

CHAPTER 843

AN ACT to provide a municipal home rule law, constituting chapter thirty-six-a of the consolidated laws

Became a law April 30, 1963, with the approval of the Governor.

Passed, on message of necessity, pursuant to article III, section 14 of the Constitution, by a majority vote, three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

MUNICIPAL HOME RULE LAW

Article 1. Short title; definitions. (§ § 1-2)

2. General powers of local governments to adopt and amend local laws; restrictions. (§ § 10-11)
3. Procedure for adoption of local laws; referenda; filing and publication. (§ § 20-28)
4. Powers of counties and cities to adopt charters. (§ § 30-38)
5. Requests of local governments for enactment of special laws relating to their property, affairs or government. (§ 40)
6. Legislative intent; construction; effective date. (§ § 50-59)

ARTICLE 1

SHORT TITLE; DEFINITIONS

Section 1. Short title.

2. Definitions.

§ 1. Short title. This chapter shall be known, cited and referred to as the "municipal home rule law."

§ 2. Definitions. As used in this chapter the following terms shall mean or include:

1. "Charter." A state statute or a local law which establishes or continues a specific county, city or village as a municipal corporation or body politic and includes the fundamental provisions defining, extending or limiting its corporate powers or affecting the framework of

its government.

2. "Charter amendment." A new charter or any change in an existing charter presented as such under authority of this chapter or any state statute or charter. A charter amendment may be of any extent and may deal with any number of subjects.

3. "Clerk." The clerk of the board of supervisors of a county, the clerk of a city, town or village or, if there be no officer so designated, an officer exercising corresponding duties.

4. "Elective chief executive officer." The chief executive officer of a county elected on a county-wide basis or if there be none the chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

5. "General law." A state statute which in terms and in effect applies alike to all counties, all counties other than those wholly included within a city, all cities, all towns or all villages.

6. "Law." A state statute, charter or local law.

7. "Legislative body." The board of supervisors, board of aldermen, common council, council, commission, town board, board of trustees or other elective governing board or body now or hereafter vested by state statute, charter or other law with jurisdiction to initiate and adopt local laws or ordinances, whether or not such local laws or ordinances require the approval of the elective chief executive officer or other official or body to become effective.

8. "Local government." A county, city, town or village.

9. "Local law." A law (a) adopted pursuant to this chapter or to other authorization of a state statute or charter by the legislative body of a local government, or (b) proposed by a charter commission or by petition, and ratified by popular vote, as provided in article four of

this chapter or as provided in a state statute, charter or local law; but shall not mean or include an ordinance, resolution or other similar act of the legislative body or of any other board or body.

10. "New charter." A charter which supersedes or repeals an existing charter in its entirety or in the manner provided in subdivision four or subdivision five of section thirty-six of this chapter.

11. "Public corporation." A municipal corporation, a district corporation or a public benefit corporation as defined in section three of the general corporation law.

12. "Special law." A state statute which in terms and in effect applies to one or more, but not all, counties, counties other than those wholly included within a city, cities, towns or villages.

ARTICLE 2

GENERAL POWERS OF LOCAL GOVERNMENTS TO ADOPT AND AMEND LOCAL LAWS; RESTRICTIONS

Section 10. General powers of local governments to adopt and amend local laws.

11. Restrictions on the adoption of local laws.

§ 10. General powers of local governments to adopt and amend local laws. 1. In addition to powers granted in the constitution, the statute of local governments or in any other law,

(i) every local government shall have power to adopt and amend local laws not inconsistent with the provisions of the constitution or not inconsistent with any general law relating to its property, affairs or government and,

(ii) every local government, as provided in this chapter, shall have power to adopt and amend local laws not inconsistent with the provisions of the constitution or not inconsistent with any general law, relating to the following subjects, whether or not they relate to the property, affairs or government of such local government, except to the extent

that the legislature shall restrict the adoption of such a local law relating to other than the property, affairs or government of such local government:

a. A county, city, town or village:

(1) The powers, duties, qualifications, number, mode of selection and removal, terms of office, compensation, hours of work, protection, welfare and safety of its officers and employees, except that cities and towns shall not have such power with respect to members of the legislative body of the county in their capacities as county officers. This provision shall include but not be limited to the creation or discontinuance of departments of its government and the prescription or modification of their powers and duties.

(2) In the case of a city, town or village, the membership and composition of its legislative body.

(3) The transaction of its business.

(4) The incurring of its obligations, except that local laws relating to financing by the issuance of evidences of indebtedness by such local government shall be consistent with laws enacted by the legislature.

(5) The presentation, ascertainment, disposition and discharge of claims against it.

(6) The acquisition, care, management and use of its highways, roads, streets, avenues and property.

(7) The acquisition of its transit facilities and the ownership and operation thereof.

(8) The levy and administration of local taxes authorized by the legislature and of assessments for local improvements, which in the case of county, town or village local laws relating to local non-property taxes shall be consistent with laws enacted by the legislature.

(9) The collection of local taxes authorized by the legislature and of assessments for local improvements, which in the case of county, town or village local laws shall be consistent with laws enacted by the legislature.

(9-a) The fixing, levy, collection and administration of local government rentals, charges, rates or fees, penalties and rates of interest thereon, liens on local property in connection therewith and charges thereon.

(10) The wages or salaries, the hours of work or labor, and the protection, welfare and safety of persons employed by any contractor or subcontractor performing work, labor or services for it.

(11) The protection and enhancement of its physical and visual environment.

(12) The government, protection, order, conduct, safety, health and well-being of persons or property therein. This provision shall include but not be limited to the power to adopt local laws providing for the regulation or licensing of occupations or businesses provided, however, that:

(a) The exercise of such power by a town shall relate only to the area thereof outside the village or villages therein.

(b) Except in a case where and to the extent that a county is specifically authorized to regulate or license an occupation or business, the exercise of such power by a county shall not relate to the area thereof in any city, village or area of any town outside the village or villages therein during such time as such city, village or town is regulating or licensing the occupation or business in question.

(13) The apportionment of its legislative body and, only in connection with such action taken pursuant to this subparagraph, the composition and membership of such body, the terms of office of members thereof, the units of local government or other areas from which representatives are to be chosen and the voting powers of individual members of such legislative body. Except for the equal apportionment requirements in subclause (i.) of clause (a.) and clause (c.) of this subparagraph, which shall apply generally to any local government, the power granted by this subparagraph shall be in addition to and not in substitution for any other power and the provisions of this subparagraph shall apply only to local governments which adopt a plan of districting or redistricting thereunder.

(a.) A plan of districting or redistricting adopted under this subparagraph shall comply with the following standards, which shall have priority in the order herein set forth, to the extent applicable:

(i.) If such plan of districting or redistricting includes only single-member districts, such districts shall be as nearly equal in population as is practicable; the difference in population between the most and least populous district shall not exceed five percent of the

mean population of all districts. If such plan of districting or redistricting includes multi-member districts, the plan shall provide substantially equal weight for the population of that local government in the allocation of representation in the local legislative body; and

(ii.) Districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minority groups to participate in the political process or to diminish their ability to elect representatives of their choice; and

(iii.) Districts shall consist of contiguous territory; and

(iv.) Districts shall be as compact in form as practicable; and

(v.) Districts shall not be drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties. The maintenance of cores of existing districts, of pre-existing political subdivisions including cities, villages, and towns, and of communities of interest shall also be considered. To the extent practicable, no villages or cities or towns except those having more than forty percent of a full ratio for each district shall be divided; and

(vi.) Districts shall be formed so as to promote the orderly and efficient administration of elections.

(b.) A plan of districting or redistricting adopted by a county under this subparagraph may provide that mayors of cities or villages, supervisors of towns or members of the legislative bodies of cities, towns, or villages, who reside in the county shall be eligible to be elected as members of the county legislative body.

(c.) As used in this subparagraph the term "population" shall mean residents, citizens, or registered voters. For such purposes, no person shall be deemed to have gained or lost a residence, or to have become a resident of a local government, as defined in subdivision eight of section two of this chapter, by reason of being subject to the jurisdiction of the department of corrections and community supervision and present in a state correctional facility pursuant to such jurisdiction. A population base for such a plan of apportionment shall utilize the latest statistical information obtainable from an official enumeration done at the same time for all the residents, citizens, or registered voters of the local government. Such a plan may allocate, by extrapolation or any other rational method, such latest statistical

information to representation areas or units of local government, provided that any plan containing such an allocation shall have annexed thereto as an appendix, a detailed explanation of the allocation.

(d.) Where a public hearing on a local law proposed to be adopted under this subparagraph is required, by subdivision five of section twenty of this chapter, to be held only before an elective chief executive officer, the legislative body shall not adopt such proposed local law until after a public hearing shall have been held thereon before it, on notice as provided in such subdivision five, in which event no public hearing thereon before such chief executive officer shall be required.

(e) A local law proposed to be adopted under this subparagraph shall be subject to referendum only in the manner provided by paragraph j of subdivision two of section twenty-four of this chapter, except that such local law shall be subject to a mandatory referendum in any county in which a provision of law requires a mandatory referendum if a local law proposes a change in the form or composition of the elective governing body of the county. The local law may be so structured as to permit separate submission of the principle elements (such as, multiple office holding as in clause (b) above, the use of multiple member or floterial districts in portions of the local government, and so forth) of the plan and also may provide alternatives in the event one or more of these separate submissions is rejected by the electorate.

(f.) Notwithstanding any inconsistent provisions of any general or special law, or any local law, ordinance, resolution or city or county charter heretofore or hereafter adopted, no local government may restructure its local legislative body (pursuant to provision of this chapter or any other provision of law) more than once in each decade commencing with the year nineteen hundred seventy; provided, however, that this prohibition shall not prevent the periodic adjustment of the weight of the votes of representatives on the basis of current census, voter, or other valid information where an existing plan distributes the votes of representatives on such a basis.

(14) The powers granted to it in the statute of local governments.

b. A county:

(1) The adoption, amendment or repeal of a county charter pursuant to

article four of this chapter in addition to its powers under this article.

(2) The establishment of a county tax department headed by a director appointed by and serving at the pleasure of the board of supervisors, which director shall, subject to authorization of such board (a) employ necessary employees, (b) advise with and assist all assessors, collectors and receivers of taxes of the various tax districts within the county in the discharge of their duties, (c) assist in the preparation of equalization rates with the various tax districts within the county, (d) assist in the disposition and sale of real property acquired by the county as the result of enforcement of unpaid taxes, and (e) perform such other duties as shall be prescribed by such board.

(3) The assignment to and the performance by the chairman of the board of supervisors of specified administrative functions, powers and duties on behalf of such board, with provision for periodic reports to such board, and with further provision that such local law shall not divest such board of such functions, powers and duties.

(4) The creation of an office of administrative assistant to the chairman of the board of supervisors and assignment to and performance by such an assistant, under the general supervision of such chairman, of specified administrative functions, powers and duties on behalf of such board, with provision for periodic reports to such board, and with further provision that such local law shall not divest such board of such functions, powers and duties.

(5) The compensation to be paid from county funds to public officers or employees who are not officers or employees of the county other than members of the judiciary.

(6) The method for the correction of assessment rolls and tax rolls as authorized by title three of article five of the real property tax law, subject to review by the courts as provided by law.

(7) The protection or preservation of game, game birds, fish or shell fish on county-owned lands.

(8) The control of floods or the conservation of soil.

(9) The reforestation of lands owned by the county.

(10) The eradication or prevention of bovine tuberculosis or other infectious or communicable diseases affecting animals or fowls.

(11) The regulation or prohibition of the dumping of garbage, rubbish,

ashes or other waste material in or adjacent to creeks or streams in watershed areas improved under any flood control or soil erosion program.

c. A city:

(1) The revision of its charter or the adoption of a new charter by local law adopted by its legislative body pursuant to the provisions of this chapter and subject to the procedure prescribed by this chapter or by local law adopted pursuant to article four of this chapter.

(2) The preparation, making, confirmation and correction of assessments of real property and the review of such assessments subject to further review by the courts as provided by law.

(3) The authorization, making, confirmation and correction of benefit assessments for local improvements.

d. A town:

(1) The preparation, making, confirmation and correction of assessments of real property and the review of such assessments subject to further review by the courts as provided by law, consistent with laws enacted by the legislature.

(2) The authorization, making, confirmation and correction of benefit assessments for local improvements, consistent with laws enacted by the legislature.

(3) The amendment or supersession in its application to it, of any provision of the town law relating to the property, affairs or government of the town or to other matters in relation to which and to the extent to which it is authorized to adopt local laws by this section, notwithstanding that such provision is a general law, unless the legislature expressly shall have prohibited the adoption of such a local law. Unless authorized by other state statute this subparagraph shall not be deemed to authorize supersession of a state statute relating to (1) a special or improvement district or an improvement area, (2) creation or alteration of areas of taxation, (3) authorization or abolition of mandatory and permissive referendum or (4) town finances as provided in article eight of the town law; provided, however that nothing set forth herein shall preclude the transfer or assignment of functions, powers and duties from one town officer or employee to

another town officer or employee, and provided, however, further that the powers of local legislation and appropriation shall be exercised by the local legislative body.

e. A village:

(1) The preparation, making, confirmation and correction of assessments of real property and the review of such assessments subject to further review by the courts as provided by law, consistent with laws enacted by the legislature.

(2) The authorization, making, confirmation and correction of benefit assessments for local improvements.

(3) The amendment or supersession in its application to it, of any provision of the village law relating to the property, affairs or government of the village or to other matters in relation to which and to the extent to which it is authorized to adopt local laws by this section, notwithstanding that such provision is a general law, unless the legislature expressly shall have prohibited the adoption of such a local law.

2. Every local government also shall have power to adopt and amend local laws where and to the extent that its legislative body has power to act by ordinance, resolution, rule or regulation.

3. a. A grant of a specific power by this section to one or more local governments shall not operate to restrict the meaning of a general grant of power by this section to the same or any other local government or to exclude other powers comprehended in such general grant.

b. The enumeration of powers in this section is not intended to imply that any of such powers is not included within the power of a local government to adopt and amend local laws in relation to its property, affairs and government.

4. In the exercise of its powers to adopt and amend local laws, the legislative body of a local government shall have power:

(a) To delegate to any officer or agency of such local government the power to adopt resolutions or to promulgate rules and regulations for

carrying into effect or fully administering the provisions of any local law and to authorize issuance of an appearance ticket by a public servant who, by virtue of office, title or position is authorized or required to enforce any statute, local law, ordinance, rule or regulation relating to parking, licensing of occupations or businesses, fire prevention and safety, health and sanitation, and building, zoning and planning; provided however, that a peace officer may be authorized to issue an appearance ticket relating to enforcement of any statute, local law, ordinance, rule or regulation affecting the public health, safety and welfare.

(b) To provide for the enforcement of local laws by legal or equitable proceedings which are or may be provided or authorized by law, to prescribe that violations thereof shall constitute misdemeanors, offenses or infractions and to provide for the punishment of violations thereof by civil penalty, fine, forfeiture, community service, where the defendant has consented to the amount and conditions of such service, provided however, that the performance of any such services shall not result in the displacement of employed workers or in the impairment of existing services, nor shall the performance of any such services be required or permitted in any establishment involved in any labor strike or lockout, or imprisonment, or by two or more of such punishments, provided, however, that a local law adopted pursuant to subdivision two of this section shall provide only for such enforcement or punishment as could be prescribed if the action of the legislative body were taken by ordinance, resolution, rule or regulation, as the case may be.

(c) To enact as local law the provisions of any existing charter, general law or special law, theretofore enacted, conferring a right, power or authority, or imposing a duty or obligation, on such local government, whether or not the same relate to its property, affairs or government. Any such provision of law so re-enacted shall thereafter be subject to be superseded by local law only to the same extent and in the same manner as if the same had not been so re-enacted.

(d) In establishing the office of the head of a department of its government, to provide that such an office shall be in the unclassified service of the civil service and, in establishing the offices of one or more deputies to the head of a department of its government with power to act generally for and in place of their principals, to provide that

the positions of such deputies shall be in the exempt class of the civil service.

5. Except in the case of a transfer of functions pursuant to the constitution or under an alternative form of county government, a local government shall not have power to adopt local laws which impair the powers of any other public corporation.

6. Whenever the constitutionality of any local law, ordinance, rule or regulation is brought into issue upon a trial or hearing of any civil cause of action or proceeding in any court, and the local government which enacted such local law, ordinance, rule, or regulation is not a party to such action or proceeding, notice shall be served upon such local government in accordance with section one thousand twelve of the civil practice law and rules.

§ 11. Restrictions on the adoption of local laws. 1. Notwithstanding any provision of this chapter, the legislative body shall not be deemed authorized by this chapter to adopt a local law which supersedes a state statute, if such local law:

a. Removes or raises any limitation of law on the amount in which the local government may become indebted, or on the amount which may be raised in any one fiscal year by tax for any or all purposes of such local government provided, however, that if the total bonded indebtedness of any city operating under the provisions of the second class cities law is evidenced only by serial bonds payable in annual installments, any such city may adopt a local law which shall provide that the provisions of section seventy-two of the second class cities law shall not be operative or applicable as to such city.

b. Removes a restriction of law relating to the issuance of bonds or other evidences of indebtedness.

c. Applies to or affects the maintenance, support or administration of the educational system in such local government, or a teachers' pension

or retirement system therein.

d. Except in the case of an alternative form of county government, changes the number or term of office of the members of the county board of supervisors chosen as such in a city or town.

e. Applies to or affects the courts as required or provided by article six of the constitution.

f. Applies to or affects any provision of paragraph (c) of subdivision one of section 8-100 of the election law, the labor law, sections two, three and four of chapter one thousand eleven of the laws of nineteen hundred sixty-eight, entitled "An act in relation to the maximum hours of labor of certain municipal and fire district firefighters and the holidays of firefighters and police officers, repealing certain sections of the labor law relating thereto, and to amend the municipal home rule law, in relation thereto," as amended, the volunteer firefighters' benefit law, or the workers' compensation law or changes any provision of the multiple residence law or the multiple dwelling law, except that in a city of one million persons or more, the provisions of local law for the enforcement of the housing code which is not less restrictive than the multiple dwelling law may be applied in the enforcement of the multiple dwelling law.

g. Applies to or affects powers of the state comptroller in relation to auditing or examining municipal accounts or prescribing forms of municipal accounting or in relation to approval or disapproval of establishment or extension of fire districts or special districts.

h. Applies to or affects any provision of law providing for regulation or elimination of railroad crossings at grade or terminal facilities within the local government.

i. Relates to the judicial review of dismissals from the civil service or, in the case of a county, changes a provision of law relating to the membership of its civil service commission or to the terms of office of the members of such commission or of the personnel officer administering

the provisions of the civil service law.

j. In the case of a city, transfers to abutting property owners its liability for failure to maintain its sidewalks and gutters in a reasonably safe condition.

2. Notwithstanding any provision of this chapter, the legislative body of a county, city or village shall not be authorized by this chapter to adopt any local law which:

a. Amends the charter of the county, city or village, as the case may be, contrary to any provisions of such charter regulating its own amendment. This provision shall not abridge the right of the people of a county, city or village to amend their charter or approve a proposed new charter, where such amendment or proposed new charter is subject to a mandatory referendum.

b. The legislative body is by provision of the charter prohibited to adopt.

3. Notwithstanding any provision of this chapter, any local law adopted by a town board shall be effective and operative only in that portion of such town outside of any village or villages therein except in a case where the power of such town board extends to and includes the area of the town within any such village or villages.

ARTICLE 3

PROCEDURE FOR ADOPTION OF LOCAL LAWS; REFERENDA; FILING AND PUBLICATION

Section 20. Procedure for adoption of local laws by legislative body.

21. Approval of local laws by elective chief executive officer.

22. Effect of local laws on acts of legislature or prior local laws or ordinances.

23. Local laws subject to mandatory referendum.

24. Local laws subject to referendum on petition.

25. Propositions for the submission of local laws.

26. Reconsideration of local law before submission to referendum.
27. Filing and publication of local laws.
28. Law applicable to conduct of elections at which ballot questions are submitted to all the voters of a city.

§ 20. Procedure for adoption of local laws by legislative body. 1. No local law shall be passed except by at least the majority affirmative vote of the total voting power of the legislative body. On the final passage of a local law the question shall be taken by ayes and noes, and the names of the members present and their votes shall be entered in the record, journal or minutes of proceedings.

2. The style of local law shall be "Be it enacted by the (naming the legislative body) of the (name of local government) as follows:"

3. Every such local law shall embrace only one subject. The title shall briefly refer to the subject matter. For purposes of this chapter, a local law relating to codification or recodification of ordinances or local laws into a municipal code shall be deemed to embrace only one subject. As used herein codification or recodification shall include amendments, deletions, repeals, alterations or new provisions in the municipal code; provided, however, that the notice of public hearing required by this section shall briefly describe the codification or recodification.

4. A proposed local law may be introduced only by a member of the legislative body at a meeting of such body or as may be otherwise prescribed by the rules of procedure adopted by the legislative body. No such local law shall be passed until it shall have been in its final form and either (a) upon the desks or tables of the members at least seven calendar days, exclusive of Sunday, prior to its final passage, or (b) mailed to each of them in postpaid properly addressed and securely closed envelopes or wrappers in a post box or post office of the United States post office department within the local government at least ten calendar days, exclusive of Sunday, prior to its final passage, or (c)

e-mailed to the e-mail in-box of each of them in the Portable Document Format (PDF) at least ten calendar days, exclusive of Sunday, prior to its final passage, provided that (i) the local government has documented that each member of the legislative body has an e-mail address, (ii) the local government has published such e-mail address on the bulletin board of the local government clerk, and (iii) the legislative body has unanimously adopted a resolution authorizing such electronic delivery; unless the elective or appointive chief executive officer, if there be one, or otherwise the chairman of the board of supervisors, in the case of a county, the mayor in the case of a city or village or the supervisor in the case of a town shall have certified as to the necessity for its immediate passage and such local law be passed by the affirmative vote of two-thirds of the total voting power of the legislative body.

For purposes of this subdivision, a proposed local law shall be deemed to be upon the desks or tables of the members if: it is set forth in a legible electronic format by electronic means, and it is available for review in such format at the desks of the members. For purposes of this subdivision "electronic means" means any method of transmission of information between computers or other machines designed for the purpose of sending and receiving such transmissions and which: allows the recipient to reproduce the information transmitted in a tangible medium of expression; and does not permit additions, deletions or other changes to be made without leaving an adequate record thereof.

5. In the case of a local government which does not have an elective chief executive officer as defined by subdivision four of section two of this chapter, no local law shall be passed by the legislative body until a public hearing thereon has been had before such body and in every other local government no such local law shall be approved by the elective chief executive officer until a public hearing thereon has been had before him. Such a public hearing held before the legislative body or before the chief executive officer, as the case may be, pursuant to this subdivision shall be on such public notice of at least three days as has been or hereafter may be prescribed by a local law on which a hearing shall have been held as prescribed by this section upon five

days' notice or, in the event such a local law prescribing the length of notice is not adopted, upon five days' notice. Where the public hearing is before such officer, such notice shall be given by him within ten days after the local law shall have been presented to him and the hearing shall be held within twenty days after such presentation.

§ 21. Approval of local laws by elective chief executive officer.

Every local law shall be certified by the clerk after its passage by such body and shall be presented to the elective chief executive officer, if any, for approval by him. If such officer approves it, he shall sign it and return it to such clerk; it shall then be deemed to have been adopted. If he disapproves it, he shall return it to the clerk with his objections stated in writing and the clerk shall present the same with such objections to the legislative body at its next regular meeting and such objections shall be entered in its record, journal or minutes of proceedings. The legislative body within thirty days thereafter may reconsider the same. Such an elective chief executive officer who is a member of the legislative body shall not be entitled to vote on such reconsideration. If after such reconsideration such local law is repassed by a vote of at least two-thirds of the total voting power of the legislative body, exclusive of such officer, it shall be deemed adopted, notwithstanding the objections of such officer. Only one vote shall be had upon such reconsideration. The vote shall be taken by ayes and noes, and the names of the members present and their votes shall be entered in the record, journal or minutes of proceedings. If within thirty days after a local law shall have been presented to him such officer shall neither approve it nor return it to the clerk with his objections, it shall be deemed to be adopted in like manner as if he had signed it. At any time prior to such adoption or to the return of a local law by such officer, as the case may be, the legislative body may recall the same and reconsider its action thereon.

§ 22. Effect of local laws on acts of legislature or prior local laws or ordinances. 1. In adopting a local law changing or superseding any provision of a state statute or of a prior local law or ordinance, the

legislative body shall specify the chapter or local law or ordinance, number and year of enactment, section, subsection or subdivision, which it is intended to change or supersede, but the failure so to specify shall not affect the validity of such local law. Such a superseding local law may contain the text of such statute, local law or ordinance, section, subsection or subdivision and may indicate the changes to be effected in its text or application to such local government by enclosing in brackets, or running a line through, the matter to be eliminated therefrom and italicizing or underscoring new matter to be included therein.

2. No local law shall supersede any provision of a state statute except as authorized by the constitution, this chapter or any other state statute.

§ 23. Local laws subject to mandatory referendum. 1. A local law subject to mandatory referendum as provided in this section or in any other state statute, shall be submitted for the approval of the electors at a general election of state or local government officers in such local government held not less than sixty days after the adoption thereof unless such local law provides for its submission for approval of the electors at a special election or unless, within thirty days after the adoption of such local law, a petition signed, authenticated and subject to certification by the clerk as provided for other petitions in section twenty-four of this chapter is filed with such clerk requesting its submission at a special election. If the local law so provides or if a valid petition is so filed requesting the submission of the local law at a special election, it shall be submitted at such a special election held in such local government not less than sixty days after the adoption of the local law, the date for which special election shall be fixed by the legislative body. In either case such local law shall become operative as prescribed therein only if approved at such election by the affirmative vote of a majority of the qualified electors of such local government voting upon the proposition.

2. Except as otherwise provided by or under authority of a state

statute, a local law shall be subject to mandatory referendum if it:

- a. In the case of a city, provides a new charter for such city.
- b. In the case of a city, town or village, changes the membership or composition of the legislative body or increases or decreases the number of votes which any member is entitled to cast.
- c. Changes the veto power of the elective chief executive officer.
- d. Changes the law of succession to the office of the chief executive officer of a county elected on a county-wide basis or if there be none the chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town.
- e. Abolishes an elective office, or changes the method of nominating, electing or removing an elective officer, or changes the term of an elective office, or reduces the salary of an elective officer during his term of office.
- f. Abolishes, transfers or curtails any power of an elective officer.
- g. Creates a new elective office.
- h. In the case of a city, changes the boundaries of wards, or other districts, from which members of the county board of supervisors, chosen as such in such city to represent the city, are elected.
- i. Changes a provision of law relating to public utility franchises.
- j. In the case of a city, reduces the salary or compensation of a city officer or employee, increases his hours of employment or changes his working conditions if such salary, compensation, hours or conditions have been fixed by a state statute and approved by the vote of the qualified electors of the city. No provision effecting such reductions, increases or changes contained in any local law or proposed new charter shall become effective unless the definite question with respect to such

reductions, increases or changes shall be submitted separately from any provisions not relating to such reductions, increases or changes and approved by the affirmative vote of a majority of the qualified electors voting thereon.

k. In the case of a city, changes a provision of law relating to the membership or terms of office of the civil service commission of the city.

§ 24. Local laws subject to referendum on petition. 1. a. A local law adopted by a county, city or town and subject to referendum on petition as provided in this section or in any other state statute, if not also subject to mandatory referendum, shall not take effect until at least forty-five days after its adoption; nor until approved by the affirmative vote of a majority of the qualified electors of the local government voting on a proposition for its approval if within forty-five days after its adoption there be filed with the clerk a petition protesting against such local law, signed and authenticated as herein required by qualified electors of such local government, registered to vote therein at the last preceding general election, in number equal to at least ten per centum of the total number of votes cast for governor at the last gubernatorial election in such local government. If such petition be so filed, a proposition for the approval of such local law shall be submitted at the next general election of state or local government officers held in such local government not less than sixty days after the filing of such petition, unless the petition request and the legislative body adopt a local law submitting such proposition at a special election held not less than sixty days after the adoption of the local law providing for such special election. The petition may be made upon separate sheets, and the signatures to each sheet shall be signed and authenticated in the manner provided by the election law for the signing and authentication of nominating petitions so far as applicable. The several sheets so signed and authenticated, when fastened together and offered for filing, shall be deemed to constitute one petition. The clerk shall examine each such petition so filed with him and not later than thirty days after the date of its filing, or forty-five days before

the day of the election at which such referendum would appear on the ballot, whichever is earlier, shall transmit to the legislative body a certificate that he has examined it and has found that it complies or does not comply, as the case may be, with all the requirements of law. If within five days after the last day to file such certificate a written objection to the determination of the clerk be filed with the supreme court, or any justice thereof, of a judicial district in which such local government or any part thereof is located, such court or justice shall determine any question arising thereunder and make such order as justice may require. Such proceeding shall be heard and determined in the manner prescribed by section 16-116 of the election law.

b. A local law adopted by a village and subject to a referendum on petition as provided in this section or in any other state statute, if not also subject to a mandatory referendum shall be conducted as a permissive referendum as provided in article nine of the village law and compliance with that article shall be deemed to be compliance with this chapter for all purposes.

2. Except as otherwise provided by or under authority of a state statute, a local law shall be subject to referendum on petition if it:

a. Dispenses with a provision of law requiring a public notice or hearing as a condition precedent to official action.

b. Changes a provision of law relating to public bidding, purchases or contracts.

c. Changes a provision of law relating to assessments of real property or benefit assessments for local improvements.

d. Changes a provision of law relating to the exercise of the power of condemnation.

e. Changes a provision of law relating to the authorization or issuance of bonds or other obligations, except as provided in section

34.00 of the local finance law in the case of a city.

f. Changes a provision of law relating to the auditing of the accounts of the local government.

g. Changes a provision of law relating to the alienation or leasing of real property of the local government.

h. In the case of a city, town or village increases the salary of an elective officer during his term of office or, in the case of a county, increases the salary of an elective officer or of an officer appointed for a fixed term, during his term of office, except where any such increase by a county is made in accordance with a schedule providing higher rates of compensation through additional increments of salary based on time service, which schedule or applicable amendment thereof was in existence prior to the commencement of such term of office.

i. In the case of a county, establishes a county general hospital pursuant to the provisions of the general municipal law.

j. Is a local law relating to apportionment adopted pursuant to subparagraph thirteen of paragraph a of subdivision one of section ten of this chapter. Notwithstanding the provisions of subdivision one of this section:

(1) A petition signed and authenticated in number equal to at least five per centum of qualified voters as provided in subdivision one of this section, or to fifteen thousand, whichever is less, shall be sufficient to require the submission of a proposition or propositions for the approval of such a local law or the principle elements designated therein for separate submission, at a referendum in accordance with such subdivision.

(2) The legislative body of the local government on its own motion may adopt a resolution requiring that a proposition or propositions for the approval of such a local law and the principle elements therein as shall have been designated for separate submission, be submitted at a referendum, in accordance with such subdivision, at the next general election, or at a special election, held not less than sixty days after

the adoption of such resolution.

k. In the case of a village, creates or abolishes the office of manager.

§ 25. Propositions for the submission of local laws. A proposition for the submission of a local law to the approval of the electors pursuant to this chapter shall contain the title of such local law. The clerk, with the advice of the corporation counsel, municipal attorney or other principal law officer shall prepare an abstract of such local law concisely stating the title, purpose and effect thereof, and forthwith shall transmit such proposition and such abstract to the election officers charged with the duty of publishing the notice of and furnishing the supplies for such election. A sufficient number of copies of such abstract shall be printed and made available at the time of registration or otherwise in advance of the election to such electors as desire them, and shall also be delivered with the other election supplies and distributed to the electors at the election. If there be more than one such proposition to be voted upon at such election, such propositions shall be separately and consecutively numbered.

§ 26. Reconsideration of local law before submission to referendum. At any time prior to the election at which a local law adopted by a legislative body is to be submitted to the electors for approval because it is subject to mandatory or permissive referendum, the legislative body, not later than fifteen days prior to the election, may reconsider its action thereon and repeal such local law, whereupon the proposition for its approval shall not be submitted at such election or, if submitted, the vote of the electors thereon shall be without effect.

§ 27. Filing and publication of local laws. 1. Within twenty days after a local law shall finally have been adopted, the clerk, or other officer designated by the legislative body, shall file one certified copy thereof in the office of such clerk except that in the case of a

county it shall also be filed in the office of the county clerk and one certified copy in the office of the secretary of state. In the case of a local law subject to a referendum, however, such local law shall be filed within twenty days after its approval by the electors, or where the local law was subject to a permissive referendum and no petition was filed requesting the referendum, the local law shall be filed within twenty days after the time for filing of such petition shall have expired.

2. Each such certified copy shall contain the text only of the local law without the brackets and without the matter within the brackets, the matter with a line run through it, or the italicizing or underscoring, if any, to indicate the changes made by it, except that each such certified copy of a local law enacted by a city with a population of one million or more shall be printed in the same form as the official copy of the proposed local law which became the local law provided that line numbers, the printed number of the bill and explanatory matter shall be omitted.

3. Notwithstanding the effective date of any local law, a local law shall not become effective before it is filed in the office of the secretary of state.

4. Subject to the provisions of subdivision three hereof, every local law shall take effect on the twentieth day after it shall finally have been adopted unless a different time shall be prescribed therein or required by this chapter or other provision of law.

5. The secretary of state shall publish annually local laws on the department of state website and in a separate volume as a supplement to the session laws, and shall publish at least annually on the department of state website a complete codification of all local laws in effect that have been adopted by the legislative body of each county. The clerk, or other officer designated by the legislative body of each county, shall provide local laws to the secretary of state in a manner specified by the secretary of state to facilitate the publication requirements of this subdivision.

6. The clerk shall record all local laws filed in his office in a separate book or books, which shall be indexed by him.

7. The secretary of state shall have the authority to provide for the receipt and filing of local laws by electronic transmission.

§ 28. Law applicable to conduct of elections at which ballot questions are submitted to all the voters of a city. The provisions of the election law or any other law relating to the submission of questions at general elections, so far as the same are applicable and not inconsistent with this article, shall apply to the conduct of all elections at which questions are submitted to all the voters of a city. Where a specific provision of law exists in any other law which is inconsistent with the provisions of the election law, such provision shall apply unless a provision of the election law specifies that such provision of the election law shall apply notwithstanding any other provision of law.

ARTICLE 4
**POWERS OF COUNTIES AND CITIES
TO ADOPT CHARTERS**

Part 1. The county charter law.

Part 2. City charter revision.

Part 3. State Assistance--County--City.

PART 1
THE COUNTY CHARTER LAW

Section 30. Short title.

31. Application.

32. Definitions.

33. Power to adopt, amend and repeal county charters.

33-a. Transfer of functions or duties of local governments
and districts.

- 34. Limitations and restrictions.
- 35. Legislative intent; construction.
- 35-a. County websites.

§ 30. Short title. This part shall be known and may be cited and referred to as the "county charter law."

§ 31. Application. This part shall apply to each county of the state except a county in the city of New York.

§ 32. Definitions. For the purposes of this part, the following terms shall mean and include:

1. "Board of supervisors." The board of supervisors or other elective governing body of a county.

2. "Charter law." A local law providing, amending or repealing a county charter, or transferring a function or a duty pursuant to section thirty-three-a of this chapter.

3. "County." A county of the state except a county in the city of New York.

4. "County charter." An alternative form of county government provided in accordance with the constitution by act of the legislature or local law.

5. "Local law." A local law adopted by the board of supervisors of a county pursuant to this chapter or other statute generally empowering the county to adopt local laws.

§ 33. Power to adopt, amend and repeal county charters. 1. Subject to restrictions in the constitution, in this article or in any other

applicable law, the board of supervisors of any county as defined in section thirty-two of this article and including but not limited to a county which has heretofore adopted a charter enacted by the legislature shall have power to prepare, adopt, amend or repeal a county charter.

2. A county charter shall set forth the structure of the county government and the manner in which it is to function. Such charter may provide for the appointment of any county officers or their selection by any method of nomination and election, provided that there shall be an elective board of supervisors, the members of which shall be deemed county officers, which shall determine county policies and exercise such other functions as may be assigned to it.

3. Such a county charter shall provide for:

a. The exercise by the board of supervisors of the powers of local legislation and appropriation of the county.

b. The agencies or officers responsible for the performance of the functions, powers and duties of the county and of any agencies or officers thereof and the manner of election or appointment, terms of office, if any, and removal of such officers.

c. The equalization of real property taxes consistent with standards prescribed by the legislature.

4. Such a county charter may:

a. Assign executive or administrative functions, powers and duties to elective or appointive officers.

b. Empower an executive officer elected on a county-wide basis to veto actions of the board of supervisors, with provision for overriding of such vetoes by a specified percentage or percentages of votes of such board.

c. In accordance with subdivision (h) of section one of article nine

of the constitution, provide for the transfer of one or more functions or duties of the county or of the cities, towns, villages, districts or other units of government wholly contained in such county to each other or when authorized by the legislature to the state, or for the abolition of one or more offices, departments or agencies of such units of government when all of their functions or duties are so transferred.

d. Provide for an administrative code which shall set forth the details of administration of the county government in harmony with the provisions of the county charter and may contain revisions, simplifications, consolidations, codifications and restatements of special laws, local laws, ordinances, resolutions, rules and regulations consistent with the county charter.

e. Provide for the termination of the terms of office of existing officers.

5. The board of supervisors by resolution may provide that a draft of a proposed county charter, or of an amendment or repeal thereof, shall be prepared under its supervision, the supervision of an officer or committee of the board, or by a charter commission appointed by or pursuant to such resolution. The county attorney or other legal advisor shall provide such assistance and cooperation as shall be required of him and for such purpose shall have power to employ or retain special counsel and technical advisors and assistants within appropriations made available therefor.

6. Where a petition is filed with the clerk of the board of supervisors signed by electors of the county equal in number to at least ten per centum of the whole number of votes cast in the county for governor at the last gubernatorial election, asking that a charter commission be created by the board of supervisors and be composed and appointed as provided by the board of supervisors, and where the board of supervisors does not on its own motion create and appoint or provide for the appointment of such a charter commission within three months after such filing, the board of supervisors shall cause a proposition to be submitted to the electors of the county at the next general election

occurring not less than five months after such filing, on the question of whether such a charter commission should be so established and appointed. The provisions of subdivision eight of this section shall apply to the preparation of the form of such proposition and its submission at such general election. If such proposition receives a majority of the votes cast thereon in the county at such general election, the board of supervisors within two months after such general election shall provide for the creation of such commission and its members shall be appointed within such two-month period. The provisions of subdivision five hereof, so far as applicable, shall apply to such charter commission.

7. A charter law

(a) providing a county charter, or

(b) proposing an amendment or repeal of one or more provisions thereof which would have the effect of transferring a function or duty of the county, or of a city, town, village, district or other unit of local government wholly contained in the county, shall conform to and be subject to consideration by the board of supervisors in accordance with the provisions of this chapter generally applicable to the form of and action on proposed local laws by the board of supervisors. If a county charter, or a charter law as described in this subdivision, is adopted by the board of supervisors, it shall not become operative unless and until it is approved at a general election or at a special election, held in the county by receiving a majority of the total votes cast thereon (a) in the area of the county outside of cities and (b) in the area of the cities of the county, if any, considered as one unit, and if it provides for the transfer of any function or duty to or from any village or for the abolition of any office, department, agency or unit of government of a village wholly contained in the county, it shall not take effect unless it shall also receive a majority of all the votes cast thereon in all the villages so affected considered as one unit. Such a county charter or charter law shall provide for its submission to the electors of the county at the next general election or at a special election, occurring not less than sixty days after the adoption thereof by the board of supervisors. Such a county charter or charter law may provide for the separate submission to the electors at such election of

one or more variations of the provisions of such county charter. Any such variation may include, but shall not be limited to, proposed transfers of functions of local government to other units of local government or a class or classes thereof.

8. The form of each proposition submitted to the electors of a county pursuant hereto shall be prepared by the clerk of the board of supervisors with the advice of the county attorney or other principal legal advisor. They also shall prepare a brief abstract of the county charter or charter law so submitted. The form and abstract shall be transmitted to the board of elections of the county. The board of elections, at least twenty days before the election, shall send two or more copies thereof to the clerk of each city, town and village in the county to be made a public record in his office and shall cause a sufficient number of copies to be printed and made available to the electors at the time of registration or otherwise. In addition, such board of elections shall cause a sufficient number of copies to be delivered with the other election supplies and distributed to the electors at the election. The board of elections shall cause each such proposition to be submitted to the electors of the county in the manner provided in the election law and, so far as applicable, in subdivision two of section one hundred two of the county law. Expenses incurred in connection with the submission of any proposition under this article shall be a charge against the county.

9. If two or more propositions having conflicting provisions receive the majorities required for adoption under this section at the same election, the proposition involved in each such conflict which receives the largest affirmative vote shall prevail to the extent of such conflict; but in all other respects such proposition shall be deemed adopted. Where a proposition submitted to the electors of a county under the provisions of this article receives the majority or majorities required for adoption, it shall become operative as prescribed therein, subject to any conditions prescribed therein.

§ 33-a. Transfer of functions or duties of local governments and

districts. 1. Subject to restrictions in the constitution, in this article or in any other applicable law, the board of supervisors of any county may, by local law, transfer functions or duties of the county or of the cities, towns, villages, districts or other units of government wholly contained in such county to each other, or for the abolition of one or more units of government, including but not limited to offices, departments or agencies thereof, when the level and quality of ongoing services of all their functions or duties are transferred.

2. Any such local law, or an amendment or repeal of one or more provisions thereof which would have the effect of transferring or abolishing a function or duty of the county or of the cities, towns, villages, districts or other units of government wholly contained in the county, shall not become operative unless and until it is approved at a general election or at a special election, held in the county by receiving a majority of the total votes cast thereon: (a) in the area of the county outside of cities and (b) in the area of cities of the county, if any, considered as one unit, and if it provides for the transfer of any function or duty to or from any village or for the abolition of any office, department, agency or unit of government of a village wholly contained in the county, it shall not take effect unless it shall also receive a majority of all the votes cast thereon in all the villages so affected considered as one unit. Such a local law, amendment or repeal thereof, shall provide for its submission to the electors of the county at the next general election or at a special election, occurring not less than sixty days after the adoption thereof by the board of supervisors.

§ 34. Limitations and restrictions. 1. The legislature hereby imposes the following limitations on the powers of counties to prepare, adopt and amend county charters and charter laws.

2. Except in accordance with or consistent with laws enacted by the legislature, a county charter or charter law shall not contain provisions relating to:

- a. Taxation of the property of the state or of any of its agencies;
 - b. Exemptions from taxation;
 - c. Assistance by the state to any unit of local government;
 - d. The division of the county into two or more counties or the creation, enlargement, diminution or abolition of any city, town, village or school district;
 - e. The compensation of members of the judiciary fixed by the legislature;
 - f. The composition, functions, powers, duties or jurisdiction of a court or of the officers thereof, except that functions, powers or duties assigned to units of local government or agencies or officers thereof outside the judicial system may be transferred to other units of local government, agencies or officers as authorized by this article.
3. Except in accordance with provisions of this chapter or with other laws enacted by the legislature, a county charter or charter law shall not supersede any general or special law enacted by the legislature:
- a. Which relates to the imposition, judicial review or distribution of the proceeds of taxes or benefit assessments;
 - b. Insofar as it relates to the educational system in the county or to school districts therein, except that functions, powers or duties assigned to units of local government or to agencies or officers thereof outside the educational system may be transferred to other units of local government, agencies or officers as authorized by this article;
 - c. Which requires that specified functions of government be performed by or financed by units of local government, except that any of such functions may be transferred to other units of local government, agencies or officers as authorized by this article;

d. Insofar as it relates to a function, power or duty of the state or of any officer or agency thereof which is financed directly by the state;

e. Insofar as it relates to the commencement or prosecution of actions or proceedings against the county;

f. Insofar as it relates to a public benefit corporation;

g. In this chapter or in the civil service law, eminent domain procedure law, environmental conservation law, election law, executive law, judiciary law, labor law, local finance law, multiple dwelling law, multiple residence law, public authorities law, public housing law, public service law, railroad law, retirement and social security law, state finance law, volunteer firefighters' benefit law, volunteer ambulance workers' benefit law, or workers' compensation law;

h. Insofar as it relates to requirements for counties, other than counties in the city of New York, to hold elections in even-numbered years for any position of a county elected official, other than the office of sheriff, county clerk, district attorney, family court judge, county court judge, surrogate court judge, or any county offices with a three-year term prior to January first, two thousand twenty-five; and

i. Insofar as it conflicts with, or fails to meet or exceed any provisions, requirements, or prohibitions pertaining to immigration enforcement as set forth in subparts A through H of the chapter of the laws of two thousand twenty-six that added this paragraph.

4. Notwithstanding any local law to the contrary, any plan of districting or redistricting adopted pursuant to a county charter or charter law relating to the division of any county, except a county wholly contained within a city, into districts for the purpose of the apportionment or reapportionment of members of its local legislative body shall be subject to federal and state constitutional requirements and shall comply with the following standards, which shall have priority in the order herein set forth, to the extent applicable:

a. If such plan of districting or redistricting includes only single-member districts, such districts shall be as nearly equal in population as is practicable; the difference in population between the most and least populous district shall not exceed five percent of the mean population of all districts. If such plan of districting or redistricting includes multi-member districts, the plan shall provide substantially equal weight for the population of that county in the allocation of representation in the legislative body of that county; and

b. Districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minority groups to participate in the political process or to diminish their ability to elect representatives of their choice; and

c. Districts shall consist of contiguous territory; and

d. Districts shall be as compact in form as practicable; and

e. Districts shall not be drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties. The maintenance of cores of existing districts, of pre-existing political subdivisions including cities, villages, and towns, and of communities of interest shall also be considered. To the extent practicable, no villages, cities or towns except those having more than forty percent of a full ratio for each district shall be divided; and

f. Districts shall be formed so as to promote the orderly and efficient administration of elections.

5. After the adoption of a county charter by a county, no law enacted by the legislature pursuant to paragraph two of subdivision (h) of section one of article nine of the constitution which does not apply alike to all counties outside the city of New York, and no charter law or local law, which in its application to such county abolishes or creates an elective county office, changes the voting or veto power of

or the method of removing an elective county officer during his term of office, abolishes, curtails or transfers to another county officer or agency any power of an elective county officer, or changes the form or composition of the board of supervisors of such county, shall become effective in such county until at least sixty days after its final enactment. If (a) the legislature in enacting such a law shall provide that it shall be submitted to the qualified electors of the county for their approval, or (b) the board of supervisors on its own motion, in the manner provided by subdivision four of section one hundred one of the county law, shall provide that such a charter law or local law adopted by it shall be submitted to the qualified electors of the county for their approval, or (c) within such sixty days electors of the county, duly registered to vote therein either for the last preceding or the next following general election, in number equal to at least five per centum of the total number of votes cast in the county for governor at the last gubernatorial election, shall file a petition with the county clerk or corresponding officer of the county protesting against such law, charter law or local law, it shall become effective in such county only if approved by the electors thereof at the next ensuing general election held at least sixty days thereafter, subject to the conditions provided in subdivision seven of section thirty-three of this chapter for the adoption of a county charter when voted on by the electors of a county.

§ 35. Legislative intent; construction. 1. It is the intention of the legislature by this county charter law to provide for carrying into effect the provisions of paragraph (h) of subdivision one of article nine of the constitution and, pursuant to the direction contained therein, to empower counties to prepare, adopt and amend county charters by local legislative action, subject to limitations imposed herein.

2. It is not the intention of the legislature hereby to (a) abolish or curtail any powers or rights heretofore conferred upon or delegated to a county or counties or to any of the units of government therein or to any board, commission, body or officer thereof, or (b) adversely to affect the power of a county to adopt, amend or repeal county charters,

county laws or local laws pursuant to any other authorization of the legislature, unless a contrary intention is clearly manifested from the express provisions of this county charter law or by necessary intendment therefrom.

3. This county charter law shall be construed liberally. The powers herein granted shall be in addition to any other powers granted to counties by any other provisions of general or special laws, including but not limited to charters, administrative codes, special acts or local laws. A permissive procedure authorized hereby shall not be deemed to be exclusive or to prohibit the use of any other procedure authorized by any general or special act of the legislature, charter, administrative code or local law lawfully adopted and still in effect.

4. All existing state, county, local and other laws or enactments, including charters, administrative codes and special acts having the force of law shall continue in force until lawfully amended, modified, superseded or repealed.

5. If any provision of the county charter law is not clear or requires elaboration in its application to the county, the board of supervisors may interpret such provision in a local law not inconsistent with the provisions hereof. Where any question arises concerning the transition to a charter law which is not provided for herein, the board of supervisors may provide for such transition by a local law not inconsistent with the provisions hereof.

6. If any provision of this county charter law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment is rendered.

§ 35-a. County websites. Any county operating under a county charter as defined in section thirty-two of this part which maintains a website shall use a ".gov" domain name for such website.

PART 2

CITY CHARTER REVISION

Section 36. Provisions for adoption of new or revised city charter proposed by a charter commission.

37. Provisions for adoption of city charter amendments or new city charters initiated by petition.

§ 36. Provisions for adoption of new or revised city charter proposed by a charter commission. 1. A local law providing a new or revised city charter also may be adopted in any city pursuant to the provisions of this section.

2. The legislative body may adopt a local law providing for (a) the establishment of a commission to draft a new or revised city charter, or (b) the submission to the electors of such city at a general or special election of the question: "Shall there be a commission to draft a new or revised city charter as proposed by local law number for the year ?" Such question may also specify the composition of such commission as provided in such local law. Such election shall be held not less than sixty days after the adoption of such local law. Such local law shall fix or provide the method of determining the number of members of such commission and determine whether the members shall be elected or appointed, or partly elected and partly appointed. It shall also prescribe the manner of appointment of appointive members, the manner of election of elective members and whether elective members shall be elected by the city at large or by districts described in such local law. In a case where a question is so submitted, the elective members of the commission, if any, shall be elected at the election at which the question is submitted. If the question be answered in the affirmative by a majority vote of the qualified electors of such city voting thereon, the members of the charter commission, appointed or elected thereto, shall be a charter commission of such city, except that if at the same election more than one proposal for establishing a charter commission receives such approval only the proposal receiving

the largest number of affirmative votes shall be deemed adopted.

3. A local law for the creation of a commission to draft a new or revised city charter also may be adopted in the following manner: Qualified electors of a city, registered to vote therein at the last preceding general election, in number equal to at least fifteen per centum of the total number of votes cast for governor at the last gubernatorial election in such city, or forty-five thousand, whichever is less, may file in the office of the city clerk a petition for the submission to the electors of such city of a proposed local law for the creation of a commission to draft a new or revised city charter for such city and if such petition is found to meet all the requirements of law, the legislative body of the city shall submit such local law to the electors of such city at the next general election therein held not less than sixty days after the filing of such petition. Such proposed local law shall fix or provide the method of determining the number of members of such commission and shall provide for its composition. It may name all or any of such members and may provide for the election or appointment of all or any of them. It shall prescribe the manner of appointment of appointive members and the time and manner of election of elective members. It shall also determine whether elective members shall be elected from the city at large or by districts described in such local law. Such petition shall conform to the provisions of section twenty-four in relation to petitions. It shall be examined and reported on by the city clerk as prescribed in such section, and objections thereto shall be disposed of by the supreme court as prescribed by such section. The city clerk shall transmit such proposed local law in the form in which it is to be submitted, which shall include the proposed composition of such commission, to the election officers charged with the duty of publishing the notice of such election. If two or more such petitions are filed providing for the submission of different proposed local laws, the city clerk shall designate each such proposed local law numerically in the order of the time of the filing of the petitions. If such a proposed local law receives the affirmative vote of a majority of the qualified electors of such city voting thereon, the members of the charter commission named in such local law, or elected or appointed as prescribed therein, shall be the charter commission of such city, except

that if at the same election more than one local law for establishing a charter commission receives the affirmative vote of a majority of the qualified electors of such city voting thereon, only the one receiving the largest number of affirmative votes shall be deemed adopted and the members of the charter commission named in such local law or elected or appointed as prescribed therein, shall be the charter commission of such city.

4. (a) A charter commission to draft a new or revised city charter may also be created by the mayor of any city. Such commission shall consist of not less than nine nor more than fifteen members, all of whom shall be residents of the city. Original appointments to such a commission shall be made by the mayor by a certificate of appointment which shall specify the number of, and names of, the members to constitute the commission, which certificate shall be filed forthwith with the city clerk. The chair, vice-chair, and secretary shall be appointed by the mayor from among the members of the commission. Any vacancy in the membership of such a commission or of its officers shall be filled by the mayor.

(b) When a certificate of appointment is filed within sixty days before or after the date of a general election at which a mayor is elected, but before January first in the year following such election, the continued existence of the charter commission and appointments to the commission shall be dependent on confirmation by the mayor in office on the first day of January of the following year within one hundred eighty days of the start of the calendar year. Failure to obtain such confirmation within the one hundred and eighty day period shall cause the charter commission to expire and nullify all appointments to such commission as well as any proposed revisions to the city charter or any new proposed charter.

5. (a) The charter commission of a city created pursuant to this section shall review the entire charter of such city and prepare a draft of a proposed new or revised charter of such city. If the commission shall decide to leave a part of the existing charter unchanged, it may propose in one or more amendments a revision of the remaining parts. In such case it shall make a report to the public, accompanying its

proposals, in which it shall refer specifically to such unchanged part and explain its decision to leave such part unchanged. The proposed charter or such amendments may contain such provisions or effect such results as may be made or effected by local law under the provisions of this chapter, and, subject to the provisions of paragraph (c) of subdivision four of section ten of this chapter, may contain any provisions of the existing charter of such city deemed necessary to make a complete charter of such city or appropriate amendments to the existing charter, with such changes in the headings and in the numbering of the titles, articles, chapters, sections and subdivisions wherein such provisions are found in the existing charter as may be deemed appropriate to correlate and coordinate them with the other provisions in the proposed new or revised charter and with such changes in the text of such provisions as may be deemed desirable to clarify the meaning of such provisions, and to vest in any of the officers of the city provided for in the proposed new or revised charter any power or authority contained in such provisions.

(b) Such new charter or amendments shall be completed and filed in the office of the city clerk in time for submission to the electors not later than the second general election after the charter commission is created and organized. The local law or certificate establishing the commission or, in the absence of such provision therein, the charter commission shall provide for such publication or other publicity in respect to the provisions of the proposed charter or amendments as it may deem proper, and for submission thereof to the electors of the city at a general or special election held not earlier than sixty days after the filing thereof in the office of the city clerk and not later than the next general election which does not occur within the said sixty days, provided, however, that if such general election occurs within ninety days after the said filing, the proposed charter or amendments shall be submitted at such general election. At such election, if a proposed new charter is submitted as a single proposal, there shall be submitted to the qualified electors of the city the question: "Shall the new city charter proposed by the city charter commission be adopted?" The charter commission may, however, require that its proposed charter be submitted in two or more parts so arranged that corresponding parts of the existing charter shall remain in effect if one or more of such

parts are not adopted, or may in lieu of a new charter submit a revision of the existing charter in one or more amendments and may also submit alternative charters or amendments or alternative provisions to supersede designated portions of a proposed charter or amendment if adopted. In such case the charter commission shall prescribe the form of the questions to be submitted, which shall be such as clearly to indicate the effect of their approval.

(c) No provision for the election of any elective officers by any system of proportional representation shall become effective under the provisions of this section unless a definite question with respect to the adoption of such system for the election of such officers shall have been submitted as a separate question and separately approved at the same election by the affirmative vote of a majority of the qualified electors voting thereon.

(d) If any question submitted by the charter commission receives the affirmative vote of a majority of the qualified electors of the city voting thereon, the proposal submitted thereby shall take effect as specified therein and the new charter or the amendment or amendments to the existing charter as so proposed shall become operative as prescribed therein; except that if there be a conflict between the provisions of two or more proposals approved by the electors at the same election, the proposal receiving the largest number of affirmative votes shall prevail to the extent of such conflict.

(e) At any election at which any question or questions shall be submitted to the qualified electors of the city by a charter commission pursuant to this section or within sixty days thereafter, no other question or questions shall be submitted to or voted upon by such electors pursuant to any local law, ordinance, resolution or petition if such commission was created pursuant to subdivision four of this section, and no such other question or questions shall be submitted except by another charter commission if such commission was created otherwise, if such other question or questions involve or relate directly or indirectly to the adoption of a new city charter, the amendment of a city charter, charter revision, the establishment of a commission to draft a new or revised city charter, or the functions, powers or duties of any elective officer of the city, except as provided in paragraph (g) of this subdivision.

(f) While a charter commission is in existence under the provisions of this section, the local legislative body shall not submit to the electors any of the questions specified in subdivision (e) except at a general election.

(g) If a proposed local law submitted pursuant to section thirty-seven of this chapter would under the provisions of such section be submitted at a general election at which a question or questions submitted by a charter commission are to be voted on, such local law shall not be submitted at such election but shall be submitted at the general election in the year following regardless of other questions which may be voted on at the latter election and notwithstanding any inconsistent provision of this title.

6. Any charter commission created under this section shall also be subject to the following provisions:

(a) Members of the commission shall receive no compensation for their services, but shall be reimbursed for the actual and necessary expenses incurred by them in the performance of their duties.

(b) The commission shall appoint and may at pleasure remove such employees and consultants as it shall require and fix their compensation and may accept any services, facilities or funds and use or expend the same for its purposes. On request of the commission, the mayor or, in a city having a city manager, the city manager may direct any board, body, officer or employee of the city to cooperate with, assist, advise, provide facilities, materials or data and render services to the commission.

(c) In addition to action under any other power to make appropriations for the support of a charter commission, the appropriate officials of the city shall have power, on request of the commission, to appropriate to such commission such sum or sums as shall be necessary to defray its expenses and, in the event the appropriating body or bodies do not take affirmative action to provide such sum or sums within forty-five days of the commission's request, the mayor of the city shall have power to authorize, by certificate filed with the fiscal officer or officers of the city, the commission to incur liabilities and expenses as specified by him, but within the sum or sums so requested, which shall be a charge against the city and which shall be audited and paid by the appropriate

officials of the city.

(d) No person shall be disqualified to serve as a member, employee or consultant of the commission by reason of holding any other public office or employment, nor shall he forfeit any such office or employment by reason of his appointment hereunder, notwithstanding the provisions of any general, special or local law, ordinance or city charter.

(e) The terms of office of the members of the commission shall expire on the day of the election at which the proposed new charter or charter amendments prepared by the commission are submitted to the qualified electors of the city, or on the day of the second general election following the organization of the commission if no such questions have been submitted by that time.

(f) The commission shall conduct public hearings. It shall conduct such public hearings at such times and at such places within the city as it shall deem necessary. The commission shall also have power to conduct private hearings, take testimony, subpoena witnesses and require the production of books, papers and records.

(g) The provisions of the election law or any other law relating to the submission of questions at general elections, so far as the same are applicable and not inconsistent herewith, shall apply to a question submitted pursuant to the provisions of this section.

§ 37. Provisions for adoption of city charter amendments or new city charters initiated by petition. 1. A local law amending a city charter (however extensively) or providing a new city charter, also may be adopted in accordance with the provisions of this section.

2. Qualified electors of a city, in number equal to at least ten per centum of the total number of valid votes cast for governor in such city at the last gubernatorial election, or to thirty thousand, whichever is less, may file in the office of the city clerk a petition for the submission to the electors of the city of such a proposed local law to be set forth in full in the petition. Qualified electors shall be deemed for this purpose to be voters of the city who were registered and qualified to vote in such city at the last general election preceding the filing of the petition.

3. Such local law shall set forth the new matter to be added to the charter either in italics or underlined and the matter to be deleted therefrom either in brackets or with lines drawn through it, and after adoption the matter so set forth in italics or underlined may be set forth in the charter in ordinary type, and the matter in brackets or with lines through it may be omitted; but failure so to set forth any provision of the charter which is in fact superseded shall not invalidate the amendment or new charter or any portion thereof.

4. Such a local law may amend, repeal or supersede any local law inconsistent with the charter amendment or new charter proposed thereby or any inconsistent provision of a state statute which may be amended by local law, in which event it shall specify the chapter number and year of enactment, sections, subsections or other parts of each statute or local law so affected. Such a local law also may contain provisions as described in paragraph (a) of subdivision four of section thirty-six of this chapter.

5. Such petition shall conform to the provisions of section twenty-four of this chapter in relation to petitions. It shall be examined and reported on by the city clerk as prescribed therein, and objections thereto shall be disposed of by the supreme court as prescribed by such section. In addition, the city clerk, at the same time that he transmits to the legislative body his certificate that the petition complies or does not comply with all the requirements of law, shall transmit a copy of such certificate to the person by whom the petition was filed and, if he certifies that the petition does not comply with all the requirements, shall state in such certificate specifically in what respects it fails to comply. If he shall certify that there is an insufficient number of valid signatures, he shall make available to the legislative body a statement as to the number of signatures found to be invalid and the reasons for such invalidity, and shall make the same information available to the person by whom the petition was filed and make it, together with the petition and his notations of rulings thereon or relative thereto, a matter of public record in his office. A finding by the city clerk that a petition does

not comply with all the requirements of law may be contested in a proceeding in the supreme court.

6. Whether or not he finds the petition sufficient, the city clerk shall transmit such proposed local law forthwith to the legislative body. If the proposed local law is such that a mandatory referendum is not required for its adoption under the provisions of this chapter or of the city charter, such legislative body may adopt it as its own act pursuant to article three of this chapter. If a mandatory referendum is required, the legislative body may submit it to the electors of the city at the next general election occurring at least sixty days after the legislative body votes to submit it.

7. If, however, such a petition meets all the requirements of law and during a period of two months immediately following the filing thereof such legislative body shall fail so to adopt such local law without change or to submit it without change to the electors of the city as aforesaid, an additional petition filed with the city clerk at least two months and not more than four months after the filing of the original petition and signed at any time prior to its filing by qualified electors who did not sign the original petition, equal in number to at least five per centum of the total number of votes cast for governor in such city at the last gubernatorial election, or to fifteen thousand, whichever is less, may require the submission of the local law at the next general election held not less than sixty days after the filing of such additional petition.

8. Such an additional petition shall conform to the requirements of subdivision five for an original petition and shall be dealt with by the city clerk and by the supreme court in the same manner as an original petition except that the city clerk shall submit his certificate as to its sufficiency within twenty days after it is filed with him.

9. When so required by the filing of such an additional petition complying with all the requirements of law, the city clerk shall transmit such proposed local law in the form in which it is to be submitted to the election officers charged with the duty of publishing

the notice of such election, and the legislative body shall provide for suitable publication thereof and publicity thereon for the information of interested voters. If there be more than one such proposed local law to be voted upon at such election, each such proposed local law shall be separately and consecutively numbered.

10. Any political committee organized for the purpose of supporting or opposing any charter amendment or new charter submitted to the voters under the provisions of this section shall have the same rights as a political party to name watchers and challengers to serve at the election at which the question is submitted.

11. No such petition for a proposed local law requiring the expenditure of money shall be certified as sufficient by the city clerk or become effective for the purposes of this section unless there shall be submitted, as a part of such proposed local law, a plan to provide moneys and revenues sufficient to meet such proposed expenditures. This restriction shall not prevent the submission of a local law to adopt a new charter or to reorganize the functions of city government, or a part thereof, relying partly or solely on normal budgetary procedures to provide the necessary moneys to meet the expenses of city government under such reorganization, whether or not such reorganization includes the creation of new offices, provided only that such reorganization shall not require specific salaries or the expenditure of specific sums of money not theretofore required.

12. No charter amendment or new charter submitted under the provisions of this section which requires the expenditure of money shall become effective with respect to such expenditure before the beginning of the first fiscal year for which a city budget is prepared and adopted after the adoption of the amendment or new charter.

13. If any such proposed local law receives the affirmative vote of a majority of the qualified electors of such city voting thereon, it shall become operative as prescribed therein, except that in case of conflict between provisions of two or more local laws adopted at the same election the local law receiving the largest number of affirmative votes

shall prevail to the extent of such conflict.

PART 3

STATE ASSISTANCE--COUNTY--CITY

Section 38. Provisions for obtaining state reimbursement for county and city charter creation and revision.

§ 38. Provisions for obtaining state reimbursement for county and city charter creation and revision.

1. Legislative Findings and Purpose. The Legislature finds that development of modernized county and city government is necessary and desirable to effectuate state purposes in as much as said governments are called upon to implement state programs to provide for the health and welfare of the citizens of the state, and in many cases are the recipients of substantial state assistance. In order to encourage and promote the development and revision of charter government at both the county and city level as is provided under this article so that county and city government will be more efficient, more effective and more responsive to the needs of the people, state financial aid shall be granted to counties and cities, to particularly reimburse authorized charter expenditures in the manner and subject to the conditions prescribed in this section.

2. Granting authority. The office for local government, by and through its commissioner or his duly authorized officers and employees, shall administer, carry out and approve grants of state funds, within appropriation therefore, for reimbursement of authorized charter expenditures as defined herein, that are conducted by counties or cities. The office for local government shall adopt, amend and rescind such rules, regulations and guidelines as may be necessary to the performance of its functions, powers and duties under this section. The office for local government shall allocate grants under this article among the municipalities that have submitted applications in such a manner as will most nearly provide an equitable distribution of the

grants among municipalities, taking into consideration such factors as the size of the population, the urgency of the charter studies, the need for funds to carry out the purposes of this article, and the potential of the municipalities concerned to use the funds most effectively.

3. Authorized charter expenditures. For the purpose of this section "authorized charter expenditures" shall mean those expenditures paid in the first instance by a county or city in the preparation of a proposed charter law or a proposed local law providing for new or revised city charter which has been adopted by the governing body of a county or city, as the case may be, for submission to the electorate at a general or special election as is provided in Section thirty-three and Section thirty-six of this article, and which costs are further deemed necessary and appropriate under regulations promulgated by the office for local government for the creation and development of the proposed charter law. No expenditure which has not been specifically designated by the local governing body for charter study and approved by the office for local government shall be considered an "authorized charter expenditure."

4. Reimbursement limitations. State reimbursement shall be granted under this section for authorized charter expenditures as follows:

(a) Up to forty per centum of the cost of authorized charter expenditures up to a limit of twenty-five thousand dollars in any one state fiscal year for any county or city.

(b) No county or city shall be eligible for reimbursement of an authorized charter expenditure for a period of ten years following receipt of a reimbursement under this section.

ARTICLE 5

REQUESTS OF LOCAL GOVERNMENTS FOR ENACTMENT OF SPECIAL LAWS RELATING TO THEIR PROPERTY, AFFAIRS OR GOVERNMENT

Section 40. Requests of local governments for enactment of special laws relating to their property, affairs or government.

§ 40. Requests of local governments for enactment of special laws

relating to their property, affairs or government. The elective or appointive chief executive officer, if there be one, or otherwise the chairman of the board of supervisors, in the case of a county, the mayor in the case of a city or village or the supervisor in the case of a town with the concurrence of the legislative body of such local government, or the legislative body by a vote of two-thirds of its total voting power without the approval of such officer, may request the legislature to pass a specific bill relating to the property, affairs or government of such local government which does not in terms and in effect apply alike to all counties, all counties other than those wholly included within a city, all cities, all towns or all villages, as the case may be. Such a request may be made separately by two or more local governments affected by the same bill. Every such request shall declare that a necessity exists for the passage of such bill by the legislature and shall recite the facts establishing such necessity. The form of request and the manner of its communication to the legislature shall conform to rules promulgated by concurrent resolution of the senate and assembly pursuant to article three-A of the legislative law. In adopting such a request the legislative body shall be governed by the provisions of subdivision one of section twenty of this chapter with regard to the adoption of a local law. The validity of an act passed by the legislature in accordance with such a request shall not be subject to review by the courts on the ground that the necessity alleged in the request did not exist or was not properly established by the facts recited.

ARTICLE 6

LEGISLATIVE INTENT; CONSTRUCTION; EFFECTIVE DATE

Section 50. Legislative intent.

51. Liberal construction.

52. Judicial notice.

53. No repeal by implication.

54. Grants of specific powers not restrictive.

55. Effect of unconstitutionality in part.

56. Existing charters and other laws continued.

57. Effectiveness of certain acts of the legislature.

58. Laws repealed.

59. Time of taking effect.

§ 50. Legislative intent. 1. It is the intention of the legislature by this chapter to provide for carrying into effect provisions of article nine of the constitution and the statute of local governments and to enable local governments to adopt and amend local laws for the purpose of fully and completely exercising the powers granted to them under the terms and spirit of such article.

2. There is hereby reserved to the board of supervisors of every county not wholly included in a city, the board of aldermen, common council, council, commission or other board or body of every city, the town board of every town and the board of trustees of every village all the rights, privileges, powers and jurisdiction now conferred on it by law until such rights, privileges, powers or jurisdiction shall be abolished, transferred or changed by law.

3. It is not the intention of the legislature hereby to abolish or curtail any rights, privileges, powers or jurisdiction heretofore conferred upon or delegated to any local government or to any board, body or officer thereof, unless a contrary intention is clearly manifest from the express provisions of this chapter or by necessary intendment therefrom, or to restrict the powers of the legislature to pass laws regulating matters other than the property, affairs or government of local governments as distinguished from matters relating to their property, affairs or government.

§ 51. Liberal construction. This chapter shall be liberally construed. The powers herein granted shall be in addition to all other powers granted to local governments by other provisions of law. A permissive procedure authorized by this chapter shall not be deemed to be exclusive or to prohibit the use of any other procedure authorized by any state statute, charter or local law lawfully adopted, but shall be deemed an alternative thereto.

§ 52. Judicial notice. Courts shall take judicial notice of all local laws and of rules and regulations adopted pursuant thereto.

§ 53. No repeal by implication. It is not intended by this chapter to repeal by implication any existing provision of law and no law shall be deemed repealed thereby unless expressly provided for therein.

§ 54. Grants of specific powers not restrictive. A grant of a specific power by this chapter to one or more local governments shall not operate to restrict the meaning of a general grant of power by this chapter to the same or any other local government or to exclude other powers comprehended in such general grant.

§ 55. Effect of unconstitutionality in part. If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 56. Existing charters and other laws continued. 1. All existing valid provisions of laws, charters and local laws not specifically repealed by this chapter shall continue in force until lawfully repealed, amended, modified or superseded.

2. A reference in any law, ordinance, resolution, rule, regulation or document to any provision of the city home rule law, village home rule law, article six or article six-a of the county law, or sections fifty-one-a through fifty-one-f of the town law, repealed by this chapter, in force at the time this chapter takes effect, shall be deemed

and construed to refer to the corresponding provision or provisions of the municipal home rule law as continued, modified or amended by this chapter.

§ 57. Effectiveness of certain acts of the legislature. 1. A state statute of the year nineteen hundred sixty-three which, in form, amends or repeals or purports to amend or repeal any provision or provisions of the city home rule law, village home rule law, article six or article six-a of the county law or sections fifty-one-a through fifty-one-f of the town law, as in force immediately prior to January first, nineteen hundred sixty-four, shall be deemed and construed as an amendment or repeal, in whole or in part, as the case may be, of the corresponding provision or provisions of such law, article or sections, as contained in this chapter.

2. A state statute of the year nineteen hundred sixty-three which adds, or purports to add a new section, subdivision or other provision of law to the city home rule law, village home rule law, article six or article six-a of the county law or sections fifty-one-a through fifty-one-f of the town law, as in force immediately prior to January first, nineteen hundred sixty-four, shall be deemed and construed as having been added to this chapter and shall be given full effect according to its context as if the same had been added expressly and in terms to this chapter and shall be deemed and construed to have been inserted in this chapter in the appropriate position in regard to and as modifying the effect of the corresponding provision or provisions of this chapter.

§ 58. Laws repealed. Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is hereby repealed.

§ 59. Time of taking effect. This chapter shall take effect January first, nineteen hundred sixty-four, in the event that the amendment of the constitution of the state of New York proposing a new article nine,

in relation to a bill of rights and home rule powers for local governments, shall have been approved and ratified by the people at the general election to be held in the year nineteen hundred sixty-three.