance of the appliances used by the utility in the streets, alleys, avenues and highways of the city, as shall in the opinion of the Commission be necessary in the public interest.

TITLE VIII

General City Taxation and Assessments

- Section 90. Assessors.
- 90-a Valuation date and taxable status date.
91. Assessment roll.
92. City clerk shall extend assessment.
93. City clerk to collect taxes.
94. Tax notice.
- 94-a 94-i. Procedure generally.
95. Delinquent taxes relaid.
96. Taxes lien on property.
97. Foreclosure of lien.
98. Evidence or validity of tax roll.

90. ASSESSORS. The city assessors shall perform all the duties required of them by this act in relation to assessment of property in said city, and to that end they shall possess all the powers and authority and perform all the duties of and proceed in the same manner as town assessors, except as herein provided. (As amended by Local Law No. 1, 2001)

90-a. VALUATION DATE AND TAXABLE STATUS DATE. All real property in the City of Sherrill shall be assessed according to its condition and ownership as of March 1, and shall be valued as of the preceding first day of January. (As added by L.L. 1975, No. 2., As amended by L.L. 1985, No. 4).

91. ASSESSMENT ROLL. When the assessor has completed his assessment and on or before the first day of May in each year, he shall deliver the same to the city clerk in whose custody it shall remain until grievance day.

The assessor shall give the notice prescribed by the general statutes for the assessment in towns except that the notice instead of stating "assessment roll has been left with one of the commissioners" shall state that it has been left with the city clerk. After publication of the notice and until the third Tuesday of May, the city clerk shall make the assessment roll available for public inspection.

The commission shall have power to examine and correct said assessment roll in the same manner as the board of supervisors may by law examine and correct town assessment rolls, and shall possess all the powers in relation to said city assessment rolls, and the levying of city taxes which the board of supervisors enjoys by virtue of the general statutes. (As amended by L.L. 1985, No. 4; as amended by Local Law No. 1, 2001)

92. CITY CLERK SHALL EXTEND ASSESSMENTS. After the adoption by the commission of the annual appropriation ordinance the city clerk shall, on or before the last day of January next thereafter, apportion and extend upon the original assessment roll made during the then fiscal year or upon a copy thereof duly certified by him to be a copy of such original

assessment-roll and of the whole thereof, the moneys so appropriated over and above the amount of the estimated income in revenue of the city from all sources other than taxation and present the same to the commission. (As amended by Local Law No. 1, 2001)

93. CITY CLERK COLLECT TAXES. The commission shall cause its warrant to be attached to such tax roll, signed by the chairman and majority of the commission under their seals and seal of the city authorizing and directing the city clerk to collect such taxes; such tax roll shall be delivered to the city clerk for collection on or before the first day of March next thereafter. (As amended by Local Law No. 1, 2001)

94. TAX NOTICE. Immediately upon receiving such tax roll and warrant the city clerk shall cause to be duly published a notice stating that he has received such tax roll and warrant and that such taxes may be paid to him at his office within thirty days from the first publication of such notice without fee, that the said taxes may be paid during the next sixty days after the expiration of the first thirty days with a payment of a fee of two cents upon the dollar of tax and that after the expiration of ninety days from the first publication of such notice such tax will become delinquent and will bear interest at the rate of twelve per centum per annum and that a fee of five cents on a dollar of tax will be collected thereafter. The city clerk shall proceed to collect such taxes in the same manner as town collectors, except as herein otherwise provided. (As amended by L.L. No. 1, 2001; L.L. 2009, No. 3)

94-a. NOTICE OF UNPAID TAXES; DEMAND OF PAYMENT. If any such tax shall remain unpaid after the expiration of ninety days from the first publication of the notice specified in section ninety-four of this act, the city clerk shall forthwith serve or cause to be served upon the property owner against whom such tax remains charged a written notice requiring him to pay the same to the city clerk within ten days of the service of such notice. Such notice shall describe the real property for which such tax remains unpaid, and may be served upon any such property owner personally or by depositing it in a post office, properly enclosed in a postpaid wrapper, directed to him at his reputed place of residence. It shall not be necessary to make any other demand of payment of said tax. (As amended by Local Law No. 1, 2001)

94-b. SALE OF REAL PROPERTY FOR UNPAID TAXES. Whenever any such tax, penalty or interest, or any part of either of them, shall remain unpaid on the first day of August, and the commission shall not direct the collection of the same by foreclosure, it may direct that the city clerk proceed to advertise and sell the property upon which the same was imposed for the payment of such tax, penalty or interest, or the part remaining unpaid, and the expense of such sale, as hereinafter prescribed, shall also be made a charge upon said property. (As amended by Local Law No. 1, 2001)

94-c. NOTICE OF SALE OF REAL PROPERTY FOR TAXES. At least six weeks immediately prior to the day of sale, the city clerk shall serve or cause to be served upon the owner of the property to be sold a written notice containing a description of such property and specifying the time and place of sale. Such notice may be served upon the owner of such property personally or by depositing it in a post office, properly enclosed in a postpaid wrapper, directed to him at his reputed place of residence. Additionally, the city clerk shall cause to be published a notice of such sale containing a description of the property to be sold and specifying the time and place of sale, in the official newspapers of the city, once a week for at least six consecutive weeks, immediately prior to the day of sale, and shall also post such notice of sale in

at least three public places in the city at least forty-two days before the day of sale. On the day of sale named the city clerk shall commence the sale of such property, and shall continue such sale from day to day until the whole thereof shall be sold. Before the sale the owner of any parcel of property, or his representatives, or any person interested therein, may avoid the sale thereof by paying the tax or taxes to the city clerk with all accrued interest, fees, additions and expenses. (As amended by Local Law No. 1, 2001)

94-d. MANNER OF CONDUCTING SALE OF REAL PROPERTY FOR TAXES. Each parcel of property shall be sold at public auction to the highest bidder. The purchasers on such sale shall pay the amounts of their respective bids to the city clerk immediately after each parcel shall be struck off. In case a purchaser shall fail to pay the amount of his bid, as herein prescribed, the city clerk shall forthwith offer the parcel for sale again, and proceed as though it had not been struck off. Should there be no bid of the amount due on any parcel to be sold, then the city clerk shall bid in the same for the city, and the city is hereby authorized to acquire said parcels, and the commission shall have the care and control of all such parcels and may lease or sell and convey the same. As soon as practicable after the sale the city clerk shall prepare and execute in duplicate, as to the parcel sold, a certificate of such sale, describing the parcel purchased by a brief general description of the location, boundary and estimated quantity thereof, and stating the fact of the sale, the name of the purchaser, the sum paid therefor, the amount due thereon at the time of sale, the name of the person or persons against whom such tax was assessed and the name of the reputed owner thereof. One of the said duplicates shall be delivered to the purchaser, or, in case the parcel was struck off to the city, then it shall be retained by the city clerk. The city clerk shall deliver the other duplicate certificate to the clerk of the county of Oneida, who shall file said certificate in his office and record the same in a book to be kept in said clerk's office for that purpose, and shall index the certificate in the name of the person to whom the parcel was assessed, the name of the reputed owner thereof, and in the name of the purchaser in the same book and manner as deeds are required by law to be indexed. The county clerk shall be entitled to receive a fee established pursuant to applicable law for each certificate so filed and recorded, which fee shall be paid by the city clerk and shall be a part of the expenses of the sale of the parcel. If for any cause the city clerk shall be unable to attend at the time and place of sale, the city manager of said city may conduct the sale with the same force and effect as though made by the city clerk. (As amended by Local Law No. 1, 2001)

94-e. DISPOSITION OF PROCEEDS OF SALE. The proceeds of the sale of each parcel, other than those struck off to the city, shall be applied to the payment of the expenses of the sale as herein provided, and the extinguishment of the tax, penalty or interest for which it was sold, and if there shall be any residue, the city clerk shall hold the same until the owner of the real property at the time of the sale shall redeem them from the sale as herein provided, and the city clerk shall pay such owner the surplus. In all other cases the city clerk shall hold the same until after the period of redemption shall have expired and then he shall pay such surplus, and the person or persons entitled thereto shall be ascertained in the same manner and by the same proceedings as in the case of surplus on statutory foreclosure of a mortgage on real property. In case any taxes shall be assessed and levied on real property which has been sold for taxes, subsequent to such sale, and before the redemption thereof or conveyance thereof to the purchaser and the same shall be unpaid, the city clerk may deduct the amount thereof from any surplus in his hands of the sum bid for the same, if there be any surplus; if there be no surplus or the same shall be insufficient to pay such taxes, the person redeeming shall pay the same,

otherwise the purchaser shall pay the same before he shall receive his conveyance of the same. (As amended by Local Law No. 1, 2001)

94-f. REDEMPTION OF REAL PROPERTY. The owner of, or any person interested in or having a lien upon, any parcel so sold, may redeem the same from such sale at any time within two years by paying to the city clerk for the use of the purchaser or his assigns; or, if they shall have been redeemed by any person other than the owner thereof, then for the use of such person, the sum mentioned in the certificate as having been bid for the property, with interest thereon at the rate of ten per centum per annum from the day of the sale, together with any tax or assessment upon said parcel or any part thereof that the said purchaser or assigns or persons before redeeming shall have paid between the day of sale and the day of redemption, with interest at the rate of ten per centum per annum upon such tax or assessment from the time of payment. The time during which such redemption may be made shall not commence to run against infants or incompetent persons until the termination of their disabilities. In case of the redemption of any property sold for taxes, as herein provided, by the person who was the owner thereof at the time of the sale, the city clerk shall give such owner a receipt for the amount paid by him to effect such redemption, and on the production thereof by such owner to him, the county clerk shall cancel the certificate of sale by proper entry at the foot of the record of such certificate in his office. (As amended by Local Law No. 1, 2001)

94-g. NOTICE OF REDEMPTION. At least two years immediately prior to the expiration of the time for the final redemption of any parcels of real property so sold, the city clerk shall serve or cause to be served upon the owner of such property a written notice which shall describe the property so sold, show the date when the sale took place, and show the last day for the redemption of the property not already redeemed by the owner, without other or further description. Such notice may be served upon the owner of such property personally or by depositing it in a post office, properly enclosed in a postpaid wrapper, directed to him at his reputed place of residence. Additionally, at least three months before the expiration of the time for the final redemption of any property so sold, the city clerk shall commence the publication of the notice of redemption from such sale, which shall describe the property so sold, show the date the sale took place, and show the last day for the redemption of the property not already redeemed by the owner, without other or further description, and such notice shall be published at least twice in the three months, in the official newspaper of the city. Three months before the expiration of the time for the final redemption, a copy of such notice shall also be served upon the owner of such property personally or by depositing it in a post office, properly enclosed in a postpaid wrapper, directed to him at his reputed place of residence. If the property is unoccupied, a copy of such notice shall also be posted on the premises, at least twenty days before the expiration of such time for final redemption. The publication and service of such notice shall bar and preclude any and all persons except the purchaser on such sale, or his assigns, or the person finally redeeming, from claiming any interest in or lien upon such property or any part thereof, in case the said property shall not be redeemed from such sale hereinbefore provided. (As amended by Local Law No. 1, 2001)

94-h. CONVEYANCE OF REAL PROPERTY SOLD FOR TAXES. If any parcel so sold shall not be redeemed as herein provided, the city clerk, immediately after the expiration of the said two years, shall execute and deliver to the purchaser, his heirs or assigns, or to the city or its assigns, or to the persons finally redeeming, as the case may be, a conveyance of the real property so sold, which conveyance shall vest in the grantee an estate in fee, subject only to the

liens, if any, of unpaid taxes or assessment thereon. The city clerk executing such conveyance shall be entitled to demand and receive from the grantee a fee, which shall be determined from time to time by resolution of the city commission, for preparing every such conveyance, but all purchases made for the city in any year shall be included in one conveyance, and no fee shall be charged therefor. Every such conveyance shall be executed by the city clerk and the execution thereof shall be acknowledged before some officer authorized to take and certify acknowledgment of instruments for record in said county, and such conveyance shall be conclusive evidence that the sale and subsequent proceedings were regular and presumptive evidence that all the previous proceedings were regular and according to law. Any such conveyance may be recorded in like manner and with like effect as any other conveyance of real property. The said grantee or his assigns, or the city or its assigns, as the case may be, shall be entitled to have and possess the granted property from and after the execution of such conveyance, and may cause the occupants of such property to be removed therefrom and the possession thereof delivered to them in the same manner and by the same proceeding and by the same officer as in the case of the tenant holding over after expiration of his term without permission of his landlord. (As amended by Local Law No. 1, 2001)

94-i. POWER OF COMMISSION AS TO VOID ANY ERRONEOUS ASSESSMENT. The commission of the city may, at its discretion, release, discharge, remit or compute any portion of taxes assessed or levied against any person or real property for any error, irregularity or omission in the levying of said taxes, or in any of the proceedings related to the same. In case any assessment shall remain unpaid on account of any irregularity, omission or error in assessment authorized by this act, or the laws in force when such tax was levied, or in case of error in the description of the property or of the owner or occupants, the commission may, in its discretion, or upon the application of any person interested, proceed to correct such irregularity, omission or error, or cancel, remit or commute such tax, or cause the amount so unpaid to be reassessed upon the property, the assessment against which remains unpaid, or upon the owner or occupant thereof; and the commission is hereby authorized and empowered to make such reassessment upon giving ten days' personal notice thereof to the owner, agent or occupant of the property against which the amount remains unpaid. The commission may direct the city clerk to correct any irregularity, omission or error, and such reassessment or correction shall have the same effect as if the said assessment had been properly made. But the commission shall not alter any valuation made by the assessors. Any omission to comply with the provisions of this act in making an assessment or levying a tax, or creating a lien, shall not render such assessment or the tax levied thereunder or the assessment made or lien created thereby void, but shall be treated as an irregularity merely, and it shall be the duty of any and all courts in case it shall appear that such irregularity exists to direct the same to be corrected or amended or the omission supplied, if possible. In case any tax or assessment shall be void, or has failed for want of jurisdiction or for any irregularity, mistake or inadvertence in levying or assessing the same, the commission shall have the power, and it shall be the commission's duty to cause the same to be reassessed in a proper manner. Any sum paid thereon shall be credited upon the tax so assessed, and if the sum paid shall exceed the amount so reassessed, the excess shall be refunded to the person entitled thereto. (As amended by Local Law No. 1, 2001)

95. DELINQUENT TAXES; RELAID. In case such tax shall remain uncollected at the time of making the next general assessment roll thereafter, such tax with interest as aforesaid may be relaid from time to time if the commission so directs until it is finally paid. Any delinquent tax so relaid shall be designated upon the tax roll as delinquent, giving the date when

the same became delinquent, and interest thereon as aforesaid shall be collected from the date it first became delinquent. (As amended by Local Law No. 1, 2001)

96. TAXES LIEN ON REAL PROPERTY. All taxes and assessments for or on account of or by reason of the ownership of real property, including those levied by special assessment, shall be a lien upon the same from the time of completing the tax roll therefor and such lien shall be prior and superior to all other liens and encumbrances, except general, and school taxes. (As amended by Local Law No. 1, 2001)

97. FORECLOSURE OF LIEN. Any such tax or assessment may be recovered in an action brought by the city against any person liable therefor, or such lien may be foreclosed in the manner provided by law for the foreclosure of a mortgage upon real property by action, and different tax liens upon the same property may be joined in one action, and in an action for the enforcement of the lien thereof, in case the lien shall be established, the same proceedings shall be had as regards the property upon which such lien is established, as in actions for the foreclosure of a mortgage containing a power of sale. In the event that foreclosure does not fully satisfy the full amount of such tax or assessment, the balance of such tax or assessment may be recovered in an action brought by the city against any person liable therefor. (As amended by Local Law No. 1, 2001)

98. EVIDENCE OF VALIDITY OF TAX ROLL. In any action to foreclose any such lien, or to recover any such tax or assessment, the assessment or tax roll shall in all cases be presumptive evidence of the validity and amount of such lien and the right of recovery of the amount of such tax or assessment and interest. (As amended by Local Law No. 1, 2001)

TITLE IX

Local Streets, Highways and Improvements

- Section 100. City separate highway district.
101. Care of bridges.
102. Power of commission in regard to streets, et cetera.
- 102-b Construction and repair of sidewalks.
103. Hearings on changes, improvement, et cetera.
- 103-a Public hearing not required.
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111. Plat of subdivision.
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120. Subsurface services, part of improvement.
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122. Part paid by railroads.
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126. Failure of corporation to repair.
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128. Commission may order sprinkling.
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130. Alternate Procedure for the construction of sewers and assessment of cost on benefited property.
131. Sale of city owned property.

100. CITY SEPARATE HIGHWAY DISTRICT. The city shall constitute a separate highway district and the Commission shall be the commissioner of highways in and for the said city and shall have all the powers and perform all the duties of the commissioner of highways of towns other than as provided by this act, and the director of public service (who may be manager) shall have all the powers of superintendents of highways of towns subject to the provisions and reservations provided in this act. Excepting roads heretofore or hereafter

constructed or maintained in whole or in part by the state or a county, the Commission is vested with the care, supervision, control and improvement of public highways, streets, avenues, alleys, sidewalks, public grounds and aqueducts with the city and shall cause them to be kept open, in repair, and free from nuisance.

101. CARE OF BRIDGES. Every public bridge within this city shall be under the control of the commissioners of highways of the town in which the bridge is wholly or partly situated, or such other officer as may be designated by special law, and the expense of constructing and repairing such bridge and the approaches thereto is a town charge, unless the city assumes the whole or part of such expense. The city may assume the control, care and maintenance of a bridge or bridges wholly within its boundaries, upon the adoption of a proposition therefor, at a city election; or a proposition may be adopted authorizing the commissioners to enter into an agreement with the commissioners of highways of a town, in which any part of such city is situated, to construct or repair a bridge in any part of the city included in such town, at the joint expense of the city and town, which agreement shall fix the portion to be paid by each.

102. POWERS OF COMMISSION IN REGARD TO STREETS, ET CETERA. The Commission may discontinue, lay out, widen, narrow, straighten, open, alter or change the grade of any roads, avenues, streets, alleys, public parks, squares, lanes, crosswalks and sidewalks within the city, excepting roads heretofore or hereafter constructed or maintained in whole or in part by the state or a county, and for that purpose may receive, accept, acquire, take and appropriate any land within the city excepting such as may have been acquired or are now used, held or owned for cemetery, railroad or other public uses and purposes, and may provide for construction, reconstruction, repair and maintenance by contract or directly by the employment of labor of all things in the nature of street or highway improvements and may build, lay or repair sidewalks, sewers and sewer connections, water or gas mains and connections and all of such other domestic or public services as may be or become necessary to install in, on or under the streets of said city for the health, convenience or pleasure of the inhabitants thereof and may compel the making, laying or repairing of any of the aforesaid at the times and in the manner hereafter provided, and may provide for the payment of any part of the cost of such improvement by levying and collecting special assessments upon abutting, adjacent and contiguous or other benefited property.

102-b. CONSTRUCTION AND REPAIR OF SIDEWALKS. The City Commission may construct and repair sidewalks along a street at the expense of the adjoining land owners in whole or in part, and may prescribe the manner of doing such work, and the kind of materials to be used therein. When the City Commission shall determine by resolution that a sidewalk shall be constructed or repaired, it shall cause to be served either personally or by regular mail upon the adjoining land owner a notice specifying the place and manner, and the time which shall not be less than forty-five (45) days in the case of a new sidewalk, or not less than forty-eight (48) hours in the case of repairs, within which the sidewalk is required to be constructed or repaired. If the said adjoining owner so notified shall not construct or repair the sidewalk as required by the notice, the City Commission may cause the same to be so constructed or repaired, and assess the expense thereof upon the adjoining land. Before constructing or repairing such sidewalk, the adjoining owner shall obtain the grade thereof and the specifications therefor from the City Engineer, and shall comply therewith. Assessments shall be made and collected as hereinafter

provided. Where the work is done by the City, obligations may be issued pursuant to the provisions of the local finance law to defray the expense of any such work.

Where the work is done by the City, the City Commission shall cause a notice to be served on the adjoining land owner stating that such expenditure has been made, its purpose and amount, and that at a specified time and place it will meet to make an assessment of the expenditure upon such adjoining land, which notice shall be served either personally or by mail at least ten (10) days prior to such meeting. The City Commission shall meet at such time and place and shall hear and determine all objections that may be made to such assessment, including the amount thereof, and shall then assess upon the land the amount it may deem just and reasonable, not exceeding the amount stated in the notice.

If the amount so assessed shall not be paid within thirty (30) days of such assessment, the amount thereof shall be included in the next annual tax levy, or the Commission may divide such amount into two or more annual installments and include such installments in subsequent annual tax levies with interest on the unpaid balance computed from the date of such assessment. An application for a writ of certiorari to review the assessment may be made within fifteen (15) days and not otherwise. (As added by L.L. 1961, No. 3)

103. HEARINGS ON CHANGES, IMPROVEMENTS, ET CETERA. Whenever the Commission determines that any changes or improvements specified in the preceding section should be made, it shall fix a time when it will meet and consider objections to the making thereof and the taking of land, if any is to be taken, and it shall thereupon give notice of the time and place of such hearing. The notice must describe the changes or improvement to be made and the land to be taken, if any, the names of the owners thereof, when known, and the estate or interest to be acquired therein, and if a street is to be narrowed or discontinued, or the established grade changed, the names of the owner of the adjoining lands, when known, and the general purposes of the changes and improvements. Such notice must be duly published before the time fixed for such hearing. At least ten days before such hearing a copy of such notice must be duly served upon the owner or owners of such land, or in case of narrowing or discontinuing a street, or change of grade, upon such adjoining owners.

103-a. PUBLIC HEARING NOT REQUIRED. Notwithstanding any contrary provision of this Title, where the contemplated change or improvement:

- (1) Does not involve the purchase or appropriation of land or rights in land, the discontinuance or change in grade of any street; and
- (2) Does not involve the payment of any part of the cost of such change or improvement by special assessment on benefited property; and
- (3) The maximum estimated cost of which does not exceed the sum of (One Hundred Thousand Dollars) \$100,000 (L.L. #2 1969) (Permissive Referendum over \$100,000)
- (4) Where other provision of law required that a resolution for the financing of the cost thereof pursuant to the provisions of the Local Finance Law be subject to a mandatory referendum, the provisions of section 103, 104, 105, 106, 115 and 116 of this Charter shall not apply thereto.

Notwithstanding any contrary provision of this Title, the cost of any change or improvement may be financed pursuant to the provisions of the Local Finance Law. (As added by L.L. 1958, No. 2)

104. HEARINGS MAY BE ADJOURNED. Any person interested may be heard, and introduce testimony before the Commission upon such hearing, and the Commission may adjourn such hearing from time to time as it shall deem necessary.

105. FAILURE TO APPEAR, WAIVES OBJECTION. Any person or persons upon whom a notice of the time and place of such hearing shall have been served must appear at the time specified and make his objections in writing to said proposition, and to said notice, as to its form or sufficiency or generally as to the proposed improvement, specifically pointing out the defects, omissions, or objections thereto, or he shall be deemed to have waived the same.

106. RESOLUTION FOR THE APPROPRIATION OF PROPERTY OR TO MAKE IMPROVEMENTS. If, after such proceeding the Commission shall determine to make such improvement or appropriate such land, it shall so declare by resolution to be entered in its minutes and may if it can agree with the owner upon the price to be paid for said property purchase the same. If the Commission shall be unable to agree with the owner upon the purchase price, the subsequent proceedings with regard thereto shall be in the manner provided in the general law for the condemnation of property by municipal corporations in the state of New York. The Commission shall determine by such resolution whether claims for damages on account of such improvement shall be allowed and paid, or judicially inquired into either before commencing or after the completion of the proposed improvement.

107. OWNERS COMPENSATED FOR DAMAGES. REPEALED BY L.L. 1960, No. 2.

108. DAMAGES. REPEALED BY L.L. 1960, No. 2

109. CONDEMNATION LAW APPLIES. All the provisions of the condemnation law in relation to the appointments of commissioners, their powers, duties, fees, and expenses, shall be applicable to the appointment of and to the powers, duties, fees, and expenses of the commissioners appointed in pursuance of the provisions hereof; but it shall be the duties of said commissioners in assessing and ascertaining the damages sustained by property owners adjoining such streets or highways to take into consideration and to ascertain the value of any benefits or advantages to such property in consequence of such improvement; and in all cases the value of such benefits or advantages shall be offset against and deducted from the damages; and no person or property owner shall be entitled to recover any damages who shall, in writing, request or assent that the said improvement be made.

All damages so ascertained and determined together with the costs of such proceedings shall be a charge when allowable upon the city, to be assessed and collected as herein provided. But the Commission may after the award of damages on account of such proposed improvement rescind the resolution to make the same, and in that event only the cost, if any, awarded the claimant and the fees and expenses of the commissioners shall be paid by said city.

The Commission may serve a written offer to compromise such damages upon the person or persons filing such claims before the application for the appointment of such commissioners, and in case such offer is not accepted, no costs shall be awarded in such proceedings to such person unless the amount of the damages awarded exceeds the amount of such offer.

110. RESOLUTION FOR COST OF IMPROVEMENT. The Commission shall have power by resolution to provide for the payment of any part of the cost and expense of any improvement, including all damages awarded on account of the construction thereof, out of the moneys raised for contingent expenses of the department of public service or for general purposes not included in the appropriation of a department in the annual appropriation ordinance, or by levying and collecting special assessments upon abutting, adjacent, contiguous or other benefited property. The amount assessed against the property benefited to pay for such improvement shall not exceed the amount of benefits accruing to such property.

111. PLAT OF SUBDIVISION. An owner of lots or grounds within the city who subdivides or lays them out for sale, shall cause to be made an accurate map or plat of such subdivision, describing with certainty all grounds laid out, or granted for streets, alleys, ways, commons or other public uses. Lots sold or intended for sale shall be numbered by progressive number, or described by the square in which situated, and the precise length and width shall be given of each lot sold or intended for sale. Such map or plat shall be subscribed by the owner and lien holders, the director of public service and duly acknowledged by them before an officer authorized to take the acknowledgment of deeds, and be filed in the office of the county clerk and a duplicate filed in the office of the city clerk.

112. FEE SHALL VEST IN CITY. The map or plat so recorded shall thereupon be a sufficient conveyance to vest in the city the fee of the parcel of land designated or intended for streets, alleys, ways, commons or other public uses, to be held in the corporate name in trust to and for the uses and purposes in the instrument set forth, expressed, designated or intended.

113. DEDICATION OF STREET AND PUBLIC GROUNDS. No street or alley or other public ground herewith dedicated to the public use by the proprietor of ground in the city shall be deemed a public street or alley or public ground or under the care and control of the Commission unless the dedication be accepted and confirmed by resolution of the Commission passed for such purpose, or unless the provisions hereof relating to subdivisions shall have been complied with.

114. UNDEDICATED STREETS NOT TO BE IMPROVED. No undedicated street or alley except those laid out on a plat bearing the approval of the director of public service as herein provided shall in any way be hereafter accepted nor shall any public funds be expended in the labor or the improvement thereof as public streets or alleys of the city.

115. COMMISSION MAY ORDER SEWERS, PAVING, ET CETERA. In case the Commission shall at any time deem it necessary that a sewer or drain shall be constructed or that any street or highway should be macadamized or paved, curbed, guttered or flagged, or otherwise improved, it may, without petition therefor, upon a four-fifth vote of its members, declare by resolution the necessity for such improvement, and its determination to have the same made. Such resolution shall particularly describe the streets or highways in which such sewer is to be constructed, or the streets or highway which is to be so improved and the cost of such improvement as previously estimated by the manager and be duly published.

116. REMONSTRANCE. A period of five days shall elapse after the passage and publication of such resolution before any further action shall be taken by the Commission in the

matter of such improvement. If, within such period of five days a remonstrance against said improvement be filed with the city clerk signed by more than one-half of the owners owning more than one-half of the lineal foot frontage of property proposed to be assessed for such improvement, the Commission shall not make such improvement at the expense of the property adjoining the highway in which such improvement is proposed to be constructed within one year after such remonstrance is so filed. Unless the Commission, by the unanimous vote of all the members elected thereto, shall overrule such remonstrance, then they may cause the proposed improvement to be made in the same manner as if a remonstrance had not been filed.

117. PETITION FOR IMPROVEMENT. There may be filed at any time with the city clerk a petition signed by more than one-half of the owners owning more than one-half of the lineal foot frontage of the property proposed to be assessed for any such improvement asking that the improvement be made; and if after the hearing hereinafter provided the Commission determine that any such petition requesting that such improvement be made is sufficient it shall proceed in the same manner as if the Commission on its own initiative had determined to make such improvement.

118. HEARING. Whenever any such remonstrance or petition be filed with the city clerk, he shall fix a time and place when the Commission will meet to consider the same, and shall thereupon duly publish the same.

119. SUFFICIENCY OF PETITION. At the time and place so fixed and specified in such notice the Commission shall meet and consider the sufficiency of such petition of such remonstrance and may take testimony in relation to any matter affecting the sufficiency thereof.

In determining the sufficiency of any such remonstrance or petition only the names and property of the persons shall be considered who own real property to be taxed for such improvement.

Any person claiming that such petition or remonstrance is not sufficient in form or in the number of persons signing the same or in the amount of property represented by such petition or remonstrance shall appear at such hearing and file written objections, pointing out the specific objections to such petition or remonstrance and may be heard and introduce testimony thereon. Unless such objections shall be so made in writing they shall be deemed to be waived.

The Commission after such hearing shall determine whether such petition or remonstrance is sufficient and such determination shall be conclusive as to all persons who have not appeared and objected as herein provided.

120. SUBSURFACE SERVICE PART OF IMPROVEMENT. The Commission whenever it determines to make any such improvement may provide in the resolution therefor for the construction of service of* branch sewers and service water pipes and other domestic service connections leading from the mains in the street to be improved to the adjoining lots at such intervals as the Commission may determine and the expense of constructing such branch service and connections from the mains to the lot lines shall be a part of the expense of such improvement and be assessed and levied and collected as part thereof.

121. STREET INTERSECTION AND CONSTRUCTION. The cost and expense of constructing that part of any such improvement within the lines of all intersecting streets shall

*So in original.

not be assessed against the adjoining property but shall be paid out of the general funds of said city.

122. PART PAID BY RAILROADS. The cost and expense of constructing such improvement except sewers upon that part of any such highway occupied by the tracks of any railroad or street railroad together with a space extending two feet beyond each side of said tracks shall be paid by and assessed against the owner of such railroad or street railroad or the corporation operating the same.

123. PART PAID BY CITY. Either the whole or the remainder of the cost and expense of such improvement, after deducting the part thereof to be paid on account of intersecting streets and railroad tracks as herein provided, or such part thereof as the Commission shall provide by resolution, shall be borne by the city at large and such proportion shall not be less than one-fiftieth of such remainder. (As amended by L 1943, Ch. 710.)

124. PART PAID BY OWNERS. The cost and expense of such improvement after deducting the part thereof to be paid on account of intersecting streets and railroad tracks and the part thereof provided by the Commission to be paid out of the general funds of the city shall be paid by and assessed to the owners of the real property lying along and adjoining the highway or the portion of the highway in which such improvement is constructed on each side thereof, and each lineal foot of property shall pay its portion of such amount, and one lineal foot shall not be assessed a greater or less amount than another.

125. REPAIRS MADE BY RAILROADS. All repairs to that part of any such improvement occupied by any such railroad or street railroad shall be made by the owner of such railroad, street railroad or the company operating the same under the supervision of the director of public services (the manager) and in such manner as may be prescribed by the Commission.

126. FAILURE OF CORPORATION TO REPAIR. In case such owners or corporation shall fail to repair or relay such part of said improvement as herein provided for thirty days after the service of notice requiring the same upon the owner of or corporation operating such railroad or street railroad, the Commission may direct the same to be repaired or relaid by the manager and the cost and expense thereof shall be assessed to and paid by the owner of such railroad, street railroad or the corporation operating the same and collected by a warrant for the collectiion* of such tax or the same may be recovered by action.

127. REPAIRS PAID OUT OF GENERAL FUNDS. All repairs or reconstruction of any such improvement shall be paid out of the general funds of said city except that part thereof, to be paid for and by, any railroad, street railroad or corporation operating the same as herein provided.

128. COMMISSION MAY ORDER SPRINKLING. The Commission may by resolution declare that certain specified highways or portions of streets shall be sprinkled. Upon the passage of such a resolution the same shall be duly published.

*So in original. (Word misspelled.)

129. REMONSTRANCE. If, within ten days after the completion of such publication a remonstrance against such sprinkling signed by the persons and in the number provided in this act in relation to the construction of sewers and pavements be not filed, the Commission may cause such sprinkling to be done.

The expense of sprinkling, including the cost of advertising, making measurements and assessments shall be paid by the owners of the real estate fronting, adjoining or abutting on such street or highway, or portion thereof, in proportion as they shall own feet fronting, adjoining or abutting thereon. The assessment for such expenses shall be made in the same manner as assessments for local improvements, stating the amount assessed for "street sprinkling," and collected in the same manner and by the same authority as general taxes in said city. The city may purchase and own one or more sprinklers, for the purpose aforesaid.

130. ALTERNATE PROCEDURE FOR THE CONSTRUCTION OF SEWERS AND ASSESSMENT OF COST ON BENEFITED PROPERTY.

a. The Commission, upon a four-fifths vote of its members, may by resolution, declare its intention to construct a sewer, including laterals, and to assess the cost thereof in whole or in part against property deemed benefited by the improvement. Such resolution shall describe the boundaries of the area which it is deemed will be benefited by the improvement, the nature of the improvement, and the maximum estimated cost thereof, and shall fix a time and place when the Commission will meet and hold a public hearing thereon.

b. A notice of such hearing shall be published once in the official newspaper of the City at least ten days prior to such hearing. The notice shall recite in general terms the adoption of the resolution, the boundaries of the area which it is deemed will be benefited by the improvement, the nature of the improvement, its maximum estimated cost (including the acquisition of land or easements therein), that the cost thereof may be assessed in whole or in part on property in the described area, and shall specify the time when and the place where the Commission will hold such public hearing.

c. Prior to the adoption of such resolution, the Commission shall cause to be prepared a preliminary map or sketch showing in a general way the location and nature of the proposed improvement, the boundaries of the area which it is deemed will be specially benefited by the improvement, any land or easements therein which it is proposed to acquire for the purpose of the sewer construction, and an estimate of the cost of the proposed improvement.

d. At the time and place specified in such notice, the Commission shall meet and conduct such public hearing. Following such hearing the Commission shall determine whether (a) it is in the public interest to make such improvement, (b) all property which will be specially benefited by the improvement is included in the description thereof, and (c) all property included in such description will be benefited by the improvement. If and when the Commission shall make these determinations in the affirmative, it shall adopt a resolution evidencing its determinations and shall publish same once in the official newspapers of the city.

e. Any person aggrieved by such determination may review the same by certiorari in the Supreme Court provided the application is made to the Court within fifteen days after the adoption of such resolution and the persons seeking the review files with the Court an undertaking in such amount and with sufficient sureties as the Court may approve, that in the event of failure to modify such determination, the person claiming to be aggrieved will pay to the city all costs and expenses incurred by it in such certiorari proceedings.

f. If the sewer mains are to be located elsewhere than in the public streets or in other City owned property, the City shall acquire the necessary property or permanent easements therein for

the installation, repair and maintenance of such sewer mains before proceeding with the construction thereof, and the cost of acquiring such property or easements therein shall be included in the cost of the improvement.

g. The payment of the cost of such improvement may be provided for in accordance with the provisions of the Local Finance Law of the State of New York.

h. Upon completion of detailed plans, specifications and cost estimates, the City Commission, upon approval of the same, may invite sealed bids for the performance of the work, by publishing a notice thereof in the official newspaper of the City at least once not less ten days prior to the date specified for opening such bids. A certified check or bond in the amount of at least five per cent of the amount of the bid shall accompany each bid.

i. The City Commission shall determine the lowest responsible bidder and shall award the contract to him, unless it shall determine that it is in the best interests of the City to reject all bids. No contract shall be awarded if the expense of the improvement shall exceed the maximum amount stated in the petition.

j. Upon completion of the improvement, the Commission shall determine the cost thereof, including all expenses incidental to the making of the improvement, and, except as hereinafter provided, shall assess the same on an ad valorem basis on all property deemed specially benefited by the improvement. The Commission, in its discretion, may determine that a portion of such cost shall be borne by the City at large, and shall then assess the remainder of such cost on specially benefited by property as aforesaid.

k. Except as otherwise provided herein such assessments shall be made, levied and collected in the same manner prescribed in Title X of this Charter, except that where the assessment is divided into annual installments, the same need not be equal, but there shall be levied annually a special benefit tax computed on an ad valorem basis sufficient to meet the annual cost of debt service on obligations of the City issued to finance such improvement less the portion thereof which the Commission has determined to be borne by the City at large, and such special benefit tax shall be in addition to the general City tax, if any, on such specially benefited property, and shall be levied and collected in the same manner and at the same time as general City taxes.

l. It is intended that this Local Law shall provide a complete alternate procedure for the authorization and construction of sewer improvements in the City of Sherrill and Sections 103-106, both inclusive and Section 115-119, both inclusive, and Sections 121-124, both inclusive, of Article IX of the Charter of the City of Sherrill shall not apply to proceedings hereunder. (Added by L.L. 1960, No. 1)

131. **SALE OF CITY OWNED PROPERTY.** Notwithstanding any contrary provision of the Charter of the City of Sherrill (Local Law #1 of 1925 of the City of Sherrill) and Section 23 of the General City Law, the City Commission may authorize the sale of any city owned real property no longer needed for municipal purposes. Such real property may be sold at public or private sale for a fair and adequate consideration as the City Commission may determine. Where the use of the real property to be sold as part of the public street has been discontinued by the City Commission, the property shall first be offered to the abutting owner. (Added by L.L. 1980, No. 2)

TITLE X

Assessments for Local Improvements and Bonds Therefor

- Section 140. Assessments for local improvements.
141. Appeals from assessments.
142. Collection of assessments.
143. Collection of certain assessments.
144. Other local improvements. Assessments, taxes, collections thereof, et cetera.
145. Penalty for non-payment.
146. Taxes and assessments, liens of.

140. ASSESSMENTS FOR LOCAL IMPROVEMENTS. When work of any local improvement has been complete, the Commission shall immediately assess the cost and expense, including surveying, advertising, inspection and assessment of such local improvement, upon the property lying within the district of assessment as heretofore provided, separately assessing and stating the amount assessed for "paving," "sewer" or "sidewalk," respectively, and also stating the amount to be paid by the City by a general tax upon said corporation tax district, separately stating the amount for "paving," "sewer" or "sidewalks." It shall make an assessment roll and set the amount of the tax assessed for each of said improvements opposite the name of the person, corporation, association and property assessed, which property shall be briefly described by number of lot or otherwise, so that it may be located and identified. When completed, said assessment roll shall be deposited in the office of the city clerk and the city clerk shall give notice by duly publishing the same that such assessment roll has been prepared and will remain at said office for ten days from the date of said notice, during which time any person interested may examine such roll. On the day and hour specified in such notice the Commission shall hear and consider any objections to said assessment and shall decide upon the same and shall, if need be, alter and correct said assessment roll and when completed the chairman and clerk shall sign the same and file it with the city clerk.

141. APPEALS FROM ASSESSMENTS. Within ten days after the assessment roll is completed, signed and filed, any party thinking himself aggrieved may file with the city clerk a written appeal therefrom, to the Commission, briefly stating the grounds of such appeal. The Commission shall thereupon proceed to hear and determine such appeal or appeals upon view of the property assessed, or upon evidence, or upon both, and may affirm or reverse or modify the assessment, and for each purpose may by subpoena compel the attendance of witnesses and production of papers. In case of affirmance the proceedings thereafter to collect the said assessment shall remain the same as if no appeal had been taken; in case of reversal the Commission shall appoint three disinterested freeholders of the city who shall proceed in like manner and for such purpose be vested with the power to make a new assessment; they shall make their tax roll in the same manner and sign the same and file it with the city clerk and it shall be conclusive upon all parties; such freeholders shall receive three dollars per day for their services to be paid by the city unless the assessment of the appellants, as determined by said freeholders, shall be no more favorable to them than the assessment appealed from, in which case the fees of the freeholders shall be paid by the appellants and added to the amount of their tax respectively by said freeholders in proportion to the amount thereof.

142. COLLECTION OF ASSESSMENTS. If no appeal is taken from the first assessment roll filed with the city clerk, or if an appeal be taken therefrom and such assessment be affirmed, the city clerk shall give notice by due publication that he will receive said assessment for thirty days from the date of the first publication of such notice and the city clerk shall receive such assessment within said time without fees. If an appeal be taken from said first assessment and the same be reversed, the Commission shall cause a second assessment roll filed by such freeholders to be delivered to the city clerk, thereupon he shall give notice by due publications thereof that he will receive said assessment, assessments or taxes for thirty days from the date of the first publication of such notice and he shall receive said assessment without fees within said time. In case such local improvements be other than paving or repaving or construction of a sewer and the amount of assessment be not paid within thirty days, the amount thereof, with interest at fifteen per centum per annum, shall be added to the amount assessed against such land for the next general city tax, and the whole amount of such assessment and interest shall be collected in the same manner as general city taxes.

143. COLLECTION OF CERTAIN ASSESSMENTS. In case the work the work* shall be the paving or repaving of a street, or the construction of a sewer, upon the making and delivering to the city clerk of the assessment-roll as provided in the three preceding sections of this title, and giving notice by due publication thereof that the city clerk will receive such assessments of taxes for thirty days from the date of the first notice, the said city clerk shall receive said assessments without fees. Upon the expiration of said period of thirty days the city clerk shall certify to the Commission the whole amount unpaid upon said assessments and thereupon the Commission shall determine the number of equal annual installments in which assessments may be made payable, which in no event shall exceed the periods for which serial bonds are issued or might be issued to finance the cost of the improvement pursuant to the provisions of the Local Finance Law. If bonds are issued to finance all or part of such improvement, such assessments shall bear the same rate of interest as such bonds. Otherwise, the Commission shall fix the rate of interest on such installments. Interest on such installments shall be computed from the date of filing the assessment rolls with the city clerk; the first annual installment with interest for the full year to become due on the first day of December next succeeding the date on which such assessments were made payable in installments, and a like annual payment with interest to become due on the first day of December each year thereafter until all the installments are paid, and such installments to be subject to the said penalties and all provisions for the enforcement and collection of said assessments. In the event of any such annual installment not being paid within ten days after the same shall become due, the amount thereof shall be placed on the next city tax roll and shall be added to the amount assessed against such land for the next general city taxes as provided in this act. No action or proceeding to set aside, cancel or annul any assessment made under the provisions of this title shall be maintained by any person, unless such action or proceeding shall have been commenced within thirty days after the delivery to the city clerk of Sherrill of the assessment-rolls, and unless within said thirty days of competent jurisdiction, an injunction shall have been procured by such person from a court of competent jurisdiction restraining the Commission from issuing obligations for such improvement. The moneys received by the city clerk from the collection of such assessments or

*So in original.

installments thereof shall be used in paying the cost and expense of the local improvement for which the assessments were levied and in paying the portion of such obligations which shall have been applied to the financing of the share of the cost and expense of such improvement which was locally assessed. (As amended by L. 1943, Ch. 710; L.L. 1956, No. 4)

144. OTHER LOCAL IMPROVEMENTS. ASSESSMENTS, TAXES, COLLECTIONS THEREOF, ET CETERA. Upon receiving said assessment-rolls with the warrant or authority to collect assessments other than those provided for in the last preceding section of this title, the city clerk shall duly publish a notice of the receipt by him of such assessment-rolls and warrants and that all persons named therein are required to pay their taxes at his office on or before the expiration of thirty days from the date of said first publication. During said thirty days every person may pay his taxes, assessments and installments to said clerk without fees.

145. PENALTY FOR NON-PAYMENT. In case said taxes, assessments or installments remain unpaid after the foregoing proceeding shall have been taken, the amount thereof, with interest at the rate of fifteen per centum per annum from the time of the expiration of said thirty days, shall be added to the amount assessed against such land for the next general city tax, and the whole amount of such assessment and interest shall be collected in the same manner as general city taxes, and all proceedings and provisions in the same manner as general city taxes, and all proceedings and provisions for the enforcement of such general city taxes shall be applicable thereto.

146. TAXES AND ASSESSMENTS, LIENS OF. Every tax and assessment imposed under any of the provisions of this title shall be a lien upon all real estate against which the same shall be assessed, from the filing of such assessment-roll until the same has been paid, superior to any mortgage, judgment or other lien of any nature, except general city and school taxes affecting the same and shall have priority thereto, or to any conveyance thereof, and notice to the occupant or tenant shall be held to be deemed a notice to the owner or owners of said real estate. No error or mistakes in the name of any owner or occupant of any lot or parcel of land assessed for a local improvement, or the fact that the person as owner or occupant is not the owner or occupant of such lot or parcel, or that a clerical or immaterial error has been made, shall invalidate said assessment-roll or the assessments therein. In case any tax or assessment shall be void or shall have failed for want of jurisdiction or for any irregularity in the levying or assessing thereof under this title, the Commission shall have power and it shall be its duty to cause the same to be reassessed in a proper manner; if any person shall have paid on a former assessment the same shall be credited; or in case the payment exceed the amount reassessed the surplus shall be refunded. In case the amount assessed in any local improvement shall not be sufficient to defray the expenses of such improvement the Commission shall cause the amount of the deficiency to be assessed as hereinbefore provided. (As amended by L. 1943, Ch. 710)

TITLE XI

Public Buildings and General City Improvements

- Section 150. Public buildings and general city improvements.
151. Time of submitting question.
152. Object of tax specified.
154. Referendum.
155. Eligible voters.
156. Ballots and tally sheets.
157. How and where referendum shall be conducted.
158. Votes canvassed by Commission.
159. Majority vote required.
160. Penal provisions.
161. Improvements by contract or direct labor.
162. Alterations or modifications in contract.

150. PUBLIC BUILDINGS AND GENERAL CITY IMPROVEMENTS. The Commission may cause to be levied and collected upon the tax roll such further sum, to be expended during the fiscal year for which such tax is to be levied, as they may require to provide for the cost of the purchase of land, of the construction or reconstruction of any public building or any public improvement providing a majority of the eligible voters of said city shall by vote approve such additional tax in the manner herein provided. (As amended by L. 1943, Ch. 710)

151. TIME OF SUBMITTING QUESTION. Whenever the Commission determines that such an election should be held, it shall so declare by resolution and such resolution shall fix a time and a place at which such an election will be held for submitting to the taxable inhabitants of said city the approval of such tax, which time shall not be less than twenty days after the adoption of such resolution. (As amended by L. 1943, Ch. 710)

152. OBJECT TO TAX SPECIFIED. Such resolution shall specify the objects for which said tax is proposed to be levied and the sum proposed to be raised for each separate object. (As amended by L. 1943, Ch. 710)

154. REFERENDUM. Upon the adoption of such resolution the city clerk shall duly publish a notice of such resolution and the time and place when such election will be held.

155. ELIGIBLE VOTERS. At such election every qualified elector who is the owner of property within such territory which was assessed upon the last assessment-roll of the city may vote at such election.

156. BALLOTS AND TALLY SHEETS. The city clerk shall provide the ballots in the number and in the form prescribed by the election law for the submission of questions to voters and tally sheets, returns and all other stationery and supplies necessary for the conduct of such election. Upon such ballots each separate object and the amount of the tax proposed to be

levied therefor shall be stated as separate propositions and separately voted upon. (As amended by L. 1943, Ch. 710)

157. HOW AND WHERE REFERENDUM SHALL BE CONDUCTED. Such election shall be held during a time and at places fixed by the Commission and shall be conducted by three electors qualified to vote thereat, to be appointed by the Commission, and the city clerk shall act as clerk thereof. The polls at such referendum shall be kept open during the hours specified and such election shall be conducted in accordance with the provisions of the election law so far as the same are applicable thereto, except that such election may be held at one place for all of the qualified electors of the city. The electors conducting such election shall make a return of the vote cast thereat to the city clerk immediately upon the completion of such vote.

158. VOTES CANVASSED BY COMMISSION. The Commission shall meet on the next succeeding day after such election and canvass the result of such vote according to the returns made by the electors appointed to conduct the same and such result shall be declared by resolution.

159. MAJORITY VOTE REQUIRED. Each proposition which shall receive the affirmative vote of a majority of the votes cast at such election shall be approved and the Commission may thereupon raise the sum approved for each object so approved by taxation. (As amended by L. 1943, Ch. 710)

160. PENAL PROVISIONS. All of the provisions of the penal law relating to crimes against the elective franchise shall apply to questions submitted to taxpayers as provided in this act so far as the same are applicable and the ballots cast upon such vote may be judicially investigated and any errors in the canvass on such vote corrected by writ of mandamus in the manner provided by the election law.

161. IMPROVEMENTS BY CONTRACT OR DIRECT LABOR. Improvements as aforesaid may be made either by direct employment of the necessary labor and the purchase of the necessary labor and the purchase of the necessary supplies and materials, with separate accounting as to each improvement so made, or by contract duly let after competitive bidding, either for a gross price, or upon a unit basis for the improvement, or by contract containing a guarantee maximum and stipulating that the city will pay within such maximum the cost of labor and materials, plus a fixed percentage of profit to the contractors. The Commission shall determine by which of the foregoing methods improvements shall be made. Contracts may provide a bonus per day for completion of the contract prior to a specified date, and liquidated damages to the city to be exacted in like sum for every day of delay beyond a specified date.

162. ALTERATIONS OR MODIFICATIONS IN CONTRACT. When it becomes necessary in the prosecution of any work, or improvement under contract, to make alterations or modifications in such contract, such alterations or modifications shall be made only upon resolution of the Commission. No such order shall be effective until the price to be paid for the work and material, or both, under the altered or modified contract, shall have been agreed upon in writing and signed by the contractor and the manager upon authority of the Commission.

TITLE XII

Appropriations

- Section 170. The estimate.
171. Appropriation resolution.
173. Transfer of funds.

170. THE ESTIMATE. The fiscal year of the city shall begin on the first day of January. On or before the first day of November of each year the manager shall submit to the Commission an estimate of the expenditures and revenues of the city departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the city clerk. The classification of the estimate of expenditures shall be as nearly uniform as possible for the main functional divisions of all departments, and shall give in parallel columns the following information:

- (a) A detailed estimate of the expense of conducting each department as submitted by the directors of the several city departments;
- (b) Expenditures for corresponding items for the last two fiscal years;
- (c) Expenditures for corresponding items for the current fiscal year, including adjustments due to transfers between appropriations plus an estimate of expenditure necessary to complete the current fiscal year;
- (d) Amount of supplies and materials on hand at the date of the preparation of the estimate;
- (e) Increase or decrease of estimates compared with corresponding appropriations for the current year;
- (f) Such other information as is required by the Commission or that the manager may deem advisable to submit;
- (g) The recommendation of the manager as to the amounts to be appropriated with reasons thereof* in such detail as the Commission may direct.

Sufficient copies of such estimate shall be prepared and submitted, that there may be copies on file in the office of the city clerk for inspection by the public.

171. APPROPRIATION RESOLUTION. Upon receipt of the required estimates the Commission shall prepare an appropriation resolution in such form as may be prescribed by it. Before finally acting upon such tentative appropriation the Commission shall fix a time and a place for holding public hearings upon the tentative appropriation, and shall duly bulletin notice of such hearing.

173. TRANSFER OF FUNDS. At any time prior to the close of the current fiscal year the Commission may transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year has proved insufficient, or may authorize a transfer to be made between items appropriated to the same office or department at the close of the fiscal year.

*So in original.

Any accruing revenue of the city, not appropriated as herein provided, and any balances at any time remaining after the purposes of the appropriation shall have been satisfied or abandoned, shall be appropriated by the Commission to the general city fund to be reappropriated for the ensuing year; or the Commission may appropriate the whole or any part of such revenue or unexpended balances for the purpose of creating a reserve fund.

Any reserve fund heretofore or hereafter established shall be governed by the provisions of the General Municipal Law of the State of New York. (As amended by L.L. 1961, No. 2)

TITLE XIII

The City Court and Police Department

- Section 180. Jurisdiction of violations of ordinances.
181. Disposition of penalties; fees of justices.
182. Criminal jurisdiction of city judge.
183. Records of city court. (Repealed 2002)
184. Compensation of city judge. (Repealed 2002)
185. Accounts, reports and payments of fees and fines. (Repealed 2002)
186. Civil jurisdiction of city judge.
187. Practice, et cetera. (Repealed 2002)
188. Acting city judge. (Repealed 2002)
189. Judgments, executions and transcripts. (Repealed 2002)
190. Rooms and supplies. (Repealed 2002)
191. Police department.

180. JURISDICTION OF VIOLATIONS OF ORDINANCES. Jurisdiction to hear, try and determine charges of violations of city ordinances is hereby conferred upon magistrates as follows:

1. A city judge has exclusive jurisdiction, in the first instance; (As amended L.L. 2002, No. 1)
2. In case of absence or inability to act of the city judge, a justice of the peace of a town including any part of the city has jurisdiction exclusive of any other justice of the peace; (As amended L.L. 2002, No. 1)
3. In cases not provided for in the foregoing subdivisions, any justice of the peace has jurisdiction.

181. DISPOSTION OF PENALTIES; FEES OF JUSTICES. Every penalty imposed for the violation of a city ordinance shall be paid to the city comptroller. In such cases the fees of the justices are a city charge. (As amended L.L. 2002, No. 1)

182. CRIMINAL JURISDICTION OF CITY JUDGE. The city judge may hold a court of special sessions therein and shall have in the first instance exclusive jurisdiction to hear, try and determine the charges of a misdemeanor committed within such city and triable by a court of special sessions, subject to the right of removal, as provided by the code of criminal procedure, to a court having authority to inquire by the intervention of a grand jury into offenses committed within the county. Such city judge shall have exclusive jurisdiction to take the examination of a person charged with a commission in said city of a crime not triable by a court of special sessions; and also to hear, try and determine charges against a person of being a vagrant or disorderly conduct therein; and to take such proceedings in either of such cases as may be taken by a justice of the peace, with all the powers and subject to all the duties and liabilities, of a justice of the peace in respect thereto. Such city judge shall have all the power and authority, and be subject to all the duties and liabilities, of a justice of the peace in issuing warrants for the arrest of a person charged with the commission of a crime or disorderly conduct, in a county including any portion of such city, but if the offense is charged to have been

committed outside of the city, the person arrested by such process shall be taken before another magistrate of the town in which such offense is charged to have been committed, and the papers upon which the process was issued delivered to him, who shall proceed thereon as though such warrant had been issued by him upon such papers. A person arrested upon a criminal warrant issued by a justice of the peace upon a charge of committing a crime or an offense of a criminal nature within the city, shall be taken before the city judge of such city, and the papers upon which the process was issued delivered to him, who shall proceed thereon as though such warrant had been issued by him upon such papers. The term "proceeding" as used in this article also includes a special proceeding of a criminal nature.

183. RECORDS OF CITY COURT. REPEALED BY L.L. 2002, No. 1

184. COMPENSATION OF CITY JUDGE. REPEALED BY L.L. 2002, No. 1

184-a. RESIDENCE OF CITY JUDGE. Notwithstanding the provisions of the public officers law or of any general, special or local law to the contrary, the city judge need not be a resident of the city of Sherrill. (As added by L. 1964, Ch. 32)

185. ACCOUNTS, REPORTS, ET CETERA. REPEALED BY L.L. 2002, No. 1

186. CIVIL JURISDICTION OF CITY JUDGE. The city judge shall have the same jurisdiction as a justice of the peace of a town in all civil actions in which the defendant is a resident of the city. The town clerk of the town of Vernon shall furnish jury lists in the same manner as to the justices of the peace of his town.

187. PRACTICE, ET CETERA. REPEALED BY L.L. 2002, No. 1

188. ACTING CITY JUDGE. REPEALED BY L.L. 2002, No. 1

189. JUDGMENTS, EXECUTIONS AND TRANSCRIPTS. REPEALED BY L.L. 2002, No. 1

190. ROOMS AND SUPPLIES. REPEALED BY L.L. 2002, No. 1

191. POLICE DEPARTMENT. In the event of a vacancy in the office of the chief of police the city manager shall be the chief of police, until such time as a chief of police shall be appointed by the Commission.

TITLE XIV

Election Provisions

- Section 200. Municipal primary election.
201. Municipal election.
202. Nominations.
203. Vacancies.
204. Special elections.
205. Election supplies.
206. Form of ballots.
207. Conduct of elections and canvass of votes.
208. Board of canvassers.
209. Voting machines.
210. Absentee voting at city elections. (eff. 5/31/90)

200. MUNICIPAL PRIMARY ELECTION. The primary election for the nomination of all city officers to be elected by the electors of the city of Sherrill as herein provided shall be held at the same time as provided by the general election law for holding of primary elections for the nomination of candidates in cities formerly classified as cities of the third class. Such primary election shall be held at the same places in the city of Sherrill as are designated voting places for the holding of a primary election, and shall be conducted by inspectors of election duly appointed pursuant to the provisions of this act.

In the month of January of each year, or as soon thereafter as practicable, the Commission shall appoint the same number of election inspectors and ballot clerks for the conduct of its municipal and primary elections as are provided for by the general election law for general elections, who shall hold office for one year following such appointment.

201. MUNICIPAL ELECTIONS. The bi-annual municipal election for the purpose of electing city officers to be elected as provided for in this act shall be held at the same time and places in the city of Sherrill as the general election and shall be conducted by the inspectors of election duly appointed pursuant to the provisions of this act.

202. NOMINATIONS. (1) Candidates for Commissioners under the provisions of this act shall be nominated at the primary election in the following manner: the name of any qualified elector shall be printed upon the primary ballot when a petition in the form herein prescribed shall have been filed in his behalf with the city clerk and such petition shall have been signed by at least two per centum of the total number of qualified electors residing within the city limits as proposed.

(2) The signatures to a nominating petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof, stating the number of signers of such paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. Each signer of a petition shall sign his name in ink or indelible pencil, and shall place on the petition after his name his place of residence by street and number.

(3) Petition papers shall be in substantially the following form:

FORM OF PETITION PAPER.

We, the undersigned, hereby present whose residence is as a candidate for nomination to the office of to be voted upon at the primary election, to be held on the day of, 19. . ., and we individually certify that we have not signed similar petitions greater in number than the number of officers to be chosen at the next general municipal election, and not more than one for any one candidate, and we do hereby appoint (here insert the names and addresses of at least three persons) as a committee to fill vacancies in accordance with the provisions of the general election law.

Date.	Name.	Residence.	Election district of ward.
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ONEIDA COUNTY,)
STATE OF NEW YORK) ss.:

., being duly sworn, deposes and says that he is the circulator of the foregoing petition paper containing signatures, and that the signatures appended thereto were made in his presence on the date above stated and are the signatures and the places of residence of the persons whose names they purport to be.

(Signed)

Subscribed and sworn to before me this
day of, 19

.
Notary Public

(4) All nominating papers comprising a petition shall be assembled and filed with the clerk as one instrument, at least thirty days prior to the date of holding the primary election with respect to which such petition is filed, except as herein provided.

(5) Unless a person whose name has been submitted for candidacy by any such petition shall file his declination of such candidacy with the clerk not later than twenty days before the day of the primary election, the name of such candidate shall appear on the ballot.

203. VACANCIES. Vacancies caused by the death or disqualification of a candidate nominated as herein provided may be filled by the committee named in such certificate of nomination in the manner provided by the general election law.

204. SPECIAL ELECTIONS. The Commissioners shall cause to be held special or referendum elections upon all matters which are reserved herein for the approval of the qualified electors of the city, or upon petition as hereinafter specified of certain electors, and such special elections shall be held at the time and place designated and in the manner as provided by the Commission.

205. ELECTION SUPPLIES. The clerk shall cause to be prepared the necessary ballots and tally sheets and other election paraphernalia and supplies, such as poll books,

distance markers, tally sheets, inspectors and ballot clerks' return blanks, pens, penholders, pencils and such other articles of stationery as may be necessary for the conduct of elections, and shall deliver the same to the properly qualified inspectors of election at the time and place designated for holding the said elections. The tally sheets shall be in substantially the same form as provided by the general election law and the returns provided for by the election law shall show the number of votes cast for each candidate respectively and the number of blank votes.

206. FORM OF BALLOTS. All ballots used in all elections held under authority of this act shall be supplied by the said clerk and be without party mark or designation. The primary ballots shall be substantially as herein provided. Primary, regular and special election ballots provided under authority of this act for the nomination or election of Commissioners shall not bear the name of any person or persons or any issue other than those candidates for nomination or election to the office of Commissioner.

* * * *

Form of Primary ballot. Vote for not more than _____. (Insert here a number equal to the number of persons to be elected to the office of commissioner at the regular municipal election.)

If you wrongly mark, tear or deface this ballot, return it and obtain another.

CANDIDATES FOR NOMINATION TO THE OFFICE OF COMMISSIONER.

	JOHN DOE
	RICHARD ROE
	HENRY SMITH
	GEORGE JONES
	JAMES RICHARD

The candidates for nomination to the office of Commissioner who shall have received the greatest vote in such primary election shall be placed on the ballot at the next regular municipal election, in number not to exceed double the number of vacancies in the offices to be filled.

Ballots for regular municipal elections shall be similar in form to those of primary ballots, except that the words "Regular Ballot, Municipal Election" shall appear at the top of such ballot, and immediately over the names of the regularly nominated candidates for the office of Commissioner shall appear the words "For commissioner." All ballots shall contain in addition to the names of the regularly nominated candidates for office and the squares for designation of choice, blank spaces equal in number to the number of officers to be elected, and it shall be proper for electors to write in the blank spaces so provided the names of qualified electors for whom they wish to vote. (As amended by L.L. 1969, No. 1)

207. CONDUCT OF ELECTIONS AND CANVASS OF VOTES. Municipal elections shall be conducted in the same manner as provided by the general election law except as herein otherwise provided and all provisions of law relating to the conduct of general elections not inconsistent with the provisions of this act and all provisions of law relating to the conduct of

general elections not inconsistent with the provisions of this act and all provisions of law for the punishment of offenses against the elective franchise shall apply to all elections pursuant to the provisions of this act. At the close of each election the election officers shall proceed to count and canvass the votes cast in the manner provided by the election law except as in this act otherwise provided.

No information in conducting municipal elections shall invalidate the name if they be conducted fairly and in substantial conformity with the requirements of this act. Upon the completion of the canvass the inspectors of election shall make and sign an original statement thereof as provided by the general election law and such statement and other matters required to be returned shall be filed with the city clerk.

208. BOARD OF CANVASSERS. The Commissioners of the city shall be the board of canvassers in all municipal elections held under the provisions of this act and they shall meet the day next succeeding each municipal election and from the statements filed with the city clerk by the inspectors of election as herein provided proceed to canvass the votes cast in such election in the manner herein provided, and declare elected the persons found to be elected according to the provisions hereof. The city clerk shall notify the several persons so elected of their election within five days thereafter. In case the day succeeding any such election shall fall upon Sunday or a legal holiday such Commission shall meet as a board of canvassers on the next succeeding business day thereafter.

209. VOTING MACHINES. In case the Commission shall at any time deem it practicable to use at municipal elections voting machines used at general elections in said city, it may by resolution, duly passed, provide for the use of such voting machines in the place of ballots as hereinbefore provided and the return of the votes cast by such machines shall be made to the city clerk by the inspectors of election in the same manner as if the voting had been by ballot.

210. ABSENTEE VOTING AT CITY ELECTIONS. a. A qualified elector of the city may vote as an absentee voter at any primary, general or special city election.

b. Absentee voting at any city election shall be governed by the provisions of the election law of the State of New York applicable to absentee voting at village elections, except to the extent that such provisions may be inconsistent with the provisions of this charter. For purposes of this section, all references in the relevant provisions of the election law to a village, village election and village clerk, shall be deemed to mean the city, city election and city clerk, as the case may be. (As added L.L. 1990, No. 2)

TITLE XV

Miscellaneous Provisions

- Section 220. Compensation of officers and employees.
220a. Employee Residency Requirement. (Repealed 1988)
221. Taxes levied prior to incorporation to be collected.
222. Notices.
223. Writ of certiorari.
224. Who are property owners.
225. Definitions.
226. School districts. (Repealed 1953)
227. Water works.
228. Sewer system.
229. Limitations of actions against city.

220. COMPENSATION OF OFFICERS AND EMPLOYEES. The Commission may fix by resolution the salary for compensation of the heads of departments, and the city clerk; and except as is provided by this act, the manager shall determine the salaries or compensation of all employees. All such salaries and rates of pay shall be reported to the Commission forthwith. All fees and moneys received or collected by officers and employees shall be paid into the city treasury.

220a. EMPLOYEE RESIDENCY REQUIREMENT. (As added by L.L. 1986, No. 1; as amended by L.L. 1987, No. 1) (Repealed Local Law No. 2, 1988)

221. TAXES LEVIED PRIOR TO INCORPORATION TO BE COLLECTED. All taxes levied or assessed prior to the taking effect of this act which have not become due, shall be collected and applied in the manner provided by the law under which such taxes were levied or assessed.

222. NOTICES. The return or certificate of the city clerk as to the service or publication of any notice provided for in this act shall be presumptive evidence of such service at the time and in the manner specified in such return or certificate.

223. WRIT OF CERTIORARI. A petition may be presented and writ of certiorari may be granted in the manner provided by the tax law, to review any assessment provided for by this act either for general purposes or for special or local assessments and such tax and assessment and all the proceedings preliminary thereto, including all proceedings relating to any improvement or work for which such assessment is made, may be reviewed thereby in the same manner as provided by law.

224. WHO ARE PROPERTY OWNERS. In any case where it is provided in this act that a petition or remonstrance shall be signed by persons owning real property and such real property shall be owned by two or more persons jointly or as tenants in common, all of such tenants in common or joint tenants shall be deemed to be one person. The guardian of an infant,

the committee of an incompetent, the trustees of a bankrupt or a trustee appointed by will or deed shall for the purpose of such petition or remonstrance be considered the owner of any such real property owned by such infant or incompetent or by such trustees for the benefit of another.

225. DEFINITIONS. a. The term “duly published” as used in this act, except as hereinafter provided, means the publication of any notice required herein at least once a week for two successive weeks in a paper of general circulation in the city, designated by the Commission as an official paper, and such publication shall be deemed complete on the third day following the last publication of said notice.

The term “duly published” as the same relates to the publication of a proposed ordinance and public hearing thereon means the publication once in the official newspaper of the city of a notice setting forth the title and a brief summary of the subject matter of the proposed ordinance, that a copy of said proposed ordinance has been filed with the city clerk and is open to inspection by any interested person, that copies of said proposed ordinance are available from the city clerk on request, fixing a time and place not less than 7 nor more than 14 days thereafter at which a public hearing thereon will be held, and that after such hearing the ordinance will be acted upon for adoption or rejection. (Section 225, subdivision a, only, as amended by L.L. 1956, No. 3, Section 1)

b. The term “bulletined,” as used in this act, means the posting of any notice either in printed, written or typewritten form, upon an official bulletin board of the city, which shall have been previously designated by the Commission as such, and the same shall be deemed complete upon the expiration of five days from such posting.

c. The word “person” as used in this act, shall be construed to include all persons, firms, corporations and associations. The term “resolution” as used in this act, includes all motions, orders, rules, regulations and by-laws other than ordinances. The term “streets” as used in this act, includes highways, roads, avenues, lanes or alleys or any section thereof which the public have a right to use. The term “pavement” includes macadam, telford, asphalt, brick or other similar or improved roadbeds and also curbed gutters, drains and storm sewers. The term “his” includes the words “her,” “its” or “theirs.” The word “material” shall be held to include supplies, stationery, books, tools and furniture.

d. The term “duly served,” as used in this act, means that such service shall be made either upon the owner or occupant by delivering the same to him personally or by leaving the same, in his absence, with some member of his family or person of suitable age residing with him. In case the land is unoccupied, or the owner is a non-resident, such service may be made upon the agent of such owner, if known to the Commission, or by depositing the same in the post office, property inclosed and the postage thereon prepaid, and directed to such owner at his place of residence. In case such owner or his place of residence is unknown, and there is no resident agent or occupant to the knowledge of the Commission, such service may be made by affixing a copy of such order and notice upon a conspicuous part of said premises. When corporations, associations or copartners are to be served with a notice under any provisions of this title or under the direction of the Commission it shall be deemed sufficient, valid and legal service of such notice to serve a copy thereof upon the president, cashier, treasurer or managing agent of such corporation or association or upon one of the copartners; and whenever any real estate in said city shall be owned by two or more persons jointly, or as tenants in common, a notice served on one of such persons shall be sufficient notice to all for any purpose requiring notice under this act or direction of the Commission. Affidavits or the service of such order shall be filed or

recorded, or both, in the office of the city clerk of such city, and the affidavit or the record thereof, of* a certified copy of either, shall, in all courts and places, actions and proceedings be prima facie evidence of the facts stated therein.

226. SCHOOL DISTRICT. Repealed by L. 1953, Ch. 878, Section 325 (2) Schedule "A".

227. WATER WORKS. The City Commission shall have power and authority to contract with any municipality owning a water system for water for general city purposes and for the benefit of its inhabitants.

228. SEWER SYSTEM. The Commission may investigate the needs of the city with regard to the construction of sewers both trunk and out-fall and the matter of sewage disposal. It shall avail itself as far as possible of the existing surveys and plans for sewers and disposal plants and if it finds said plans adequate may adopt them as the official sewer plans for the city, and thereupon the same proceeding may be had as provided in sections one hundred and fifty to one hundred and fifty-nine, inclusive, of this act, or it may finance such improvements, in whole or in part, pursuant to the local finance law. (As amended by L. 1943, Ch. 710)

229. LIMITATIONS OF ACTIONS AGAINST CITY. No action or proceeding to recover or enforce any claim, debt or demand against the city shall be brought until the expiration of thirty days after the claim, debt or demand shall have been presented to the Commission for audit. All actions brought against the city upon any contract liability, express or implied, must be commenced within one year from the time that the cause of action accrued, or if for injuries to the person or property caused by negligence, within one year from the time of receiving the injuries, and in other cases within six months after the refusal of the Commission to allow the claim. Said city shall not be liable for damages or injury to persons or property alleged to have arisen or been sustained from or in consequence of a defective or unsafe condition of any sidewalk*, street, highway, crosswalk, grating, opening, bridge or culvert, drain or sewer, unless previous to the occurrence resulting in such damages or injuries written notice of the defective or unsafe condition was actually given to the City Manager and there was a failure or neglect within a reasonable time after the receipt of such written notice to repair, remedy or remove the defect, danger or obstruction complained of. All claims against the city shall, without delay, and within sixty days after the happening of such damage or injury, be presented by or in behalf of the claimant to the manager or Commission in writing, signed by the claimant and duly verified by him or her, describing the time and particular location of the place where said injury occurred, and the cause, nature and extent of the injury or damage, and unless such claim is so presented, as aforesaid, within sixty days, the claimant shall be forever barred and estopped from bringing or maintaining any action or proceeding against the city to recover for such injury or damage. No such action for such damage or injury shall be maintained against the city in any event, unless brought within one year from the happening of same. Every process commencing an action against the city shall be served on the chairman of the Commission or city clerk and not otherwise. (As amended by L.L. 1958, No. 1)

*So in original.

230. This charter shall take effect immediately on its adoption and approval as provided by law and nothing herein contained shall in any manner affect any action or proceeding pending by or against the city of Sherrill or limit, modify or affect any proceeding or action now pending by or against said city.

231. This proposed charter shall be submitted for the approval of the electors of the city of Sherrill, New York, on the eleventh day of August, nineteen hundred and twenty-five. The following places are hereby designated as polling places for such election, to wit; the chapel of the Congregational Church on East Seneca Street in the City of Sherrill, New York; the Methodist Church gymnasium on Park Street in the city of Sherrill, New York.

The regularly appointed inspectors of election, clerks and ballot clerks for general elections shall conduct such special election. (L.L. 1925, No. 1 became effective August 11th, 1925.)

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