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[HISTORY: Adopted by the Common Council of the City of Oneida May 1974. Amendments noted where applicable.]

ARTICLE I. GENERAL PROVISIONS

Section 1.1. Corporate continuity.

The municipal corporation now existing and known as the “City of Oneida” shall continue to be a municipal corporation under the same name and with the same boundaries.

Section 1.2. Title.

This Charter and all amendments hereto shall constitute the form of government for the City of Oneida and shall be known and cited as the “Oneida City Charter.”

Section 1.3. Powers of the city.

The City of Oneida shall be a body politic and corporate and shall have perpetual succession, may use a corporate seal, may sue and be sued, may acquire property within and without its boundaries for any municipal purpose in fee simple or any lesser interest or estate by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control such property as its interest may require. The City of Oneida shall have all municipal powers, functions, rights, privileges and immunities of every name and nature wheresoever conferred on cities by the Constitution of the State of New York and conferred or imposed on it by general or special law.

Section 1.4. Enumerated powers not exclusive.¹

The enumeration of particular powers in this Charter shall not be deemed to be exclusive, but in addition to the powers enumerated or implied herein or appropriate to the exercise of such powers, the City of Oneida shall have and may exercise all powers which under the Constitution of the State of New York it would be competent for this Charter specifically to enumerate, and all powers necessarily incident or fairly to be implied, not inconsistent with the

¹ Editor’s Note: Amended at time of adoption of Code (see Ch. 1, General Provisions).

provisions hereof. All powers of the City of Oneida, whether expressed or implied, shall be exercised in the manner specifically provided in this Charter, or if not so provided, then in the manner provided by local law, ordinance or resolution of the Common Council or as otherwise provided by law.

Section 1.5. Boundaries.

The territory comprised within the following limits shall constitute the City of Oneida:

All that land situated in the County of Madison and State of New York, bounded and described as follows:

Beginning at a point south eighty-four degrees three minutes east six-hundred-ninety-four feet from the intersection of the centers of the roads known as Allen's Four Corners; thence north four degrees fifty minutes east about five and one-half (5½) miles, and parallel with the west line of the Town of Lenox in the County of Madison to the Oneida Creek on the boundary line between the Counties of Oneida and Madison; thence southeasterly along the center of said creek, as it winds and turns to the northerly line of the Town of Stockbridge; thence north eighty-five degrees west along the northerly line of said Town of Stockbridge to the northwest corner of the Town of Stockbridge; thence northwesterly in a straight line about three miles to the place of beginning; all as shown on a map now on file with the County Clerk of Madison County; and also being and intended to be the same tract or parcel of land described in Section 1 of Chapter 352 of the Laws of 1896 of the State of New York.

Section 1.6. Ward boundaries. [Amended by L.L. No. 3-1979]

The City of Oneida shall be divided into six wards as follows:

First Ward. All that part of said city lying within the following boundaries:

Beginning at a point in the center line of the intersection of Upper Lenox Avenue (County Route 97) and Genesee Street (N.Y.S. Route 5), the intersection presently is known as Five Corners; thence easterly along the center line of Genesee Street to the intersection of the center line of Main Street; thence northerly along the center line of Main Street to the intersection of the northerly boundary of Grove Street; thence easterly along the northerly boundary of Grove Street and the continuation thereof to the intersection of Oneida Creek; thence southerly along the center line of Oneida Creek as it winds and turns to the intersection of the division line between the City of Oneida and the Town of Stockbridge, said point also being the southeast corner of the City of Oneida; thence westerly along the aforementioned division line to the division line between the City of Oneida and the Towns of Stockbridge and Lincoln; thence northwesterly along the division line between the City of Oneida and the Town of Lincoln to the intersection of the center line of Upper Lenox Avenue; thence northerly along the center line of Upper Lenox Avenue to the point of beginning.

Second Ward. All that part of said city lying within the following boundaries:

Beginning at a point in the center line of the intersection of Upper Lenox Avenue (County Route 97) and Genesee Street (N.Y.S. Route 5), the intersection presently is known as Five Corners; thence easterly along the center line of Genesee Street to the intersection of the center

line of Main Street; thence northerly along the center line of Main Street to the intersection of the center line of Sands Street; thence westerly along the center line of Sands Street to the intersection of the center line of Broad Street; thence northerly along the center line of Broad Street to the intersection of the center line of Belmont Avenue; thence westerly along the center line of Belmont Avenue to the intersection of the center line of Seneca Street; thence northerly along the center line of Seneca Street to the intersection of the center line of an extension of Belmont Avenue; thence westerly along the center line of Belmont Avenue and the continuation thereof to the intersection of a southerly continuation of the center line of Oxford Street; thence northerly along the southerly continuation of the center line of Oxford Street and Oxford Street to the intersection of the center line of Cleveland Avenue; thence westerly along the center line of Cleveland Avenue to the intersection of the center line of South Willow Street; thence northerly along the center line of South Willow Street to the intersection of the center line of Lenox Avenue; thence westerly along the center line of Lenox Avenue to the intersection of the inside-outside corporation tax district line; thence northerly along the inside-outside corporation tax district line to the intersection of the center line of the abandoned New York Central Railroad bed; thence westerly along said railroad bed to the intersection of the division line between the City of Oneida and the Village of Wampsville-Town of Lenox; thence southerly along said division line to the intersection of the Towns of Lenox and Lincoln and the City of Oneida; thence southeasterly along the division line between the Town of Lincoln and the City of Oneida to the intersection of the center line of the Upper Lenox Avenue (County Route 97); thence northerly along the center line of Upper Lenox Avenue to the point of beginning.

Third Ward. All that part of said city lying within the following boundaries:

Beginning at a point in the center line of the intersection of Main Street and Sands Street; thence westerly along the center line of Sands Street to the intersection of the center line of Broad Street; thence northerly along the center line of Broad Street to the intersection of the center line of Belmont Avenue; thence westerly along the center line of Belmont Avenue to the intersection of the center line of Seneca Street; thence northerly along the center line of Seneca Street to the intersection of the center line of an extension of Belmont Avenue; thence westerly along the center line of Belmont Avenue and the continuation thereof to the intersection of a southerly continuation of the center line of Oxford Street; thence northerly along the southerly continuation of the center line of Oxford Street and Oxford Street to the intersection of the center line of Cleveland Avenue; thence westerly along the center line of Cleveland Avenue to the intersection of the center line of South Willow Street; thence northerly along the center line of South Willow Street to the intersection of the center line to Lenox Avenue; thence easterly along the center line of Lenox Avenue to the intersection of the center line of West Street; thence southerly along the center line of West Street to the intersection of the center line of Washington Avenue; thence easterly along the center line of Washington Avenue to the intersection of the center line of West Street; thence southerly along the center line of West Street to the intersection of the center line of Stone Street; thence westerly along the center line of Stone Street to the intersection of the center line of Seneca Street; thence southerly along the center line of Seneca Street to the intersection of the center line of West Walnut Street; thence easterly along the center line of West Walnut Street to the intersection of the center line of Main Street; thence southerly along the center line of Main Street to the point of beginning.

Fourth Ward. All that part of said city lying within the following boundaries:

Beginning at a point in the center line of the intersection of Main Street and the northerly boundary of Grove Street; thence easterly along the northerly boundary of Grove Street and the continuation thereof to the intersection of Oneida Creek; thence northerly along the center line of Oneida Creek as it winds and turns to the intersection of a continuation of the center line of Stoddard Street, said line passing between parcels Section 030.72, Block 2, Lot 15 on the west and Section 030.72, Block 2, Lot 16 on the east; thence southwesterly along said line and the center line of Stoddard Street to the intersection of the center line of Pleasant Avenue; thence westerly along the center line of Pleasant Avenue to the intersection of the center line of MacArthur Parkway; thence northerly along the center line of MacArthur Parkway to the intersection of the center line of Cedar Street; thence westerly along the center line of Cedar Street to the intersection of the center line of Main Street; thence north along the center line of Main Street to the intersection of the center line of Lenox Avenue; thence westerly along the center line of Lenox Avenue to the intersection of the center line of West Street; thence southerly along the center line of West Street to the intersection of the center line of Washington Avenue; thence easterly along the center line of Washington Avenue to the intersection of the center line of West Street; thence southerly along the center line of West Street to the intersection of the center line of Stone Street; thence westerly along the center line of Stone Street to the intersection of the center line of Seneca Street; thence southerly along the center line of Seneca Street to the intersection of the center line of West Walnut Street; thence easterly along the center line of West Walnut Street to the intersection of the center line of Main Street; thence southerly along the center line of Main Street to the point of beginning.

Fifth Ward. All that part of said city lying within the following boundaries:

Beginning at a point in the intersection of the center lines of Main Street and Lenox Avenue; thence westerly along the center line of Lenox Avenue to the intersection of the inside-outside corporation tax district line; thence northerly along the inside-outside corporation tax district line to the intersection of the center line of the abandoned New York Central Railroad bed; thence westerly along said railroad bed to the intersection of the division line between the City of Oneida and the Village of Wampsville-Town of Lenox; thence northerly along said division line to the intersection of the center line of the Consolidated Rail Corporation; thence easterly along the center line of the Consolidated Rail Corporation to the intersection of the center line of Main Street; thence southerly along the center line of Main Street to the point of beginning.

Sixth Ward. All that part of said city lying within the following boundaries:

Beginning at a point in the intersections of the center lines of Main Street and Consolidated Rail Corporation railroad; thence westerly along the center line of the Consolidated Rail Corporation to the intersection of the division line between the City of Oneida and the Town of Lenox; thence northerly along said division line to the intersection of the center line of Oneida Creek; thence southerly along the center line of Oneida Creek as it winds and turns to the intersection of a continuation of the center line of Stoddard Street, said line passing between parcels Section 030.72, Block 2, Lot 15 on the west and Section 030.72, Block 2, Lot 16 on the east; thence southerly along said line and the center line of Stoddard Street to the intersection of the center line of Pleasant Avenue; thence westerly along the center line of Pleasant Avenue to the intersection of the center line of MacArthur Parkway; thence northerly along the center line of MacArthur Parkway to the intersection of the center line of Cedar Street; thence westerly along the center line of Cedar Street to the intersection of the center line of Main Street; thence northerly along the center line of Main Street to the point of beginning.

Section 1.7. Separability; liberal construction.

If any clause, sentence, paragraph, word, section or part of this Charter 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.

The provisions of this Charter shall be liberally construed to effectuate the objectives and purposes for which this Charter and the articles contained herein are enacted.

Section 1.8. Municipal year.

The municipal year of the City of Oneida shall begin on the first day of January. The terms of all officers, departments, boards, bureaus, commissions and agencies appointed as provided in this Charter for a year or series of years shall be computed by municipal years. For the purpose of determining when a term of office shall end, the municipal year in which an officer, department, board, bureau, commission or agency shall take office shall be deemed to be the entire year, although such officer, board or commission may not have taken office until after the municipal year shall have begun, so that the terms of office of all such officers, departments, boards, bureaus, commissions and agencies shall terminate at the end of the municipal year. This provision shall not apply to the terms of office of the Civil Service Commission.

Section 1.9. Definitions. [Amended by L.L. No. 5-1974; L.L. No. 3-1975]

Whenever used in this Charter, unless otherwise expressly stated or unless the context or subject matter otherwise requires:

1. "Charter" shall mean the "Oneida City Charter."
2. "City" shall mean the "City of Oneida."
3. "Common Council" shall mean the elective governing body of the City of Oneida.
4. "Corporate tax district" shall be all that portion of the city comprised within the following limits, namely:

Beginning in the center of Oneida Creek in the easterly bounds of the County of Madison at a point where the said Oneida Creek is intersected by the northerly line of New York State Route 5, formerly called the Seneca Turnpike; thence northerly down the center of said Oneida Creek as it winds and turns to the point opposite the northeast corner of Lot Number 83 of the "Oneida Creek Tract"; thence westerly along the northerly line of Lot Number 83 and the northerly line of Lot Number 82, thence southerly along the westerly line of said Lot Number 82 to the southerly line of the "Oneida Creek Tract"; thence westerly along the southerly line of said tract to the northwest corner of Lot Number 3 of the "First Oneida Purchase of 1829"; thence southerly along the west line of Lot Number 3, continuing on said line to the intersection point of said line extended with the southerly line of New York State Route 5, thence westerly along the south line of New York State Route 5 a distance of 296.60 feet, more or less, to a point being the northwest corner of Lot Number 3 of the Oneida Heights Subdivision South Section "A" as shown on a map prepared by Fredric C. Burton dated February 10, 1967; thence

southerly along the west line of said Lot 3 to a point being the northeast corner of Lot Number 2 of the said Oneida Heights Subdivision; thence westerly along the northerly line of said Lot Number 2 to a point being the northwest corner of said Lot Number 2; thence southerly along the westerly line of Lot 2 to a point being the southwest corner of said Lot 2, this point being on the northerly line of Foxwood Terrace, a city street; thence westerly along the northerly line of Foxwood Terrace to a point being the southeast corner of lot number one of the Oneida Heights Subdivision; thence northerly along the east line of said Lot 1 to the northeast corner of said Lot 1; thence westerly along the northerly line of said Lot Number 1 extended to a point on the easterly boundary of the Oneida Heights Subdivision South Section "A", said point being approximately three hundred thirty (330) feet easterly, measured at right angles from the easterly line of Lot Number 1 of the Second Oneida Purchase of 1829; thence southerly along the westerly boundary of the Oneida Heights tract a distance of one-thousand-four-hundred-fifty-five feet more or less to a point, said point being the intersection of said westerly line of the Oneida Heights Subdivision with the southerly line of the Baker Reservoir properly extended; thence easterly on a line parallel to New York State Route 5 to a point on the center line of Seneca Street extended; thence northerly along said center line of Seneca Street to a point one-thousand-ten feet southerly of the south line of New York State Route 5; thence easterly on a line parallel to New York State Route 5 to the point of intersection with the center line of Oneida Creek; thence northerly along the center line of Oneida Creek as it winds and turns to the place of beginning, and in addition, all of the real property included in the so-called "Cooley Subdivision" (as shown in the Final Plat, Phases I, II and III, dated 9-3-1998); and the "Field of Dreams Subdivision" (as shown in the Preliminary Major Subdivision Plat, dated 7-6-1997, as amended 8-20-1997, 2-13-1998 and 9-28-1998; and as further identified currently by Tax Map parcel number 37.00-2-39); and the Tax Map parcels numbered 37.00-2-32, 37.00-2-33, 37.00-2-34, 37.00-2-40 and 37.00-2-41; shall all be deemed to be within the Corporate (inside) Tax District, and no portion of such subdivisions or Tax Map parcels shall be within the Outside Tax District. **[Amended by L.L. No. 2-2001]**

5. "Law" shall mean a state statute, charter, local law, ordinance or resolution.
6. "Local law" shall mean a law adopted pursuant to the Municipal Home Rule Law or to other authorization of a state statute or this Charter by the Common Council, or proposed by a Charter Commission or by petition, and ratified by a popular vote, as provided in article IV of the Municipal Home Rule Law, or as provided in a state statute, this Charter or local law; but shall not mean or include an ordinance, resolution or other similar act of the Common Council or of any other board or body of this city.
7. "Ordinance" shall mean a legislative act of the Common Council which is permanent in nature unless specifically self-limiting, general in its application and may or may not contain penal provisions for its violation and must be in written form. It shall be enacted in accordance with the provisions hereinafter provided.
8. "Outside district" shall mean and refer to that portion of the city situated outside the corporation tax district.
9. "Resolution" shall mean a legislative act of the Common Council which is limited in its application or of a temporary nature, or both, or as otherwise provided by law. Unless specifically provided, it need not be in writing.
10. "Councilmen." Those members of the Common Council exclusive of the Mayor.

ARTICLE II. OFFICERS AND ELECTIONS

Section 2.1. Elective officers: terms.

- A. There shall be elected by the qualified electors of the city a Common Council consisting of the Mayor and six Councilmen, a City Chamberlain, a City Judge, a City Justice and four Supervisors. All elective city officers shall be elected for a two-year term except the Supervisors, who shall be elected for the same term of office as Supervisors of the towns of Madison County and the City Judge and City Justice who shall be elected for six-year terms. One Councilman shall be elected by the qualified electors of each of the six wards. The qualified electors of the First, Second and Third Wards shall together elect two Supervisors. The qualified electors of the Fourth, Fifth and Sixth Wards shall together elect two Supervisors.
- B. No person shall be elected to any city office unless he shall at the time be a resident elector of the city, nor to the office of Councilman unless he shall at the time be a resident elector of the ward for which he is elected, nor to the office of Supervisor, unless he shall be at the time a resident elector of one of the wards for which he is elected. Whenever any officer of this city shall cease to be a resident of the city or of the district or ward for which he was elected or appointed, his office shall thereby become vacant.

Section 2.2. Appointive officers: terms.

- A. The City of Oneida shall have such appointive officers as are provided in this Charter or as required by law or established or authorized by the Common Council. The term of office of all full-time appointive officers shall be for an indefinite term except as otherwise provided in this Charter or other provision of law. The terms of part-time appointive officers shall be for two years and shall commence at the same time as that of elective city officials except as otherwise provided in this Charter or other provision of law.

Section 2.3. Prohibitions.

No Councilman shall, at the same time, hold any elective office under the government of the State of New York or any political subdivision thereof, nor shall he hold any appointive office or position of employment of the city except as specifically provided in this Charter or other provision of law.

Section 2.4. Certificate of appointment.

Every appointment to a city office must be made by a certificate in writing signed by the appointing officer, or if it is made by a board, commission, agency or the Common Council, by the presiding officer thereof, and such certificate shall be filed in the office of the City Clerk.

Section 2.5. Official oath and bonds.

Each officer of the city shall, before entering upon the duties of his office, take and file with the City Clerk the constitutional oath of office; and where required by ordinance or resolution of the Common Council, he shall file an official bond with such sureties and in an amount as the Common Council shall direct. All bonds shall be filed in the City Clerk's office, and the premiums for all such bonds shall be paid by the city.

Section 2.6. Vacancies.

Any vacancy in an elective office, other than by the expiration of the term of office, shall be filled by the Mayor. Any person appointed to an elective office to fill a vacancy shall have the same qualifications as are required of a person elected to the office. The term of office of an officer appointed to fill the vacancy in an elective office shall be until the commencement of the municipal year next succeeding the first general election at which the vacancy can be filled after the happening of the vacancy. All vacancies in appointive offices shall be filled by the appointing authority for the balance of the unexpired term.

Section 2.7. Removal of officers.

The appointing authority shall have the power to remove any officer or employee appointed by him at any time except as otherwise provided by law or this Charter and in accordance with all provisions of law applicable thereto. In those cases where the appointing authority is the Common Council, board, agency or commission, the Common Council, board, agency or commission shall have the power to remove any of its appointive officers or employees by a majority vote of its full membership and in accordance with all provisions of law applicable thereto.

Section 2.8. Compensation of officers and employees.

The Common Council shall have the power at any time to fix and change the salaries or compensation for all officers and employees of the city. Any fees or compensation for the performance of their duties in the execution of their city office or employment paid to and received by such officers or employees from any source shall be the property of the city and shall be paid or turned over by the officer or employee receiving the same to the City Chamberlain unless this Charter or the Common Council specifically authorizes the retention of such fees or compensation.

Section 2.9. Moving expenses.

Payment or reimbursement, in whole or in part, to officers or employees for their expenses of moving to assume employment with the City of Oneida is hereby authorized, subject to the approval of the Common Council and to such conditions and requirements as it may impose thereon.

Section 3.0. [2.10] Procedure in the event of an extraordinary emergency.

- A. If, as a result of an attack, actual or imminent, or series of attacks by an enemy or a foreign nation upon the United States causing or which may cause substantial damage or injury to civilian property or persons in the City of Oneida in any manner by sabotage or the use of bombs, shellfire or atomic, radiological, chemical, bacteriological or biological means or other weapons or processes, or if as a result of natural or peacetime disaster the office of the Mayor becomes vacant or the Mayor, by reason of disability or absence from the city, shall be prevented from attending to the duties of the office of the Mayor, and the Deputy Mayor is unable to discharge the powers and duties of the office of Mayor or be absent from the city, and there shall not be a majority of the members of the Common Council able, because of disability or absence from the city, to select one of their number to act as Mayor, or as for any other reason they are unable to select one of their number to act as Mayor, then the Councilman longest in service as such Councilman shall act as Mayor during such vacancy, disability or absence. Should such Councilman longest in service be unable to discharge the powers and duties of the office of Mayor or be absent from the city, the Councilman next longest in service shall so act as Mayor during such disability or absence, and if he is unable to discharge such powers and duties or is absent from the city, the Councilman next longest in service shall so act as Mayor during such disability or absence, and such progression shall continue so long as such disability or absence continues and there are Councilmen to act as Mayor.
- B. Such person shall have for such period the same powers and be subject to the same limitations as are hereinafter specified for the Deputy Mayor acting as Mayor.²
- C. Should two or more Councilmen able to so act have the same length of service as such Councilmen, the one to act as Mayor shall be selected by lot.
- D. If a vacancy shall occur in any elective office of the city in the event of such extraordinary emergency, the Mayor, or person filling that position, shall appoint a person to fill such vacancy until the commencement of the political year next succeeding the first annual election after the happening of the vacancy.
- E. If any city officer except the Mayor, Councilman or Supervisor shall, from sickness, absence, suspension from office by the Common Council or from any other cause, be unable to discharge the duties of his office, in the event of or during such extraordinary emergency, the Common Council or if vacancies have reduced its membership to less than a majority then a majority of the remaining members of the Common Council shall appoint some suitable person to discharge such duties during such disability, and the person so appointed shall have and exercise all the powers and discharge all the duties and be subject to all the provisions of law applicable to the officer whose place he shall supply or to the officer or the duties of the office at which he is appointed and shall receive such salary as shall be fixed by the members of the Common Council making such appointment.
- F. If the office of the Mayor and of all the Councilmen shall from sickness, absence, suspension from office or from any other cause be vacated and there is no one to discharge the duties of the office of Mayor, in the event of and during such extraordinary emergency, it is hereby established the continuity of leadership which requires the office of Mayor to

² Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions).

be filled at all times. Next in order of succession to the last Councilman for the purpose of acting as Mayor shall descend in the following order upon the following city officials dependent on their availability and presence in the city in the order named: City Comptroller, City Judge, City Attorney, City Engineer, Acting City Judge, City Clerk, Police Chief and Fire Chief.³

ARTICLE III. Common Council

Section 3.1. Composition.

There shall be a Common Council which shall consist of the Mayor and six Councilmen elected in the manner provided in Article II. The Common Council shall be a continuing body, and no measure pending before it shall abate or be discontinued by reason of expiration of terms of office, resignation, vacancy or removal of any members thereof.

Section 3.2. Legislative powers.

The Common Council shall be the legislative and governing body of the city and shall exercise all powers of legislation in relation to enacting, amending or repealing local laws, ordinances and resolutions.

Section 3.3. Power of organization.

The Common Council may by local law, ordinance or resolution establish offices, departments, boards, bureaus, commissions and agencies in addition to those created by this Charter and may prescribe the functions of such offices, departments, boards, bureaus, commissions and agencies subject to all applicable provisions of law.

Section 3.4. Legislative acts.

- A. All of the legislative acts of the Common Council shall be by local law, ordinance or resolution. The passage of a local law shall be by an affirmative vote of at least a majority of the Councilmen then in office. The passage of resolutions and ordinances shall be by a majority of the total voting strength of the members of the Common Council present and voting; provided, however, that the Mayor shall not vote except in a tie, and provided further that the Mayor shall have no vote upon resolutions involving the expenditure of money or collection of money by tax or assessment, except a resolution to adopt the budget. Amendments to the Zoning Ordinance shall be governed by the provisions of the General City Law, and the Mayor shall not be deemed a member of the Common Council for computing the vote upon amendments thereto.

In acting upon legislative acts, the Common Council shall comply with the Municipal Home Rule Law and the Local Finance Law, in addition to the requirements imposed by

³ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions).

this section or by any other provisions of law. No ordinance shall be passed by the Common Council on the same day it is introduced, except by unanimous consent of all of the Councilmen present at the meeting and at which at least $\frac{2}{3}$ of all of the Councilmen then in office are present. A resolution may be passed by the Common Council on the same day it is introduced, unless otherwise provided by law.

- B. No appropriation of money shall be made for any use or purpose except by resolution specifying the amount thereof and the department or specific purpose for which the appropriation is made. The annual budget shall be considered to be such a resolution.
- C. Every ordinance enacted by the Common Council shall specify the time when it shall take effect, which shall not be until after the publication of the title and a brief description of same once in the official newspapers of the city. If no time is specified in such ordinance, it shall take effect immediately after such publication.

Section 3.5. Rules of procedure.

The Common Council shall determine the rules of its own proceedings subject to the provisions of this Charter and other provisions of law.

Section 3.6. Meetings.

The Common Council shall hold its first meeting in each term on the evening of the first Tuesday of January next following the election of its members, or if that is a holiday, on the next day, and at that meeting, the Common Council shall organize and elect a Deputy Mayor to serve for a two year term. The Common Council shall meet regularly at least once a month, at times to be determined by it. All official meetings of the Common Council shall be open to the public. A majority of the Common Council, including the Mayor as a member thereof, shall constitute a quorum. Special meetings may be held at any time the Common Council may direct and may be called by the Mayor, or any three members of the Common Council. The notice of any special meeting, other than a special meeting directed by the Common Council, shall be served personally upon each member of the Council or delivered to his residence or place of business not less than 24 hours before the time fixed for such special meeting and shall contain a statement of the specific item or items of business to be transacted. No other business shall be conducted at such meeting except by unanimous consent of all members of the Common Council.

Section 3.7. Mayor to be presiding officer; Deputy Mayor.

- A. The Mayor shall be the presiding officer of the Common Council.
- B. Every resolution or ordinance passed by the Common Council, except rules for its own government and resolutions for the appointment of city officers, shall, before it shall take effect, be submitted to the Mayor, who shall within 10 days after its passage approve or disapprove the same. If he approves it, he shall sign it with the date of his approval, and it shall take effect from such date, except as herein otherwise provided. If he does not approve it, he shall file it with the Clerk with his objections in writing thereto or to any

separate item thereof. The Clerk shall thereupon present such resolution or ordinance, together with the Mayor's objections, to the Common Council at its next meeting, which shall proceed to reconsider the same, or the items thereof vetoed by the Mayor, and if such reconsideration or such items shall be repassed by a $\frac{2}{3}$ vote of all the Councilmen then in office, it shall take effect notwithstanding the Mayor's objections, otherwise it or such items shall not take effect. Any resolution or ordinance not signed or disapproved by the Mayor within the ten-day period shall thereafter take effect as of the date of its passage.

- C. The Deputy Mayor shall act as Mayor during the absence or disability of the Mayor. While serving as Mayor during the absence or disability of the Mayor, he shall not make any appointments or remove from office any officer unless such absence or disability shall have continued for at least 30 days. In case of a vacancy in the office of Mayor, the Deputy Mayor shall act as Mayor until a Mayor shall have been elected and qualified.

Section 3.8. Clerk of the Common Council.

The City Clerk shall be the Clerk of the Common Council and shall be responsible for the preparation of the agenda, shall give notice of special council meetings, shall attend all meetings and shall discharge such other duties as may be required by this Charter or other provision of law. He shall keep a journal for public inspection which shall be the official record of proceedings. He shall have custody of the city seal and shall affix the same to such documents as required.

Section 3.9. Power of investigation.

The Common Council shall have the power to investigate the official conduct of all city officers, employees, departments, boards, bureaus, commissions and agencies. The Common Council shall have access to all records and papers kept by every city officer, board, bureau, commission and agency and shall have the power to compel the attendance of witnesses and the production of books, papers or other evidence at any meeting of the Common Council or a special committee thereof and for that purpose or purposes may issue subpoenas signed by the Mayor or the Chairman of the committee on its behalf.

Section 3.10. Official newspaper. [Amended by L.L. No. 1-1975]

At the first meeting of the Common Council in each term, the Common Council shall by resolution designate one newspaper published in the city to be the official paper of said city.

Section 3.11. Committee of the whole: special committees.

- A. The Common Council shall be constituted as a committee of the whole. The Common Council shall not be organized with permanent standing committees. The Mayor may designate and appoint some members of the Common Council as a committee for any special purpose, which committee shall be disbanded upon the completion of its assignment or at the end of the municipal year in which it is appointed, whichever comes first. The Mayor may, however, reappoint any of the same members or appoint new

members after the commencement of a new municipal year to any special committee whose assignment has not been completed at the end of any municipal year.

- B. The Mayor may also designate and appoint, subject to approval by the Common Council, a special committee or committees consisting of other city officials and/or residents of the city, including members of the Common Council if he deems it desirable, to make studies, investigations, recommendations and reports on any subject or matter properly before the Common Council. Such committees shall have such powers and duties as are assigned to them in a resolution passed by the Common Council approving the same. The term of any committee appointed pursuant to this subdivision shall expire upon the completion of its assignment or at the end of the second municipal year following its appointment, whichever comes first. Any of the same members may be reappointed or new members may be appointed to such a committee after the commencement of a new municipal year in the same manner as hereinabove set forth.

Section 3.12. Authentication of ordinances, filing and posting.

Upon its final passage, every ordinance shall be authenticated by the Mayor and City Clerk and permanently filed in the ordinance book in the office of the City Clerk. A true copy of every ordinance certified by the City Clerk shall be posted in a conspicuous place in the municipal building for a period of two weeks following final passage.

Section 3.13. Penalties for violation of ordinances.

The Common Council shall have the power to provide for penalties, including fine and imprisonment for the violation of any of its ordinances. Notwithstanding the foregoing, and in addition thereto, the Common Council may also provide for civil penalties and the city may maintain an action or proceeding in a court of competent jurisdiction for an injunction or to compel compliance with the requirements of any ordinance of the city or take such other action as is permitted by law.

Section 3.14. General powers of Common Council.

In addition to any other powers conferred upon cities, the Common Council may take all measures and do all acts by local law, ordinance or resolution, not inconsistent with the provisions of the constitution which shall be deemed expedient or desirable for the good government of the city, its management and business, the protection of its property, the safety, health, comfort and general welfare of its inhabitants, the protection of their property, the preservation of peace and good order, the suppression of vice, the benefit of trade and the preservation and protection of public works.

Section 3.15. Special powers of taxation.

The Common Council shall have the power to establish an equitable system of taxation for protection against fire, public safety and capital improvements in the corporation tax district, outside district and fire protection districts duly organized in the outside district and to assess a

hydrant tax on any building and lot upon which it stands situated within 600 feet of a hydrant in either the corporation tax district or outside district to defray the expense of installation, inspection, maintenance, repair and replacement of hydrants by the Water Department, purchases and replacement of fire-fighting equipment, construction and repair of municipal buildings. Between the first and 10th day of October in each year, the Common Council shall make out a list or roll in which they shall set out the amount assessed for fire protection, public safety and capital improvements upon any lot, part of a lot or building, designate the lot or building assessed or in default, in the same manner as designated in the annual assessment roll; and also on or before the first day of December of each year set out the amount of water rates remaining due and unpaid on the first day of October in each year, for use of water in or upon any lot, part of a lot or building. It shall cause notice to be published in the official newspaper for at least one week of the time and place at which hearing shall be given to those who desire to examine said rolls and to present their grievances. The Common Council shall meet at the time and place specified in said notice and after hearing objections shall complete said assessments and certify the same. The Common Council shall with the annual city tax levy such assessments and unpaid water rates upon the property described in said roll, and the amounts appearing thereon shall be extended in a separate column upon the assessment rolls of the city and shall be levied, collected and enforced at the same time and in the same manner as is provided for the collection of other taxes in the city. The rates for the use of water shall, like other city taxes, be a lien and charge upon the building and lot in or upon which said water was used as herein provided.

Section 3.16. Boundaries of tax districts.

Notwithstanding any inconsistent provision of any general, special or local law to the contrary, the Common Council of the City of Oneida is hereby granted the power to adopt or amend local laws modifying the boundaries of the inside tax district and the outside tax district of said city so as to extend said inside tax district into contiguous areas of the outside tax district either in part or in its entirety as in the sound discretion of the Common Council seems appropriate. Any such local law as adopted or amended shall be subject to the provisions of § 24 of the Municipal Home Rule Law.

Section 3.17. Sale or lease of city real property at private sale. [Amended by L.L. No. 2-1978]

City real estate may be sold or leased at private sale; provided, however, that no sale or lease of said real property shall be made or authorized except by a vote of $\frac{3}{4}$ of all of the members of the Common Council and for a sum at least equal to the market value thereof at the date of the sale or lease.

Section 3.18. Lease of real estate for five years. [Amended by L.L. No. 5-1979]

The Common Council shall be authorized to lease space in city-owned real estate for a term or terms of not to exceed five years, without restriction as to the percent of said building to be covered by said lease or leases, provided that said space is not currently needed for city use. The rent shall be in a sum, equal to the reasonable rental value for the term of said lease and

said lease may include provisions for amendment of the rent and for renewal of said lease or any part thereof for a period not to exceed the term of the original lease. At least seven days prior to the signing of such lease, notice thereof shall be published once in the official newspaper containing a summary of the terms and conditions of the proposed lease, and a brief description of the area of space proposed to be leased and the location of the building in which such space is contained and the rent to be paid therefor.

ARTICLE IV. EXECUTIVE DEPARTMENT: CITY MAYOR

Section 4.1. General powers and duties of the Mayor.

The Mayor shall be the chief executive officer of the city and shall have and exercise all the powers conferred upon him by this Charter and shall have all powers and duties conferred upon the chief executive officer of a city by the general laws and any special laws pertaining to this city of the State of New York, except as otherwise provided in this Charter. It shall be his duty to see that the laws of this state and the local laws, ordinances and resolutions passed by the Common Council are faithfully executed within the city. He shall sign, on behalf of the city, all written contracts made by it or any board or officer thereof, except contracts made by the purchasing agent pursuant to authority vested in him and all deeds except tax deeds and cause the seal of the city to be affixed thereto. He shall establish the hours and days that city offices shall remain open for the transaction of business and shall declare and establish official holidays in the city. He shall submit the annual budget and capital program for consideration of the Common Council, keep the Common Council advised of the financial condition and future needs of the city and make such recommendations from time to time to the Common Council as he may deem it advisable. He shall have the right to be present at all meetings of any department, agency, board, bureau or commission of the city. The Mayor may at any time in his discretion call before him the head of any board, bureau, department or other agency of the city government and may also call together the heads of the different boards, bureaus, departments or other agencies for consultation and advice or for any other purpose in regard to the affairs of the city; and at such meetings he may call upon such persons for reports in writing in regard to the transactions of the respective boards, bureaus, departments or other agencies, and it shall be their duty to attend such meetings and submit such reports to the Mayor without delay or give such other information or explanation as he shall request. The City Clerk shall, at the request of the Mayor, attend such meetings and make and keep a record of the transactions thereof.

Section 4.2. Appointive powers of the Mayor.⁴

The Mayor shall appoint the City Engineer, a City Comptroller, the Deputy City Comptroller, a secretary to the Mayor, the City Clerk, Deputy City Clerk, Deputy City Chamberlain, the City Attorney, the Assessor, the Acting City Judge, the Park and Playground Commissioners, the Constable, the Commissioner of Public Safety and as many patrolmen and special patrolmen as may be determined by the Commissioner of Public Safety subject to the approval of the Common Council, the members of the Planning Board, the members of the Zoning Board of

⁴ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions).

Appeals, the members of the Board of Water Commissioners, Bingo Inspector and so many Commissioners of Deeds as the Common Council may authorize, and all other boards, commissions, agencies, officers and employees of the city except as otherwise provided in this Charter or other provision of law.

Section 4.3. Deputy Mayor.

The Deputy Mayor appointed as provided in Article III of this Charter shall act as Mayor during the absence or disability of the Mayor. While serving as Mayor during the disability or absence of the Mayor, he shall not make any appointments or remove from office any officer unless such disability or absence shall have continued for at least 30 days. In case of a vacancy in the office of the Mayor, the Deputy Mayor shall act as Mayor, until a Mayor shall have been elected and qualified.

Section 4.4. Additional authority of the Mayor.

- A. The Mayor shall have the power to designate any qualified person to be the acting head of any department, office, board, bureau, commission or agency appointed by the Mayor during the period of any vacancy, absence or disability until a permanent appointment can be made or the disability of the permanent head is removed.
- B. Whenever the interest of the city requires, the Mayor shall have the power to temporarily assign any officer or employee of any department, agency, board, bureau, commission or office to perform similar duties in another department, agency, board, bureau, commission or office.

Section 4.5. Power of investigation.

The Mayor shall have the power to investigate and to conduct hearings into the official conduct of all the city officers, departments, boards, bureaus, commissions and agencies. He shall have access to all records and papers kept by every city officer, department, board, bureau, commission and agency and shall have the power to compel the attendance of witnesses and the production of books, papers or other evidence to any such hearings and for that purpose may issue subpoenas signed by him.

ARTICLE V. BUDGET AND FINANCIAL ADMINISTRATION

Section 5.1. Fiscal year.

The fiscal year of the city shall be the same as the municipal year.

Section 5.2. Annual tax levy.

The Common Council shall raise annually by tax upon the real and personal property assessable in the city in each year such moneys as it shall deem necessary and appropriate for

any public or municipal purpose. Unless otherwise provided in this Charter or other provision of law, all expenses incurred or authorized shall be borne by the city as a whole. Except as otherwise provided in this Charter or other provision of law, expenditures for the Bureau of Fire, streetlighting, repair and maintenance of storm and sanitary sewers, tree removal and snow removal in the corporation tax district, and any new or additional services or benefits which shall be available only to the corporation tax district, shall be raised by tax upon the real and personal property assessable in the corporation tax district. The Common Council shall apportion the moneys to be raised by tax among the several city funds, as established by this Charter or other provision of law, and the City Comptroller shall state and keep his accounts of the funds accordingly.

Section 5.3. Submission of budget; message.

On or before the 30th day of October of each year, the Mayor shall submit to the Common Council a proposed budget and capital program, together with a message concerning the same for the ensuing fiscal year.

Section 5.4. Budget message.

The budget message shall:

1. Describe the important features.
2. Enumerate the specific funds to be charged against the city as a whole, the specific funds to be charged against the corporation tax district and the specific funds to be charged against special districts.
3. Outline the proposed work and capital program.
4. Point out any major changes from the current fiscal year in financial policies, expenditures and revenues, together with the reasons for such changes.
5. Summarize the city's debt position.
6. Include such other material as the Mayor deems advisable.

Section 5.5. Form of budget.

- A. The proposed budget shall provide a complete financial plan of all city functions and activities for the ensuing fiscal year. It shall enumerate those funds which are to be borne by the city as a whole and those funds which are to be chargeable only against the corporation tax district or special districts. The budget shall be in such form as the Mayor deems advisable or as the Common Council may direct, but shall include the following:
 1. Actual revenues and expenditures of the preceding fiscal year and actual and estimated revenues of the current fiscal year.
 2. A capital program which shall include a clear general summary of its contents; a list of all capital improvements which are proposed to be undertaken during the ensuing five fiscal years with supporting information as to necessity, cost estimate, method of

financing, affect of operation and maintenance upon the budget, and recommended time schedules and the specific capital program to be instituted or carried out during the ensuing fiscal year, stating the amount to be paid by direct budgetary appropriation and the amount to be financed, if any, and the method thereof.

3. All estimated revenues and proposed expenditures for the ensuing fiscal year, including detailed estimates of revenue from all sources and the amount proposed to be raised from the tax levy upon real estate.
- B. The proposed expenditures shall be itemized as follows:
1. Each office, department, board, bureau, commission and agency shall be listed separately, showing the proposed amount for salaries and wages, supplies and other expenditures and the total thereof.
 2. Reserve for uncollected taxes.
 3. Debt service.
 4. Judgments and settlements outstanding and not covered by insurance.
 5. Special funds and purposes not otherwise contained in the budget.
 6. Anticipated deficit, if any, of the current fiscal year.
 7. Contingency fund for the city as a whole and contingency fund for the corporation tax district.

Section 5.6. Filing of budget and public notice.

- A. Immediately after presentation of the proposed budget to the Common Council, said budget shall be filed in the City Clerk's office, and sufficient copies of the same and the budget message shall be made available for distribution to the public. The proposed budget shall be a public record and shall be open to inspection by the public during regular business hours in the City Clerk's office.
- B. A public hearing on the proposed budget shall be held before the Common Council at the date, time and place determined by the Common Council but not later than four weeks after its submission. The public notice shall specify:
 1. The date, time and place of the public hearing.
 2. The total amount of the proposed budget.
 3. The amount thereof to be raised by taxes.
 4. The anticipated tax rate per thousand of assessed valuation for the city as a whole and for the corporation tax district.
 5. That copies of the proposed budget are available to the public in the City Clerk's office during regular business hours. The public notice shall be published in the official newspapers of the city by the City Clerk not less than five days prior to the date of the public hearing.

Section 5.7. Public hearing; changes by Common Council.

- A. The Common Council shall meet and hold the public hearing at the date, time and place specified in the public notice.
- B. After conclusion of the public hearing, the Common Council shall consider the adoption of the proposed budget and may adjourn from time to time until it has fully considered and reviewed the proposed budget.
- C. The Common Council may add new programs or amounts and may increase, decrease or strike out programs or amounts. Expenditures required by law, for debt service, for estimated deficit or estimate of revenues may not be changed except to correct omissions or mathematical errors.
- D. The Common Council may, however, decrease the amount of the tax levy for the ensuing fiscal year as proposed in said budget in proportion to such decrease in the total expenditures as it may have determined. If the Common Council shall increase the total expenditures, such increase shall be included in the amount to be raised by taxes.

Section 5.8. Adoption of budget, appropriation and tax levy resolutions.

Upon the completion of the consideration and review of the proposed budget, the Common Council shall adopt a resolution approving the budget in the final form approved by it and shall forthwith adopt an appropriation resolution. The appropriation resolution shall be passed on the budget as adopted but need not be itemized further than by each office, board, bureau, department, commission, agency, fund and program. As soon as practicable after the Board of Supervisors of Madison County shall file a resolution with the City Clerk ascertaining and directing the amount of tax to be levied in the city for state and county purposes, the Common Council shall pass a resolution making a levy upon all real and personal property situate in the city liable to taxation in the ensuing fiscal year for city, state and county purposes.

Section 5.9. Filing of appropriation and tax levy resolutions.

Upon the adoption of the budget, the appropriation resolution and the tax levy resolution, the City Clerk shall file a certified copy of each with the City Chamberlain.

Section 5.10. Administration of budget.

- A. No payment shall be made and no obligation incurred by any official of the city against any appropriation unless there is a sufficient unexpended and unencumbered balance in the appropriation. Every expenditure or obligation authorized or incurred in violation of these provisions shall be void and any payment so made shall be deemed illegal. All officers who shall knowingly authorize or make such payment shall be jointly and severally liable to the city for the full amount so paid and such action shall be cause for removal.
- B. If, at any time during the fiscal year, the Mayor shall ascertain that the revenues for the city as a whole or for the corporation tax district, including any surpluses from the preceding year, will be less than the total appropriations, he shall order the reduction of expenditures

in those appropriations that he deems advisable. No later than the next regularly scheduled meeting of the Common Council, he shall report such action and the Common Council may, by resolution, confirm, modify or amend the action of the Mayor or take such other appropriate action as it deems necessary to handle the deficit.

Section 5.11. Amendments after adoption of budget.

- A. Transfer of appropriations. The Common Council, upon request of the head of a department, office, board, bureau, commission or agency, may at any time transfer any unencumbered appropriations, balance or portion thereof within a department, office, board, bureau, commission or agency. The Common Council may by resolution transfer from the contingency fund or any unencumbered appropriation, balance or portion thereof, from one department, office, board, bureau, commission or agency to another.
- B. Supplemental appropriations. Upon recommendation of the Mayor and certification by the City Comptroller that the funds to be appropriated are not needed for the purpose of preventing a deficit for the fiscal year, the Common Council may, by resolution passed by a $\frac{2}{3}$ vote of all of the Councilmen, appropriate any unanticipated revenue received during the fiscal year for the use of any department, office, board, bureau, commission, agency, program, city object or purpose.
- C. Capital program. The Common Council may, by resolution passed by a $\frac{2}{3}$ vote of all of the Councilmen, add, modify or abandon projects or may modify the methods of financing. No capital project shall be authorized or undertaken unless it is included in the capital program as adopted or amended.

Section 5.12. Additional powers of the Common Council over financial affairs of the city.

Notwithstanding any of the foregoing provisions, the Common Council shall have the power to borrow money, to make additional appropriations and to exercise all other powers and control over the financial affairs of the city pursuant to the provisions of the Local Finance Law or other provisions of law. Except as otherwise provided by law, the Common Council shall exercise the powers enumerated in this section by resolution of the Common Council by a $\frac{2}{3}$ vote of all of the Councilmen.

Section 5.13. Mandatory referendum on certain bond resolutions. [Amended 6-1-1982 by L.L. No. 4-1982; 3-2-1990 by L.L. No. 1-1990; L.L. No. 2-1993; L.L. No. 1-1994; L.L. No. 4-1996]

- (a) Limitations, qualifications and procedure. Bond resolutions providing for the issuance of bonds in a principal amount exceeding \$575,000 shall be subject to mandatory referendum after such resolutions have been adopted by the Common Council.
 - 1. Qualified voters shall be those who are qualified to vote for the election of officers of the city.

2. All such resolutions shall be submitted to the qualified electors at a special election. Except as expressly provided in this section, such election shall be held in accordance with the provisions of the Election Law of the State of New York.
 3. Notice of such referendum shall be given by publication once in each week for three successive weeks in the official newspapers of the city, the first publication to be at least 21 days prior to such special election. The Common Council, by resolution, shall designate the hours of voting and the polling places, and the notice of special election shall set forth the purpose of the special election, the date of the election, the location of the polling places, the hours of voting and qualifications of voters.
 4. The election inspectors shall canvass the votes immediately after closing the polls and make a certificate signed by them stating the number of votes cast and the number of votes for and against the proposition and deliver the same to the City Clerk, together with the registers and poll books. The City Clerk shall deliver the same to the Common Council at its next meeting.
 5. The Common Council shall meet at the Council chambers on the day following such referendum and shall examine and tabulate the statements of the result of the special election. The Common Council shall canvass the returns contained in such statements and shall determine the number of votes cast on such propositions and shall declare the result of the canvass. If the proposition shall receive a majority of the votes cast, it shall be declared adopted.
- (b) Exceptions. The provisions of this section shall not apply to bond resolutions authorizing the issuance of bonds for the payment of judgments, or compromised or settled claims against the city pursuant to a determination by a court, or an officer, body or agency acting in an administrative or quasi-judicial capacity, or to provide disposal or treatment facilities required by an order of the State Commissioner of Health or of the Water Resources Commission directing compliance with standards, determinations or orders promulgated pursuant to the Environmental Conservation Law, § 17-0101 et seq., for water pollution and wastewater issues and Article II, § 1107, of the Public Health Law for water supply issues to prevent pollution of the waters of the state or the payment of the costs of sanitary sewer installations where special assessments are to be levied against the benefited property for such improvements.⁵

Section 5.14. Lapse of appropriations.

Any portion of an annual appropriation, except an appropriation for a capital improvement, remaining unexpended and encumbered at the close of the fiscal year shall lapse. An appropriate appropriation for a capital improvement shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any expenditure from, or encumbrance of, the appropriation.

⁵ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions).

Section 5.15. Department of Finance.

There shall be a Department of Finance which shall be headed by the City Comptroller. The Mayor shall appoint the City Comptroller. The City Comptroller shall be the chief fiscal officer of the city and shall have and possess all the powers and duties as such as provided in this Charter or other provisions of law.

Section 5.16. Duties of City Comptroller.

The City Comptroller shall:

1. Have charge of the administration of all the financial affairs of the city except as otherwise provided in this Charter or other provision of law.
2. Maintain and supervise the general accounting system of the city in accordance with the uniform system of accounts prescribed by the state comptroller.
3. Examine and audit the accounts of all officers of the city and all persons indebted to the city, and certify the condition of such accounts prescribed and controlled.
4. Be responsible for the issuance of receipts to be used by all offices, departments, boards, bureaus, commissions and agencies of the city.
5. Have supervision over and be responsible for the disbursement of all city funds.
6. Submit the annual financial statement of the city to the State Comptroller and provide such other statements or reports as may be required from time to time by the Mayor, the Common Council or as otherwise prescribed by law.
7. Have custody over the investment and management of all city funds unless otherwise provided in this Charter or other provision of law.
8. Serve as purchasing agent for the city, and he shall contract for and purchase all supplies, materials, equipment and services required by any office, department, board, bureau, commission or agency of the city pursuant to rules and regulations established by the Common Council and except for professional and technical services and public works contracts. All purchases made and contracts executed by the City Comptroller shall be pursuant to a signed requisition from the head of the office, department, board, bureau, commission or agency whose appropriation is to be charged; provided, however, that in accordance with the rules and regulations established by the Common Council, the City Comptroller may make purchases in advance of needs or in bulk amounts where such practices would result in economy or improved efficiency.

Under the supervision of the Mayor and Common Council, he shall:

- a. Establish specifications for supplies, materials and equipment to be purchased by the city.
- b. Determine financial responsibility of all bidders and such prerequisites for determining the qualification of bidders.
- c. Prescribe the time and period for which requisitions are to be made.

- d. Inspect or cause to be inspected all supplies, materials and equipment and, if necessary, to cause tests to be made as soon as practicable after receipt of the same and to determine if they comply with all requirements and specifications.
- e. Supervise, control and maintain any central supply office as may be provided by the Common Council; when authorized by the Common Council, to enter into cooperative purchasing agreements with other governmental agencies.
- f. Transfer, with approval of the Common Council, to or between offices, departments, boards, bureaus, commissions and agencies any supplies, materials and equipment or to sell the same if determined to be unneeded, surplus or obsolete.

Any supplies, materials or equipment purchased in advance of actual need shall remain in the custody of the City Comptroller for delivery to the office, department, board, bureau, commission or agency until its use is required. The City Comptroller shall keep records of all purchases made by him and of the ultimate destination or use of such material, equipment or supplies. The City Comptroller shall cause to be kept and inventoried all municipal property in his custody; and it shall be the duty of each officer or employee having municipal property in his custody to keep an inventory of such property and to furnish a copy thereof to the City Comptroller on request.

- 9. Assist the Mayor and Common Council in preparing the annual city budget.
- 10. Perform such other similar and related duties as may be assigned to him by the Mayor or the Common Council.

Section 5.16.1. Powers and duties of Deputy City Comptroller.⁶

The Deputy City Comptroller shall:

- A. Assist the City Comptroller in the performance of her duties.
- B. Perform such other duties as directed by the City Comptroller.

Section 5.17. Powers and duties of City Chamberlain.

The City Chamberlain shall:

- 1. Receive and have custody of all public funds belonging to or handled by the city.
- 2. Collect all taxes, assessments, license fees and other revenues of the city for whose collection the city is responsible, except those payable by law to the City Clerk or as otherwise provided in this Charter or other provision of law.
- 3. Deposit all funds coming into his hands in such depositories as may be designated by resolution of the Common Council, subject to the requirements of law as to depositories and depository's undertakings.

⁶ Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions).

4. Require reports of receipts and disbursements from all offices, departments, boards, bureaus, commissions and agencies of the city at such intervals as he may deem it advisable or as otherwise required by law.
5. Perform all the duties required by this Charter or other provision of law and such other additional and related duties as the Common Council may direct.

Section 5.18. Powers and duties of Deputy City Chamberlain.

The Deputy City Chamberlain shall:

1. Assist the City Chamberlain in the performance of his duties.
2. Perform such other duties as directed by the City Chamberlain.
3. In case of absence, disability or vacancy in the office of City Chamberlain, to perform all the duties and exercise all the powers of the City Chamberlain.

Section 5.19. Petty cash fund.

Notwithstanding the foregoing provisions, the City Comptroller may establish a petty cash fund and may make payments therefrom, prior to audit of claims, for purchases and disbursements certified by the head of a city office, department, board, bureau, commission or agency to be a valid claim. No payment from such fund shall be in excess of \$100, and in the event that said claim is disallowed after audit, the person certifying the same shall be required to immediately reimburse the city, and upon failure to do so, the amount of the claim shall be deducted from the salary of such person.

Section 5.20. Competitive bidding.

All purchases shall be made in conformity with the provisions of the General Municipal Law and such further and additional regulations as may be imposed by ordinance of the Common Council.

Section 5.21. Contracts for public works and capital improvements.

All contracts for public works and capital improvements shall comply with the provisions of the General Municipal Law and such other and additional rules and regulations established by the Common Council. All such contracts shall be approved and awarded by the Common Council. The Common Council in its discretion may reject any or all bids and order the readvertising for new bids or direct that the Department of Public Works execute the work or improvement.

Section 5.22. Audit and payment of claims.

- A. Every claim for the payment of money shall be in writing and itemized. The claim shall be certified by the claimant or a duly authorized officer or agent as true and correct and that

the amount claimed remains due, owing and unpaid. It shall also contain a statement that the service was actually rendered, the disbursement actually and necessarily made, the supplies or equipment actually delivered or other appropriate statement that the consideration has passed to the city. The City Comptroller may require claims to be verified. A written contract for the payment of money at stated amounts and at stated intervals shall be deemed a certified or verified claim, as required by the city.

- B. Every claim for the payment of money shall be audited by the Common Council or by such other officer or employee designated by it. No disbursement shall be made from any funds of the city except by check signed by the City Comptroller and countersigned by the Mayor.
- C. Approval of payment of the claim shall also be made in writing by the respective head of the various department, office, board, bureau, agency or other administrative unit of the city against whose account the claim is made.
- D. All claims shall be audited by the Common Council prior to payment unless otherwise provided by this Charter or by resolution of the Common Council.

Section 5.23. Requisitions.

- A. All purchases made and contracts executed by the City Comptroller shall be pursuant to a signed requisition from the head of the department, board, bureau, agency, commission, office or other administrative unit whose appropriation is to be charged except as otherwise provided in this Charter.
- B. The City Comptroller may, under the direction of the Common Council, establish rules and regulations pertaining to the time, mode, form and other related matters for the making of requisitions.

Section 5.24. Assessor.

The City of Oneida shall have one Assessor appointed by the Mayor for an indefinite term, which office of Assessor shall be full time and shall be classified in the competitive class of the civil service. He may also be employed in any other position by the city not incompatible with the office of Assessor. He shall meet all of the minimum qualification standards as required by the Real Property Tax Law. Except as otherwise provided in this Charter, he shall possess all the powers and duties of an Assessor as provided in the Real Property Tax Law.

Section 5.25. Assessment procedure. [Amended by L.L. No. 1-1992]

- A. Except as otherwise provided in this Charter, the assessment procedure shall be as prescribed by the Real Property Tax Law.
- B. The assessment roll shall be prepared so as to show separately the assessed parcels of real property within and without the corporation tax district, the name or number of any special district in which special ad valorem levies are made for district purposes and each special

franchise, together with the date of payment and such other items and details as may be required.

- C. The taxable status of real property shall be determined annually as of the first day of May.
- D. On or before the first day of June, the Assessor shall complete the tentative assessment roll and shall file the same and cause notice thereof to be published in the manner prescribed by the Real Property Tax Law.

Section 5.26. Board of Assessment Review. [Amended by L.L. No. 1-1992]

- A. There shall be a Board of Assessment Review appointed by the Common Council to consist of five members who shall be appointed in accordance with the Real Property Tax Law and shall have all the powers and duties as prescribed therein. Compensation for each member of the Board of Assessment Review shall be established by resolution of the Common Council.
- B. Beginning on the second Tuesday of June and so many days thereafter as the Board of Assessment Review deems necessary, such Board shall meet to hear complaints in relation to assessments, in the manner prescribed by law. [Amended by L.L. No. 1-2001]

Section 5.27. Filing of completed assessment roll.

The Assessor shall file the original and two certified copies of the finally completed assessment roll in the office of the City Clerk on or before the first day of August.

On or before the first day of September, the City Clerk shall deliver one certified copy to the Chairman or Clerk of the Board of Supervisors of the County of Madison. The original assessment roll shall be delivered to the City Chamberlain as provided in Section 5.30.

Section 5.28. Equalizing assessment by County Board of Supervisors.

The Board of Supervisors of Madison County shall in each year equalize the assessment within the City of Oneida with the assessments in the towns of said county, in the same manner as the assessments are required to be equalized between such towns. The Board of Supervisors shall not cause the state and county tax apportionment to said city to be spread upon any tax roll of property within the city, but shall, by resolution, ascertain and direct the amount of tax to be levied in the city for state and county purposes, and shall, on or before the 15th day of December in each year, certify such resolution under the hands of the Chairman and the Clerk of the Board of Supervisors, to the Common Council of the city, and file such resolution with the City Clerk, and the City Chamberlain shall thereupon extend and apportion such tax on the assessment roll together with the city taxes levied as hereinafter provided, and no other extension and apportionment of such state and county taxes need be made.

Section 5.29. Levy of taxes by Common Council; tax rolls.

The Common Council must annually cause to be levied and raised by general tax upon all taxable property, according to valuation upon the assessment roll for the current year, levying and apportioning the several amounts to be raised, upon the taxable property in the corporation tax district and in the entire city as authorized by and provided in this Charter and other provision of law:

1. The amount of taxes certified to the Common Council of the city by the Board of Supervisors to be assessed upon the entire city.
2. The amount of all interest and any installment of principal falling due upon the bonds or other obligations of the city, which shall be kept in a separate fund to be called "bond fund."
3. The amount necessary to defray the expenses for the next fiscal year as authorized and provided in this Charter and other provision of law.

Section 5.30. Extension of taxes and warrant.

The City Chamberlain in accordance with the levy of taxes as finally adopted by the Common Council in each year, as soon as practicable thereafter, shall extend and apportion the taxes to be raised in the city on the original assessment roll delivered to him by the City Clerk, together with a warrant under the seal of the city and signed by the Mayor and the City Clerk, command him to extend, apportion, receive and collect the taxes from the persons or property therein mentioned or described with such percentage of penalty and interest as hereinafter provided in the manner provided by this Charter or as otherwise provided by law.

The City Chamberlain, at the expiration of 60 days from the last day that each installment may be paid without penalty, shall report to the Common Council all delinquent taxes remaining unpaid, but shall not be required to return said warrant.

All taxes shall become due and payable $\frac{1}{2}$ thereof on the first day of January in each year, or as soon thereafter as the tax roll is prepared, and the remaining $\frac{1}{2}$ on the first day of July in each year, but any taxpayer may pay his taxes for the whole year during the time fixed for the payment of the first half of such tax. From the time the assessment roll and warrant are delivered to the City Chamberlain, all taxes assessed and levied upon any real estate shall be a lien upon such real estate for the amount thereof with percentage and interest until the same is fully paid.⁷

Section 5.31. Notice of receiving taxes. [Amended by L.L. No. 4-1974; L.L. No. 4-1983]

Immediately upon completion of the extension and apportionment of the city tax roll and pursuant to the warrant delivered to him, the City Chamberlain shall publish a notice in the official newspapers of the city, weekly for four consecutive weeks, that he will attend at his office with said roll and warrant after the first publication of said notice, Sundays, legal

⁷ Note: The provisions of the last paragraph of Section 5.30 are superseded by the second paragraph of Section 5.31 (as amended by L.L. No. 4-1974).

holidays and half holidays excepted, during the regular business hours, to receive the city, county and state taxes, and it shall be his duty to attend accordingly. All taxes or assessments paid within 30 days after the first publication of the City Chamberlain's notice shall be payable without fee, percentage or interest thereon. On all taxes or assessments remaining unpaid after the expiration of such 30 days, and within 60 days, the City Chamberlain shall collect 1% additional; on all remaining unpaid after the expiration of 60 days and within 90 days, he shall collect 5% additional; and all remaining unpaid after the expiration of 90 days from such publication shall bear, and there shall be collected thereon in addition to said 5%, interest at the rate of 1% per month from the expiration of said 90 days up to a maximum of 10%, which interest shall belong to the city.

In the event that any unpaid charge, including water and sewer charges, special assessment, lot mowing, sidewalk replacement, sewer lateral repair or any other miscellaneous charges billed to the property and remaining unpaid as of December 1 of each year, shall be relieved pursuant to the provisions of this Charter or any other provision of law, there shall be added, to the amount then due and owing, a surcharge in the amount of 10% thereof, which said surcharge shall be collected in the same manner as set forth in this Charter.⁸

Section 5.32. Tax receipts.

Immediately upon receiving any tax, the City Chamberlain shall enter in a column prepared for the purpose, and opposite the names of the persons paying the same, the fact of payment and the date thereof and shall give the person paying the same a receipt therefor. Any person may pay any one or more taxes or assessments upon his property, leaving others unpaid, to be enforced in the manner provided by this Charter or other provision of law. All receipts issued by the City Chamberlain for taxes paid to him shall be numbered consecutively, commencing with number "1" on the first receipt issued for taxes for any one year, and he shall not receipt for more than one year's taxes on the same property in one tax receipt; but shall use a separate and distinct series of numbers or receipts, issued for the taxes of each year for which the same is levied and assessed. All tax receipts shall be printed and numbered and firmly bound together in book form, in duplicate. and each duplicate to bear the same number.

Section 5.33. Correction of tax by sale of personal property.

The City Chamberlain is hereby authorized and empowered to issue a warrant to any police officer of the city for the amount of any tax remaining unpaid for a period of 90 days. The officer to whom such warrant shall be delivered shall proceed as therein directed. Public notice of the time and place of sale of the property to be sold shall be given by posting the same in at least three public places in the city at least six days previous thereto. The officer conducting such sale shall return the proceeds thereof together with his warrant to the City Chamberlain within 15 days after the same shall have been issued to him. He shall be entitled to charge the same fee as the sheriff is entitled for collecting money by virtue of execution. If the proceeds of such sale shall be more than the amount of such tax, the fees of collection and the expenses of the sale, the surplus shall be paid to the person against whom the tax is assessed, unless his

⁸ Editor's Note: The third unnumbered paragraph of Section 5.31, dealing specifically with taxes for fiscal year 1975, which immediately followed this paragraph, was deleted at time of adoption of Code (see Ch. 1, General Provisions).

right thereto is disputed by some other persons, in which case such surplus shall remain in the hands of the City Chamberlain, without liability on his part or on that of the city for costs, until the rights of the parties thereto shall be determined by due process of law.

Section 5.34. Collection of tax by action.

The City Chamberlain is hereby authorized and empowered to recover, by action in any court of competent jurisdiction, and in the corporate name of the city, the amount of every tax remaining unpaid after the expiration of 90 days, with the additions and fees unpaid thereon, and to recover judgment therefor with 12% interest thereon and the cost and expenses of such action. The City Judge shall have exclusive jurisdiction to try such action when the sum claimed does not exceed \$500. A transcript of the judgment obtained in such action may be filed and such judgment docketed in the office of the Clerk of Madison County, and it shall, however small the amount, thereupon become a judgment of the County Court of said county, and a lien to the amount of said judgment upon all real estate of the judgment debtor situated in said county, and shall have the same priority over any other lien or encumbrance thereon, or transfer of the property charged with the tax sought to be recovered in said action. Upon any judgment recovered for said unpaid taxes and docketed in said County Clerk's office, execution may be issued and collected as provided by law, and all the provisions of law in reference to sale and redemption of real estate on execution or to proceedings supplementary to executions shall apply to sales, redemptions or such proceedings which may be had under this Charter.

Section 5.35. Proceedings in case of failure to collect tax on warrant.

On or before the 15th day of June next after any tax shall have been imposed upon any real estate in said city, the City Chamberlain shall make and deliver to the Assessor a transcript of any and all such taxes which remain unpaid, and it shall be the duty of the Assessor on or before the 15th day of July thereafter to make and deliver to the City Chamberlain a statement containing a brief general description of the location, boundary and estimated quantity of each parcel of said lands, and in case any such lands shall have been erroneously assessed, then it shall be the duty of the Assessor to make and include in said statement a corrected assessment at the same valuation as before, and such corrected assessment and amount of taxes levied upon said lands shall be as valid and effectual for all purposes as though they had originally been corrected.

Section 5.36. Sale of land for unpaid taxes.

Whenever any such tax, penalty or interest, or any part of either of them, shall remain unpaid on the first day of September, the City Chamberlain shall proceed on or before December 1 to advertise and sell the lands upon which the same was imposed for the payment of such tax, penalty or interest, or in part remaining unpaid, and the expense of such sale, as hereinafter prescribed, shall be also a charge upon such lands.

Section 5.37. Notice of sale of land for taxes.

The City Chamberlain shall cause to be published a notice of such sale containing a description of the lands to be sold and specifying the time and place for sale, in the official newspapers of the city, once a week for at least three successive weeks, immediately prior to date of sale, and shall also post such notice of sale in at least three public places in the city at least 21 days before the day of sale. On the day named, the City Chamberlain shall commence the sale of such lands and shall continue such sale from day to day until the whole thereof shall be sold. Before the sale, the owner of any parcel of land or his representatives may avoid the sale thereof by paying the tax or taxes to the City Chamberlain with all accrued interest, fees, additions and expenses.

Section 5.38. Manner of conducting sale of land for taxes.

Each parcel shall be sold at public auction to the owner, his representatives or assigns or be bid in by the City Chamberlain in the name of the city for the gross amount of the taxes, plus interest, penalties and all other charges allowed by law with respect thereto. A purchaser on such sale, as permitted herein, shall make payment to the City Chamberlain immediately after each parcel is struck off. In default of such payment, the City Chamberlain shall offer the parcel for sale again to any eligible bidder, and if there is none, then said City Chamberlain shall bid in said parcel on behalf of the city as hereinbefore set forth. Any and all parcels so acquired by the city shall be under its care and control and may be leased or sold and conveyed by it. As soon as practicable after the sale, the City Chamberlain shall prepare and execute in duplicate, as to the parcel sold, a certificate of such sale describing the parcel purchased by a brief general description of the location, boundary and estimated quantity thereof and stating the fact of the sale, the name of the purchaser, the sum paid therefor, the amount due thereon at the time of the sale, the name of the person or persons against whom such tax was assessed and the name of the reputed owner thereof. One of said duplicates shall be delivered to the purchaser or, in the case the parcel was struck off to the city, then it shall be retained by the City Chamberlain. The City Chamberlain shall deliver the other duplicate certificate to the Clerk of the County of Madison, who shall file said certificate in his office and record the same in a book to be kept in said Clerk's office for that purpose, and shall index the certificate in the name of the person to whom the parcel was assessed, the name of the reputed owner thereof and in the name of the purchaser in the same book and manner as deeds are required by law to be indexed. The County Clerk shall be entitled to receive a fee of \$1 for each certificate so filed and recorded, which fee shall be paid by the City Chamberlain and shall be a part of the expenses of the sale of the parcel. If from any cause the City Chamberlain shall be unable to attend at the time and place of

sale, the Deputy City Chamberlain of said city may conduct the sale with the same force and effect as though made by the City Chamberlain.

Section 5.39. Disposition and proceeds of sale.

The proceeds of the sale of each parcel, other than those struck off to the city, shall be applied to the payment of the expenses of the sale as herein provided and the extinguishment of the tax, penalty or interest for which it was sold. In case any taxes shall be assessed and levied on real estate which has been sold for taxes, subsequent to such sale and before the redemption thereof or conveyance thereof to the purchaser and the same shall be unpaid, the person redeeming shall pay the same; otherwise, the purchaser shall pay the same before he shall receive his conveyance of the same.

Section 5.40. Redemption of lands.

The owner of or any person interested in or having a lien upon any parcel or lot so sold may redeem the same from such sale at any time within two years by paying to the City Chamberlain for the use of the purchaser or his assigns the sum mentioned in the certificate as having been bid for the premises with interest thereon at the rate of 10% per annum from the day of the sale, together with any tax or assessment or other amount as shall have accrued thereon, with interest at the rate of 10% per annum upon such tax or assessment or other amount from the time of payment. In case of the redemption of any land sold for taxes, as herein provided, by the person who was the owner thereof at the time of the sale, the City Chamberlain shall give such owner a receipt for the amount paid by him to effect such redemption, and on the production thereof by such owner to him, the County Clerk shall cancel the certificate of sale by a proper entry at the foot of the record of such certificate in his office.

Section 5.41. Notice of redemption.

At least three months before the expiration of the time for the final redemption of any parcels or lots so sold, the City Chamberlain shall commence the publication of a notice of redemption from such sales, which shall show the year when the sale took place and the last day for the redemption of the lands not already redeemed by the owners, without other or further description, and such notice shall be published at least twice in each of said three months in the official newspapers of the city. The publication of such notice shall bar and preclude any and all persons except the purchaser on such sale or his assigns or the person finally redeeming from claiming any interest in or lien upon such lands or any part thereof, in case said lands shall not be redeemed from such sale herein before provided.

Section 5.42. Conveyance of lands sold for taxes.

If any parcel or lot so sold shall not be redeemed as herein provided, the City Chamberlain, immediately after the expiration of the said two years, shall execute and deliver to the city or its assigns a conveyance of the real estate sold, which conveyance shall vest in the grantee an estate in fee. All purchases made for the city in any year shall be included in one conveyance, and no fee shall be charged therefor. Every such conveyance shall be executed by the City

Chamberlain, and the execution thereof shall be acknowledged before some officer authorized to take and certify acknowledgments of instruments for record in said county, and such conveyance shall be conclusive evidence that the sale and subsequent proceedings were regular and presumptive evidence that all the previous proceedings were regular and according to law. Any such conveyance may be recorded in like manner and with like effect as any other conveyance of real estate. In case of failure to redeem within the time herein specified, the sale and conveyance thereof shall become absolute and the occupant and all other persons barred forever. The city or its assigns, as the case may be, shall be entitled to have and to possess the granted lands from and after the execution of such conveyance and may cause the occupants of such lands to be removed therefrom and the possession thereof delivered to it in the same manner and by the same proceedings and by and before the same officers as in the case of a tenant holding over after the expiration of his term without permission of his landlord.

Section 5.43. Settlement by City Chamberlain for taxes collected.

It shall be the duty of the City Chamberlain to pay over to the County Treasurer of Madison County at the end of each month during the period that the tax roll and warrant is in his hands all moneys received by him for county and state taxes. He shall take duplicate receipts for each payment, one of which shall be immediately filed with the City Clerk. Except as otherwise provided in this Charter, the City Chamberlain shall settle with the County Treasurer for state and county taxes in the manner required by law of town collectors. Anything to the contrary notwithstanding, the existence of any order of a court of competent jurisdiction enjoining the collection of such taxes by the procedures provided in this Charter or the existence of a lien or liens against any premises subject to tax, which lien or liens have priority to the lien of the state and county tax uncollected by the City Chamberlain, at the expiration of the period for the collection of such tax shall operate to relieve the City Chamberlain and the City of Oneida from any liability for the payment to the County Treasurer of the uncollected tax assessed against such premises. The fact of the existence of such prior lien or liens shall be certified by the City Chamberlain to the County Treasurer at the time prescribed for the settlement of the taxes not so collected. The County Treasurer shall thereupon credit the City Chamberlain with the amount of such uncollected tax. Upon the final settlement with the County Treasurer, the City Chamberlain may pay from the general fund of the city the amount of the uncollected state and county taxes in his hands for collection and thereupon such taxes shall belong to the City of Oneida. At the time of the delivering to him of the assessment roll and tax warrants, the City Chamberlain shall receipt for the same and shall then be charged with the whole amount which he is thereby authorized to collect. He shall not be authorized to credit himself with any amount as unpaid on any warrant until he shall make and file with the City Clerk an affidavit stating the amount paid and setting forth the reason in each case why such tax or assessment is or has not been collected. The Common Council may thereupon order and authorize said City Chamberlain to credit himself with the whole or any part of said tax or assessment unpaid, and the City Chamberlain shall be credited only with such amount as the Common Council shall so order. Upon reporting to the Common Council, the City Chamberlain must show that he has duly settled with one County Treasurer for state and county funds.

Section 5.44. Power of Common Council as to void erroneous assessments.

The Common Council may, at its discretion, release, discharge, remit or commute any portion of the taxes assessed or levied against any person or property for any error, irregularity or omission in the levying of said taxes or in any of the proceedings relating to the same. In case any assessment shall remain unpaid on account of any assessment authorized by this Charter or the laws in force when such tax was levied, or in case of error in the description of lands or in the description of the owner or occupants, the Common Council may, in its discretion or upon the application of any person interested, proceed to correct such irregularity, omission or error or cancel, remit or commute such tax or cause the amount so unpaid to be reassessed on the property, the assessment against which remains unpaid, or upon the owner or occupant thereof, and the Common Council is hereby authorized and empowered to make such reassessment upon giving 10 days' personal notice thereof to the owner, agent or occupant of the property against which the amount remains so unpaid. The Common Council may direct the City Chamberlain to correct any irregularity, omission or error, and such reassessment or correction shall have the same effect as if the assessment had been properly made. But the Common Council shall not alter any valuation made by the Assessor. Any omission to comply with the provisions of this Charter in making an assessment or levying a tax or creating a lien shall not render such assessment or the tax levied thereunder or the assessment made or lien created thereby void, but shall be treated as an irregularity merely, and it shall be the duty of any and all courts, in case it shall appear that such irregularity exists, to direct the same to be corrected or amended or the omission supplied, if possible. In case any tax or assessment shall be void or have failed for want of jurisdiction or for any irregularity, mistake or inadvertence in levying or assessing the same, the Common Council shall have the power, and it shall be its duty, to cause the same to be reassessed in a proper manner. Any sum paid thereon shall be credited upon the tax so reassessed, and if the sum paid shall exceed the amount so reassessed, the excess shall be refunded to the person entitled thereto.

Section 5.45. Special tax credits and assessments. [Amended by L.L. No. 3-1974]

The Assessor shall have the power and be charged with the duty to carry out the purpose and intent of Economic Development Law, § 485 of the Real Property Tax Law and other applicable laws of the state to grant to business facility owners or operators exemption from taxes and special ad valorem levies to the extent provided in the aforesaid mentioned New York State laws.⁹

The Assessor shall determine the assessed value of the exemption pursuant to such state laws and shall grant as an exemption of 100% thereof for the first six years; 80% thereof for the seventh year; 60% thereof for the eighth year; 40% thereof for the ninth year; and 20% thereof for the 10th year, for a maximum of 10 years for each eligible business facility.

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⁹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions).

ARTICLE VI. ASSESSMENTS FOR LOCAL IMPROVEMENTS

Section 6.1. Local improvements. [Amended by L.L. No. 5-1975; L.L. No. 6-1975; L.L. No. 7-1975; L.L. No. 1-1976; L.L. No. 5-1977; L.L. No. 1-1983; L.L. No. 2-1983; L.L. No. 1-1986; L.L. No. 2-1986; L.L. No. 1-1988; 10-15-1991 by L.L. No. 6-1991]

- A. Bridges, streets and highways. The Common Council shall have the power to cause the making or repairing of any bridge or bridges, arch or arches over any stream or run of water in the city and to cause any street, highway, lane, alley or other public place or any part thereof to be graded, regraded, leveled, graveled, macadamized or remacadamized, paved or repaved and the expense thereof, and the expense of ordinary repairing and improvement of streets and highways shall be paid by the city at large.
- B. Sidewalks.
1. Assessment for sidewalks.
 - a. The Common Council may, by a $\frac{2}{3}$ vote of all the Council persons in office, authorize or direct the construction or reconstruction of public sidewalks anywhere in the city, and said Common Council shall determine the type of materials to be used therein and the specifications therefor.
 - b. In the event the Common Council mandates the construction or reconstruction of public sidewalks in conjunction with the construction or reconstruction of a public street or undertakes a stand-alone city-wide sidewalk replacement or construction capital improvement program, the cost thereof for said sidewalks shall be borne 50% by the city as a whole and 50% by the property benefited or the owner or owners thereof. **[Amended 4-7-1998 by L.L. No. 3-1998]**
 - c. In the event said Common Council mandates the reconstruction of a public sidewalk that has been uplifted or damaged by the root structure of a tree located within the City of Oneida highway or street right-of-way, the cost thereof for said sidewalks shall be borne 100% by the City as a whole. **[Added 3-16-2010 by L.L. No. 1-2010¹⁰]**
 - d. In all other cases, the cost of construction or reconstruction of a public sidewalk shall be borne 100% by the property benefited or owner or owners thereof.
 - e. The owner or owners shall be billed for their portion of the said construction at the completion thereof. In the event they fail to pay the same within 30 days after billing, the same shall be certified by the City Engineer to the City Chamberlain who shall add such charge to the next general city taxes for said property, together with interest thereon, and collect the same in like manner unless said Common Council determines that the cost be paid over a period of years. In that event, the amount due each year shall be added to the taxes, together with interest thereon, as hereinafter set forth.

¹⁰ Editor's Note: This local law also redesignated former Subsection B1.c through e as Subsections B1.d through f, respectively.

- f. That in the event said Common Council shall bond for such project, the rate of interest to be paid by the said property owner shall be the same as that upon the bond. If the Common Council determines that the cost of said improvement be paid over a period exceeding one year without bonding, then the rate Of interest to be paid by the owner shall be fixed and determined by said Common Council.
 2. Maintenance for sidewalks.
 - a. The responsibility and expense of maintaining said sidewalk in a safe condition shall be the responsibility of the abutting property owner or owners.
- C. Sanitary sewers. In the case of construction of sanitary sewers, and including also carrying connections to the curb, in the inside and outside tax district, the Common Council may by a $\frac{2}{3}$ vote of all the Council members in office authorize such a project, whether initiated by a petition or upon its own motion. One hundred percent of the cost of the project shall be borne by local assessment on the basis of front footage abutting on the street or portion thereof benefited by the improvement or by the property benefited or by the owner or owners thereof, except that if a sanitary sewer or any part of the sanitary sewer system is designed or constructed to have a capacity or use in excess of that needed for the property to be benefited thereby, the Common Council with the advice of the City Engineer shall determine the additional expense, and such additional expense shall not be included in the special assessment to be assessed against the benefiting property but shall be borne by the city as a whole. The entire expense of replacing existing sanitary sewers shall be borne by the applicable sewer district, Kenwood Sanitary Sewer District or City of Oneida Sanitary Sewer District, except that the expense for replacement of sewer laterals from the main to the curb shall be borne 50% by the city as a whole and 50% by the property benefited.
- D. Storm sewers and street curbs. In case of construction of storm sewers or street curbs anywhere in the city, the Common Council may by a $\frac{2}{3}$ vote of all the Council members in office authorize such a project. Fifty percent of the cost of the project shall be borne by the city as a whole and 50% by the property benefited or the owner or owners thereof, except that if a storm sewer or any part of the storm sewer system is designed or constructed to have a capacity or use in excess of that needed for the property to be benefited thereby, the Common Council, with the advice of the City Engineer, shall determine the additional expense, and such additional expense shall not be included in the special assessment to be assessed against the benefiting property but shall be borne by the city as a whole. The expense of replacing existing storm sewers or street curbs shall be borne by the city as a whole.
- E. Water mains and services. The Common Council may authorize the construction or extension of new water mains. Where done in the inside district, 50% of the total cost of the project shall be borne by the city from revenues received from the use of water and 50% thereof shall be borne by the benefiting property in such manner as the Common Council shall determine at the time of authorization of the project; where done in the outside district, 25% of the total cost of the project shall be so borne by the city from water revenues and 75% thereof shall be so borne by the benefiting property. However, all expenses associated with installation of new water services, whether in the inside or outside district, shall be borne by the benefiting property.

Where a main is reconstructed in both the inside and outside districts, all costs associated with the same and with the replacement of water services due to the reconstruction shall be borne by the city.

- F. Consent in writing of owners to certain improvements. Before any expenditure is incurred in case of the construction of a sanitary or storm sewer or curbs, the consent in writing of the owners or more than $\frac{1}{2}$ of the total foot frontage abutting on the streets or portion or portions thereof, in the case of storm sewers and curbs, and $\frac{1}{2}$ the assessed valuation in the

case of sanitary sewers, in which such improvement is to be made shall be filed with the Common Council or, in the absence of such consent, the Common Council may by a $\frac{2}{3}$ vote of all of the Councilmen authorize such improvement.

G. Exemption from costs of sanitary sewer, storm sewers and curbing.

1. Sanitary sewers.

- a. In case of construction of sanitary sewers, the owner of any corner lot presently connected with the sanitary sewer system of the city and previously included in a sanitary sewer district shall be exempt from assessment, and such property shall be excluded from any assessment or assessment roll with respect to such sanitary sewer construction. This subdivision, however, does not apply to lots subdivided off of such corner lots and where no sanitary sewer has heretofore been constructed, nor does it prohibit any amendment to an existing sanitary sewer district to provide for changes in value or additional construction within said district.
- b. In case of construction of sanitary sewers assessed back on a front-foot basis, the owner of any corner lot in a sanitary sewer district where the construction of said sewer is constructed along more than one side thereof shall be assessed only on the front footage on the shortest side; provided, however, that in no event shall the assessment be based on less than 50% of all the front footage of said property on all of the sides in said district.

2. Storm sewers and curbing. In case of construction of storm sewers or curbing, the owner of any corner lot shall be exempt from assessment and such property excluded from any assessment or assessment roll upon the side having the longest frontage up to a distance of 80 feet from the corner thereof. The exempt portion of such construction shall be included upon the assessment roll and the cost thereof borne by the city as a whole as a part of the city's share of such improvement, and such corner lot shall be charged for such improvement and included on said assessment roll only for the distance and amount on said street in excess of such 80 feet.
3. To the extent that the property of any abutting owner may be exempt from assessment under this subdivision, the property or portion thereof so exempted shall be excluded in computing the consent or consents of property owners required by Article VI, Section 6.1F hereof.

H. Exemption from costs of sidewalks.

1. Sidewalks. In case of construction of sidewalks, the owner of any corner lot shall be exempt from assessment and such property excluded from any assessment or assessment roll upon the side having the longest frontage up to a distance of 80 feet from the corner thereof. The exempt portion of such construction shall be included upon the assessment roll and the cost thereof borne by the city as a whole as a part of the city's share of such improvement, and such corner lot shall be charged for such improvement and included on said assessment roll only for the distance and amount on said street in excess of such 80 feet.

Section 6.2. Common Council to undertake local improvements.

Whenever the Common Council shall determine, pursuant to the provision of this Charter or other law, to undertake a local improvement, work or benefit, whether to be done by the city with its own employees or by contract, the cost of which or part thereof is to be borne by the abutting property or the property benefited or its owner or owners, it shall adopt a resolution declaring its intention to undertake such local improvement, work or benefit and shall specify in such resolution the type of the improvement, a general description of the improvement, including its estimated cost, the area or property deemed to be benefited, and its intention to assess all or a portion of the cost against the abutting property or the property benefited or owner or owners thereof and the date, time and place of a public hearing to consider such undertaking. The Common Council shall also direct the City Clerk to publish a notice of the public hearing in the official newspaper at least 10 days but not more than 30 days prior thereto or cause to be served personally on all persons who may be liable to assessment for such improvement with a notice of the public hearing within the stated period of time as aforesaid. Personal service on one of the owners of jointly held property shall be deemed to be service on all such other owner or owners thereof.

Section 6.3. Public hearing on local improvements.

At the date, time and place specified in the notice of public hearing, the Common Council shall meet and shall hear any persons who wish to be heard on the proposed improvement. The Common Council may adjourn from time to time to complete such hearing.

Section 6.4. Authorization of local improvements.

After such hearing, the Common Council shall determine whether or not to undertake the local improvement. The Common Council may make such changes, additions or omissions as it deems proper in the proposed local improvement without the necessity of a further hearing and may by resolution direct the undertaking of said local improvement either by city forces or by contract.

The Common Council shall, in its resolution authorizing and directing the undertaking of said local improvement, state the estimated cost thereof and establish the manner or method of determining the proportionate share of all or part of the cost to be borne by the abutting property or the property benefited or by the owner or owners thereof, and the portion or share thereof to be borne by the corporation tax district or the city as a whole.

Section 6.5. Assessments for local improvements.

When work of any local improvement has been completed, the Common Council shall assess the cost and expense reasonably incidental to and a part of the local improvement, including but not limited to surveying, advertising, inspection, interest, legal and other professional services and assessment of such local improvement, upon the abutting property or the property benefited or the owner or owners thereof. It shall cause a report of assessment to be made by the City Engineer or other city official in charge of the local improvement project. The report of assessment shall be certified by the appropriate city official as to the total cost of such

improvement, the part of the total cost of the improvement to be borne by the corporation tax district or the city as a whole, the amount to be assessed against the abutting property or the property benefited or the owner or owners thereof, with the exception of the property which may already have paid its proper share of such improvement, together with a brief description of each parcel to be assessed including its number and name of the last known owner, in accordance with the resolution of the Common Council authorizing and directing the undertaking of said local improvement.

Upon receipt of the report of assessment, the Common Council shall cause the same to be filed in the office of the City Clerk and the City Clerk shall be directed to give notice in the official newspapers of the filing of the report of assessment and that the same will remain in the City Clerk's office for 30 days from the date of said notice, during which time any person interested may examine such report. The notice shall also specify the date, time and place of a public hearing thereon and shall be published at least twice in the official newspapers of the city. The first notice shall be published at least 30 days prior to the public hearing. The second notice shall be published at least five days and not more than 10 days prior to the public hearing. The City Clerk shall, so far as practicable, cause notice to be mailed to each person or persons appearing on such report as the owner of one of the parcels at the time of first publication, but failure to mail or receive such notice shall in no way invalidate or affect the assessment.

Upon such hearing, the Common Council shall hear the objections of the interested parties and may adjourn from time to time to complete such hearing. The Common Council may alter and amend the said report in its discretion. When the Common Council shall deem the report of assessment to be final and correct, it shall confirm the same by resolution.

Upon the confirmation of the report of assessment, the amount assessed against each parcel of real property shall become and be a first lien upon such parcel of real property until fully paid. Every such assessment shall be collected and enforced by the City Chamberlain in the same manner as city taxes are collected, and as hereinafter provided, and the amount thereof shall be expended only for the purpose of paying for such improvement or repaying money borrowed on account of same. Any surplus, however, remaining after paying for such improvement or repaying money borrowed on account of the same shall be paid into the general fund of the city or of the corporation tax district, depending on whether the city as a whole or the corporation tax district paid any share of the improvement.

Section 6.6. Financing of improvements for sewers, curbs and water.

In case the work shall be the construction of a sewer or curbs or the construction of water laterals or mains, upon the making and delivery to the City Chamberlain of the report of assessment as provided in this Charter and giving notice by publication thereof at least once in the official newspaper that the City Chamberlain will receive said assessments for 30 days from the date of the publication of such notice, the City Chamberlain shall receive said assessments without fees. Upon the expiration of said 30 days, the City Chamberlain shall certify to the Common Council the whole amount unpaid upon said assessments, and thereupon, the Common Council shall determine the number of equal annual installments in which such assessments be made payable; which for the construction of sewers, the number of equal annual installments shall not exceed 20, and for construction of water laterals or mains, the number of

annual installments shall not exceed 40. If bonds are issued to finance all or part of such improvement, such assessment shall bear the same rate of interest as such bonds. Otherwise, the Common Council shall fix the rate of interest on such installments. Interest on such installments shall be computed from the date of filing the report of assessment with the City Chamberlain; the first annual installment with interest for the full year to become due on the first day of December next succeeding the date on which such assessments were made payable in installments, and like annual payment with interest to become due on the first day of December of each year thereafter until all the installments are paid; and such installments shall be subject to the said penalties and all provisions for the enforcement and collection of assessments as hereinabove provided. In the event of any such annual installment not being paid within 10 days after the same shall become due, the amount thereof shall be placed on the next city tax roll and shall be added to the amount assessed against such land for the next general city tax and shall be collected in the same manner as general city taxes as provided in this Charter. No action or proceeding to set aside, cancel or annul any assessment made under the provisions of this Charter shall be maintained by any person, unless such action or proceeding shall have been commenced within 30 days after the delivery of the report of assessment to the City Chamberlain or unless within said 30 days an injunction shall have been procured by such person, from a court of competent jurisdiction, restraining the Common Council from issuing obligations for such improvement.

**Section 6.7. Downtown improvement districts or business area improvement districts.
[Amended by L.L. No. 3-1983]**

The Common Council shall have the power to create and establish downtown improvement districts or business area improvement districts to construct and build public improvements and/or the renovation of existing structures; and to provide advice and assistance to the owners of property within said improvements to acquire funding for improvements to property within said districts; and to provide promotional and other programs and assistance to implement the district and its goals.

Either upon the petition of the owners of 50% of the assessed evaluation within a proposed district or upon its own motion by a vote of $\frac{2}{3}$ of the total voting strength of the Common Council, the Common Council may create and establish a downtown improvement district or business area improvement district and construct local improvements, work or benefits within said district. Notwithstanding anything to the contrary in this Charter contained, the Common Council shall determine the improvements, work or benefit to be constructed within said district and assess the cost thereof on an ad valorem basis against the property benefited or its owner or owners in such proportions as shall be determined by it. Adjustments may be made annually based upon any changes in assessments within said district.

Notwithstanding anything to the contrary in this Charter contained, the procedure for the creation, construction, assessment and financing of the said improvements within said district shall be as set forth in Sections 6.2, 6.3, 6.4, 6.5 and 6.6 of this Charter, except that the determination of the manner, proportions and duration of financing of the said improvements shall be fixed and determined by the Common Council, subject only to the limitations set forth in the Local Finance Law; and except further that assessments may be imposed and collected prior to the completion of the public improvement, work or benefit. In the event of the imposition and collection of assessments prior to said completion, any necessary adjustments

shall be made upon the hearing and final assessment roll after the completion of the public improvement, work or benefit.

Section 6.8. Re-establishment of approaches to private lands. [Amended 7-16-1985 by L.L. No. 2-1985]

In the construction and/or reconstruction of any city street where a substantial change in the existing grade of the street is made, such change making necessary the re-establishment of an existing entrance or approach to private lands, the Common Council may, upon the consent and agreement of the abutting property owner affected, cause the re-establishment of the entrance, approach or driveway to be adjusted to the new grade, and the cost thereof shall be a city charge.

In such adjustment the details of the work shall be determined by the City Engineer and proposed to the Common Council. Upon consent of the Common Council, it shall be proposed to the property owner. The city shall not be liable for the maintenance of such adjusted and re-establishment approaches or driveways beyond the outside of the curb or road shoulder nor shall it be liable for damages in connection therewith after the completion of such adjustment work and shall enter into a written agreement between the city and the property owner prior to undertaking the same.

ARTICLE VII. CITY Clerk

Section 7.1. City Clerk. [Amended 9-3-1991 by L.L. No. 4-1991]

The City Clerk shall be appointed by the Mayor and serve as the Clerk of the Common Council.

Section 7.2. Powers and duties of City Clerk.

The City Clerk shall be the official custodian of all city records, shall keep the minutes of meetings of the Common Council and shall be the Registrar of Vital Statistics in and for the city. He shall also perform such other and related duties as may be prescribed by this Charter, the Common Council or other provisions of law.

Section 7.3. Deputy City Clerk. [Amended 9-3-1991 by L. L. No. 4-1991]

The Deputy City Clerk shall be appointed by the Mayor.

Section 7.4. Powers and duties of Deputy City Clerk. [Amended 12-21-1999 by L.L. No. 1-2000]

The Deputy City Clerk shall:

1. Assist the City Clerk in the performance of her duties.

2. Serve as Deputy Registrar of Vital Statistics.
3. In case of absence, disability or vacancy in the office of City Clerk, perform all of the duties and exercise all of the powers of the City Clerk.

ARTICLE VIII. CITY ATTORNEY

Section 8.1. City Attorney.

The City Attorney shall be appointed by and serve at the pleasure of the Mayor. He shall be an attorney and counselor at law admitted to practice in the State of New York of at least three years standing.

Section 8.2. Powers and duties of City Attorney.

The City Attorney shall be the official legal advisor of all offices, departments, boards, bureaus, commissions and agencies of the city. He shall appear for and represent the city in all actions, suits or proceedings, administrative hearings and proceedings unless otherwise provided by the Common Council.

He shall prepare all local laws, ordinances, resolutions, contracts, deeds and other instruments for the city unless otherwise provided.

Section 8.3. Special counsel.

The Common Council may, upon the request of the City Attorney, or its own motion, employ special counsel and/or experts to assist the City Attorney or to represent the city in any action, proceeding or other matter that it deems advisable.

Section 8.4. Written notice required to make claim against city.

No civil action shall be maintained against the city for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk being out of repair, unsafe, dangerous or obstructed, or in consequence of the existence of snow or ice thereon, unless it appears that written notice of the defective, unsafe, dangerous or obstructed condition, or of the existence of snow or ice, was actually given to the City Engineer and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of, or to cause the snow or ice to be removed, or the place otherwise made reasonably safe. The City Engineer shall keep an indexed record, in a separate book, of all written notices which he shall receive of the existence of such defective, unsafe, dangerous or obstructed condition, or of such snow or ice, which record shall state the date of receipt of the notice, the nature and location of the condition stated to exist and the name and address of the person from whom the notice is received. The record of notices of defects shall be a public record. The record of each notice shall be preserved for a period of five years after the date it is received.

No action or proceeding to recover or enforce any claim, debt or demand against the city shall be brought until the expiration of 30 days after the claim, debt or demand shall have been presented to the city for audit. All actions brought against the city upon any contract liability, express or implied, must be commenced within one year from the time that the cause of action accrued.

In all cases except on contract or negligence, an action must be commenced within six months after the refusal of the city to allow the claim or such shorter period as otherwise prescribed by law.

ARTICLE IX. DEPARTMENT OF PUBLIC WORKS

Section 9.1. Department of Public Works.

There is hereby created a Department of Public Works which shall be headed by the City Engineer and shall be responsible for:

1. The construction, reconstruction, maintenance, repair, alteration, cleaning, care, improving and installation of:
 - (a) Streets, highways, bridges, sidewalks and public places of the city;
 - (b) Storm sewers, drains, culverts, sanitary sewers, sewage disposal systems and all usual and necessary appurtenances thereto;
 - (c) Water supply, reservoirs, treatment plants, mains, distribution systems and all usual and necessary appurtenances thereto;
 - (d) Traffic and street signs, markings, traffic signals and equipment;
 - (e) City buildings, parks and playgrounds, swimming pools and all other structures and works of the city unless otherwise provided in this Charter.
2. The collection and disposal of refuse and garbage when authorized by the Common Council.
3. Operation of a central garage and fuel supply for the maintenance and repair of all city vehicles except as otherwise provided by the Common Council.
4. Setting out, care and removal of trees and shrubs along public streets and highways.
5. Enforcement of building codes, housing codes, zoning, sanitary sewer, plumbing and similar regulations or ordinances.
6. Engineering services.
7. Such other similar and related duties as may be assigned by the Common Council.

Section 9.2. City Engineer.

The City Engineer shall be appointed by the Mayor and shall be the head of the Department of Public Works. At the time of his appointment, he shall be a licensed professional engineer of

the State of New York, a graduate of a fully accredited institution of higher learning with specialization in civil engineering and shall have five years of experience as a civil engineer.

Section 9.3. Powers and duties of City Engineer.

The City Engineer shall have the following powers and duties:

1. Have general supervision and control over all operations and organization of the Department of Public Works.
2. Appoint a first assistant, a second assistant and such other officers and employees of the Department of Public Works as may be authorized by the Common Council.
3. Be responsible for all engineering and surveying services of the city; keep the official maps of the city; and establish the grade of streets.
4. Supervise and grant permits upon such terms and conditions as he deems appropriate and subject to such regulations as the Common Council may establish for the location, construction and repair in streets and public places of gas, telephonic and electrical conduits, lines, poles and other public utilities or services.
5. Have general supervision and control of all public works contracts performed by independent contractors except where such contracts are performed under the supervision of consulting engineers or architects.
6. Assist the City Comptroller in the development of standards and specifications for materials, supplies and equipment.
7. Prepare plans and specifications for all public works projects of the city except those to be prepared by consulting engineers or architects.
8. Have such other powers and duties as may be assigned to him by the Common Council or by law.

Section 9.4. Assistants to City Engineer.

- A. First Assistant. The First Assistant shall be a civil or sanitary engineer and shall perform such services in the Department of Public Works as he may be directed by the City Engineer and as may be assigned to him by the Common Council or by law.
- B. Second Assistant. The Second Assistant shall be responsible for the operation of the water supply, reservoirs, treatment plants, mains, distribution systems and all usual and necessary appurtenances thereof under the general direction of the City Engineer.
- C. Absence, disability or vacancy in office of City Engineer. In case of the absence, disability or vacancy in the office of the City Engineer or if the First Assistant is unable to perform such duties, then the Second Assistant shall do so.

Section 9.5. Board of Water Commissioners.

There shall be a Board of Water Commissioners composed of five members appointed by the Mayor and who shall be residents of the City of Oneida; their terms of office to be five years, one to expire each year on the first of May. The Board of Water Commissioners shall be responsible for recommendations and proposals concerning the water supply and distribution system of the City of Oneida. Said proposals and recommendations by the Board may be either at the request of the Council or upon its own motion and shall be submitted to the Council for consideration by it and for such action as the Council shall deem appropriate. The Board shall also be responsible for the orderly and efficient operation and maintenance of said water system, subject to the authority of the Council.

Section 9.6. Certain highways to be deemed town highways.

For the purpose of securing benefits granted to towns for the improvement, maintenance and repair of roads in the outside district, any general or special law to the contrary notwithstanding, that part of the city lying outside the corporation tax district shall be deemed a town.

The Common Council shall take all steps required by law to secure state aid for the highways in the outside district and shall certify the amount to which the outside district is entitled by law to the Board of Supervisors of Madison County. The Clerk of the Board of Supervisors of Madison County shall include in the statement and certificate to the State Comptroller and Commissioner of Transportation required by § 278 of the Highway Law each year the amount so certified by the Common Council the same as though such portion of the city were one of the towns of Madison County, and the Chairman of said Board shall verify the same as required by said section, and the State Comptroller shall include in his warrant in favor of the Treasurer of Madison County 50% of such amount, which sum shall be paid by the County Treasurer to the City Chamberlain, and the same shall be expended by or under the direction of the City Engineer for the permanent improvement and repair of the highways in the outside district, provided that the sum paid by the State under the provisions of this section shall not exceed, in any one year, $\frac{1}{10}$ of 1% of the taxable property.

ARTICLE X. DEPARTMENT OF PUBLIC SAFETY**Section 10.1. Department of Public Safety.**

There shall be a Department of Public Safety which shall be headed by the Commissioner of Public Safety and shall include the Bureau of Police and the Bureau of Fire.

Section 10.2. Bureau of Police.

The powers and duties connected with and incident to the control, government and discipline of the Police Bureau, its members and employees, except as herein otherwise provided, shall be vested in and exercised by the Commissioner of Public Safety. The Police Bureau shall consist of the Commissioner of Public Safety, a Chief of Police and such other officers and personnel as authorized by the Common Council. The Bureau shall be organized into such divisions as

the Commissioner of Public Safety shall prescribe. The Bureau shall have jurisdiction, supervision and control of all functions and duties customarily performed by a Police Bureau. The Commissioner of Public Safety may, upon an emergency or for any special purpose, with the approval of the Common Council, appoint extra and additional patrolmen and policemen, their compensation and term of service to be fixed by the Commissioner subject to the approval of the Common Council.

The Commissioner shall be responsible for the control of traffic, traffic and parking regulations, location of traffic control signs, signals and devices, the location of parking meters and such other duties and responsibilities as may be assigned to him by the Common Council.

Section 10.3. Chief of Police.

The Chief of Police shall be appointed by the Commissioner of Public Safety and shall be directly responsible to him. The position of Chief of Police shall be in the competitive class of the classified service and appointment shall be made in accordance with the Civil Service Law. The Chief of Police shall be the head of the Bureau of Police, subject to the authority of the Commissioner of Public Safety, and shall be in direct command and shall assign all members of the Bureau to their respective posts, shifts, details and duties. He shall make rules and regulations concerning the operation of the Bureau and the conduct, duties and assignments of all officers and employees, which rules shall be approved by the Commissioner of Public Safety. The Police Chief shall have such other powers and perform such other duties as may be assigned to him by the Commissioner.

Section 10.4. Appointment of members of the Bureau of Police.

The Commissioner of Public Safety shall appoint all officers and employees of the Police Bureau in accordance with the provisions of the Civil Service Law.

Section 10.5. Bureau of Fire. [Amended 1-25-1990 by L.L. No. 2-1990]

The Bureau of Fire shall consist of the Commissioner of Public Safety, a Fire Chief and such other officers and employees as may be authorized by the Common Council. The Bureau shall be organized in such a manner as the Commissioner of Public Safety shall prescribe. The Bureau shall have the duty to extinguish fires any place within the corporate tax district and special fire districts created in the outside district; shall locate and maintain the fire alarm system; shall investigate the cause, circumstances and origin of fires; shall engage in fire protection activities and the suppression of arson; shall enforce the city housing and other codes as prescribed by city ordinance; and shall have all powers necessary for the performance of its duties.

Section 10.6. Fire Chief.

The Fire Chief shall be appointed by the Commissioner of Public Safety and be directly responsible to him. The position of Fire Chief shall be in the competitive class of the classified service and appointment shall be made in accordance with the Civil Service Law. The Fire

Chief shall be in direct command of the Bureau of Fire, subject to the authority of the Commissioner of Public Safety, and shall assign all members of the Bureau to their respective posts and duties. The Fire Chief shall have control, management and supervision of the personnel of the Fire Bureau and all property and equipment of the Bureau, subject nevertheless to the authority of the Commissioner of Public Safety. He shall make rules and regulations concerning the operation of the Bureau and the conduct of the officers and employees, which rules shall be approved by the Commissioner of Public Safety. He shall be responsible for the efficiency, discipline and good conduct of the Bureau. The Fire Chief shall have such other powers and perform such other duties as may be assigned to him by the Commissioner.

Section 10.7. Appointments of members of the Bureau of Fire.

The Commissioner of Public Safety shall appoint all officers and employees of the Bureau of Fire in accordance with the provisions of the Civil Service Law.

ARTICLE XI

Youth and Recreation

[Amended 3-21-2000 by L.L. No. 2-2000]

Section 11.1. Recreation and Youth Services Department.

There shall be a Recreation and Youth Services Department which shall be headed by the Executive Director (hereinafter referred to as the "Director"). The Department shall be responsible for the control, operation and management of public playgrounds, swimming pools, skating rinks, recreation centers and all other municipal lands, equipment and facilities for recreational purposes. The Department is also responsible for providing wholesome activities for all individuals, regardless of race, color, sex, age, handicap, religion or national origin.

Section 11.2. Executive Director of the Recreation and Youth Services Department.

The Executive Director shall be appointed by the Mayor on the basis of training and experience in public recreation. The Director shall be the head of the Department and shall appoint all other officers and hire employees in accordance with the provisions of the Civil Service Law and rules and regulations thereunder. The Director shall have the supervision and management of all municipal facilities for recreational purposes and shall be responsible for the development of recreation programs for the inhabitants of the City. The Director shall cooperate and coordinate with other governmental agencies and civic groups in carrying out such programs.

Section 11.3. Powers and duties of the Recreation and Youth Services Department.

The Recreation and Youth Services Department shall:

1. Coordinate and supplement the activities of public and private agencies devoted in whole or in part to the welfare and protection of residents in the city, and to undertake and promote activities and establish, maintain and operate projects, in whole or in part, providing leisure time activities for residents or promoting youth development.

2. Receive, review and analyze statistical records and data relating to City of Oneida youth.
3. Make necessary studies and recommendations for the needs of citizens residing in the City of Oneida.
4. Establish, maintain and operate programs devoted in whole or in part to the welfare of the aging; and coordinate and supplement the activities of public and private agencies devoted to such purposes.
5. Maintain, repair, clean and care of all city parks and playgrounds, municipal swimming pools and all other structures and works under the jurisdiction of this Department.
6. Submit an annual report to the Mayor and members of the City of Oneida Common Council.

Section 11.4. Statement of goals.

1. To conduct ongoing research to determine the needs of residents in the City of Oneida.
2. To inventory services/community resources capable of meeting the needs of the residents in the City of Oneida.
3. To plan for the development of new services to meet the needs of the residents or to make modifications to current services.
4. To integrate and coordinate services of local, public and private agencies working with residents in the City of Oneida.

Section 11.5. Recreation Commission.

There shall be a Recreation Commission, which shall act in an advisory capacity to the Recreation and Youth Services Department and shall make recommendations concerning the recreation and youth programs. The Commission shall consist of seven members who shall be appointed by the Mayor and approved by the Common Council for terms of three years. Terms shall be staggered so that not more than four nor fewer than three shall expire in any one year. Members of the Commission shall serve without compensation. There should be at least two student liaisons who at the time of their appointment shall have attained at least the age of 16 years. At the last meeting in December of each municipal year, the members shall elect one of its members as Chairman and one as Vice Chairman, whose terms will begin in January of the next municipal year.

Section 11.6. Meetings.

1. The Recreation Commission shall meet the second Thursday in September, December, March and June at times and places to be determined by the Commission or as determined by the Commission.
2. All regular meetings of the Recreation Commission are open to the public.
3. A quorum shall consist of four voting members.

4. Motions shall be carried by a majority vote of those voting members present.
5. Special meetings may be called by the Chairperson or by petition of a majority of the Commission members.
6. All meetings shall be guided by Robert's Rules of Order Revised.

Section 11.7. Duties of the Recreation Commission.

1. Each Commission member should try to be present at all meetings. If they cannot attend, they should call by the Wednesday prior to the scheduled meeting.
2. Volunteer at as many Recreation Department functions and events as possible.
3. Make necessary studies and recommendations for the recreational needs of the residents in the City of Oneida.
4. Receive, review and analyze statistical records and data relating to the programs offered by the Recreation Department.
5. Set up subcommittees for programs, budget preparation and capital improvement projects to prepare for the next budget year.

ARTICLE XII.¹¹ (Reserved)

ARTICLE XIII. SPECIAL DISTRICTS¹²

Section 13.1. Fire protection in outside district.

1. The Common Council, upon a written petition or upon its own motion, after a public hearing as hereinafter provided, may provide for the furnishing of fire protection in the outside district or for any described portion or portions thereof.
2. Such petition shall be signed, acknowledged or proved in the same manner as a deed to be recorded by resident taxpayers owning taxable real property aggregating at least 1/2 of the assessed valuation of all the real property subject to taxation in such outside district, or described portion or portions thereof, as such valuations appear upon the latest completed assessment roll of the city at the time of the filing of such petition.
3. Whether such proposal for the furnishing of additional fire protection shall have been initiated by petition or by the Common Council, a public hearing on the proposal shall be held in the city. Notice of such hearing shall be published at least once in the official newspapers of the city, the first publication thereof to be not less than 10 days nor more than 20 days before the day designated therein for the hearing. Such notice shall contain a

¹¹ Editor's Note: Original Article XII, Department of Public Health and City Hospital, was deleted at time of adoption of Code (see Ch. 1, General Provisions).

¹² Note: The Sherill-Kenwood Water District, created by Chapter 512 of the Laws of 1920, as amended, is applicable to certain portions of the city.

statement of the purpose of such hearing, a description of the portion or portions of the outside district in which it is proposed that such fire protection be furnished and shall specify the time when and the place where the Common Council will meet to consider such proposal and to hear all persons interested in the subject concerning the same.

4. After such hearing and upon the evidence given thereat, the Common Council, if such proposal was initiated by petition, shall determine whether the petition is signed and acknowledged or proved as required by law. If the Common Council shall determine that the petition is not signed and acknowledged or proved as required by law, it shall deny the petition. The Common Council shall also determine whether it is in the public interest to furnish such additional fire protection. If the Common Council shall determine such matters in the affirmative, it shall adopt an ordinance to provide for the furnishing of such additional fire protection.

Section 13.2. Levy and collection of tax for fire protection in outside district. [Amended by L.L. No. 1-1977]

The Common Council shall annually estimate the cost of furnishing fire protection to such fire protection district or districts as may be created hereunder, and the same shall be assessed and levied upon the improvements to the real property subject to taxation in such fire protection district and collected in the same manner at the same time and by the same officers as city taxes are assessed, levied and collected.

Section 13.3. Protection furnished by Bureau of Fire.

The Bureau of Fire of the City of Oneida shall furnish fire protection to such fire protection districts as may be organized hereunder.¹³

Section 13.10. Special lighting districts.

The Common Council shall have the power, upon the application, in writing, of the property owners owning at least $\frac{2}{3}$ of the number of feet fronting or abutting upon the street and along the line of any proposed improvement for the construction of an improved system of streetlighting, to establish such special lighting districts for the proposed system of streetlighting and from time to time may alter or extend the same, with full power to order such construction and installation and to enter into a contract for lighting in such district or districts so established or extended as it deems proper or expedient in the corporation tax district or outside district of the city.

The amount of any such contract that may be entered into for such special lighting, pursuant to the provisions of this section, shall be assessed, levied and collected upon and between the taxable property in said city and the district or districts, respectively, in the same manner and by the same officers as city taxes, charges or expenses for said city are now assessed, levied and collected.

¹³ Note: There are no Sections 13.4 through 13.10.

The Common Council shall, by resolution, apportion the expenses that shall be borne by the property fronting or abutting upon the street and along the line of the proposed system or systems and the city at large, but in no event shall the property fronting or abutting upon the street or streets along the line of the proposed system or systems be charged less than 50% for such charges or expenses, nor more than the per centum specified in the application and agreed to by the property owner or owners.

ARTICLE XIV¹⁴

(Reserved)

ARTICLE XV. TRANSITIONAL PROVISIONS

Section 15.1. Effective date of Charter.

This Charter shall, upon approval by referendum at a special election in the manner provided by law, become effective January 1, 1975.

Section 15.2. Appointive offices abolished; incumbents continued.

- A. The office of Commissioner of Charities is hereby abolished. The office of City Physician is hereby abolished. The board of health is hereby abolished. The office of the Executive Director of the Youth Bureau is hereby abolished and the incumbent thereof shall become the Executive Director of the Recreation and Youth Services Department.¹⁵
- B. All other offices, boards, bureaus, commissions, agencies and positions of employment of the city shall continue until abolished, modified or superseded by action of the Common Council, but subject to the provisions of this Charter.

Section 15.3. Civil service rights continued.

The civil service status and rights of all city employees and their beneficiaries, including but not limited to those with respect to retirement and social security, shall not be affected by this Charter.

Section 15.4. Transfer of officers and employees.

Wherever, by any provision of this Charter, any functions, powers or duties heretofore exercised by an office, department, board, bureau, commission, agency or committee are assigned to another office, department, board, bureau, commission, agency or committee, all the officers and employees in the classified civil service, who at the time when this Charter shall take effect are engaged in the performance of such functions, powers or duties, shall be

¹⁴ Editor's Note: Original Article XIV, City Court, was deleted at time of adoption of Code (see Ch. 1, General Provisions). See now the Uniform City Court Act § 101 et seq.

¹⁵ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions).

transferred to the office, department, board, bureau, commission or agency to which such functions, powers or duties are assigned by this Charter without examination and without affecting existing compensation, pension or retirement rights, privileges or obligations of such officers and employees.

Section 15.5. Transfer of powers.

The powers which are conferred and the duties which are imposed upon any office, department, board, commission or agency of the city by any laws of the state or by any local law, resolution, ordinance, rule or regulation shall, if such office, department, board, bureau, commission or agency is abolished by this Charter, be thereafter exercised and discharged by the office, department, board, bureau, commission or agency upon which are imposed corresponding or like powers, duties and functions pursuant to the provisions of this Charter.

Section 15.6. Transfer of records and property.

All records, property and equipment whatsoever of any office, department, board, bureau, commission, agency or division, the powers and duties of which are assigned to any other office, department, board, bureau, commission, agency or division by this Charter, shall be transferred and delivered to the office, department, board, bureau, commission, agency or division to which such powers and duties are assigned.

Section 15.7. Continuity of authority.

All existing state, local and other laws or enactments having the force of law shall continue in force until lawfully amended, modified, superseded or repealed, either by this Charter or an enactment adopted subsequent to its effective date. Any proceedings or other business undertaken or commenced prior to the effective date of this Charter may be conducted and completed by the city officer or administrative unit responsible therefor under this Charter.

Section 15.8. Pending actions and proceedings.

No action or proceeding, civil or criminal, pending at the time when this Charter shall take effect, brought by or against the city or any officer, department, board, bureau, commission or agency, shall be affected or abated by the adoption of this Charter or by anything herein contained; but all such actions or proceedings shall be continued notwithstanding that functions, powers and duties of any officer, department, board, bureau, commission or party thereto may be assigned or transferred by this Charter to another officer, department, board, bureau, commission or agency, but in that event the same may be prosecuted or defended by the head of the office or department to which such functions, powers and duties have been assigned or transferred by this Charter.

Section 15.9. Effect of Charter on existing laws.

- A. The Charter of the City of Oneida, as enacted by Chapter 648 of the Laws of 1911, and as amended from time to time, is hereby repealed.

The repeal thereof is not intended, however, to abrogate, diminish or abolish any rights, authority, privileges or immunities accruing thereunder to the City of Oneida or any portion thereof or any of its inhabitants, and any provisions of existing law incorporated into this new Charter shall not be deemed repealed but shall be construed as a continuation of such provisions, modified or amended as herein set forth, and not as new enactments.

- B. All laws, ordinances, resolutions, rules and regulations and parts thereof relating to or affecting the city when this Charter takes effect, to the extent to which they are inconsistent with the provisions of this Charter and no further, are hereby repealed and superseded

- C. The following local laws enacted by the City of Oneida, having been superseded by this Charter, are hereby repealed:

1. Local Law Nos. 2 and 4 of the year 1925.
2. Local Law Nos. 1, 2 and 3 of the year 1926.
3. Local Law No. 2 of the year 1927.
4. Local Law Nos. 1, 2 and 3 of the year 1928.
5. Local Law Nos. 1, 3 and 4 of the year 1929.
6. Local Law Nos. 1, 2 and 3 of the year 1935.
7. Local Law No. 2 of the year 1940.
8. Local Law Nos. 1, 3, 4 and 5 of the year 1942.
9. Local Law Nos. 1, 2 and 3 of the year 1943.
10. Local Law No. 2 of the year 1945.
11. Local Law Nos. 1 and 3 of the year 1946.
12. Local Law Nos. 1, 2 and 4 of the year 1947.
13. Local Law Nos. 1 and 3 of the year 1948.
14. Local Law Nos. 3 and 4 of the year 1949.
15. Local Law Nos. 5 of the year 1950.
16. Local Law Nos. 1, 2 and 3 of the year 1951.
17. Local Law Nos. 1, 3, 4 and 5 of the year 1952.
18. Local Law Nos. 1 and 2 of the year 1953.
19. Local Law Nos. 1, 2, 3, 4, 5 and 6 of the year 1954.
20. Local Law Nos. 2, 3, 4 and 5 of the year 1955.
21. Local Law Nos. 2 and 3 of the year 1956.

22. Local Law Nos. 1 and 3 of the year 1957.
 23. Local Law Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9 of the year 1958.
 24. Local Law Nos. 1, 2, 3, 5, 6 and 8 of the year 1959.
 25. Local Law No. 1 of the year 1960.
 26. Local Law Nos. 1, 2, 3, 4 and 5 of the year 1961.
 27. Local Law Nos. 1, 2, 4 and 6 of the year 1962.
 28. Local Law Nos. 1, 2, 3, 4 and 5 of the year 1964.
 29. Local Law No. 1 of the year 1965.
 30. Local Law Nos. 1 and 2 of the year 1966.
 31. Local Law Nos. 1, 2 and 3 of the year 1967.
 32. Local Law Nos. 1, 2, 3, 4, 5 and 6 of the year 1968.
 33. Local Law Nos. 1, 2, 3, 4, 5, 6 and 7 of the year 1969.
 34. Local Law Nos. 1, 2 and 3 of the year 1970.
 35. Local Law Nos. 1 and 2 of the year 1971.
 36. Local Law No. 1 of the year 1972.
- D. Local Law No. 4 of the year 1970 is modified insofar as it is superseded by the provisions of Section 9.3(2) of this Charter.
- E. The following special acts of the State Legislature, having been superseded by this Charter insofar as they apply to the City of Oneida Charter are hereby repealed:
1. Chapter 648 of the Laws of 1911.
 2. Chapters 67 and 174 of the Laws of 1913.
 3. Chapter 435 of the Laws of 1914.
 4. Chapter 63 of the Laws of 1916.
 5. Chapter 102 of the Laws of 1917.
 6. Chapter 259 of the Laws of 1918.
 7. Chapter 58 of the Laws of 1923.
 8. Chapter 547 of the Laws of 1925.
 9. Chapter 355 of the Laws of 1930.
 10. Chapter 154 of the Laws, of 1937.
 11. Chapter 310 of the Laws of 1938.
 12. Chapter 839 of the Laws of 1945.

13. Chapter 617 of the Laws of 1946.
 14. Chapter 475 of the Laws of 1948.
 15. Chapter 878 of the Laws of 1953.
 16. Chapter 873 of the Laws of 1957.
- F. The following special acts of the State Legislature are hereby modified or amended as set forth in this Charter:
1. Chapters 116 and 158 of the Laws of 1956.
 2. Chapter 968 of the Laws of 1963.
 3. Chapter 425 of the Laws of 1965.
 4. Chapter 185 of the Laws of 1971.
- G. The following general laws or statutes are changed or superseded by the provisions of this Charter as follows:
1. General City Law § 25 as added by Chapter 502 of the Laws of 1921 as amended by Chapter 604 of the Laws of 1923 is superseded by Section 2.8 of this Charter.
 2. Real Property Tax Law §§ 900, 904, 920, 924, 926, 928, 936, 938, 940, 942 and 948 as enacted by Chapter 959 of the Laws of 1958, and as last amended by Chapter 845 of the Laws of 1965, and Chapter 285 of the Laws of 1966 are superseded and modified to the extent that they are inconsistent with Sections 5.8, 5.28, 5.29, 5.30, 5.31, 5.33, 5.34, 5.35, 5.36, 5.37, 5.38, 5.39, 5.40, 5.41, 5.42, 5.43 and 5.44 of this Charter.
 3. Civil Practice Law and Rules §§ 211, 212, 213, 214, 215 and 216 as enacted by Chapter 308 of the Laws of 1962 and as last amended by Chapter 267 of the Laws of 1970, Chapter 388 of the Laws of 1964, Chapter 138 of the Laws of 1966, Chapter 532 of the Laws of 1963, Chapter 1141 of the Laws of 1969 and Chapter 532 of the Laws of 1963, respectively, are superseded and modified to the extent that they are inconsistent with Section 8.4 of this Charter.
 4. The enactment of Section 9.6 of this Charter, being a substantial reenactment of Section 102 of the Charter of the City of Oneida, as enacted by Chapter 648 of the Laws of 1911, shall not be deemed to diminish, abrogate or limit any aid or benefits to which the City of Oneida or any portion thereof would be entitled to under the provisions of Highway Law §§ 219 through 229-d, as added by Chapter 983 of the Laws of 1970; §§ 279 through 284, as enacted by Chapter 63 of the Laws of 1936 and Chapter 801 of the Laws of 1945, and as last amended by Chapter 120 of the Laws of 1971; all being subsequent re-enactments, modifications or amendments to the Good Roads Law (Articles 6 and 7 of the Highway Law at the time of the enactment of the Charter of the City of Oneida) or under any other present or subsequent provisions of law heretofore or hereafter enacted by the State Legislature.