

CHARTER

[HISTORY: Adopted by L.L. No. 4-1964 by majority of qualified electors at referendum held 11-3-1964; effective 1-1-1965. Amendments noted where applicable.]

ARTICLE 1 Short Title

§ C1-1. Short title.

This Charter shall be known as the “Charter of the City of Rye.”

ARTICLE 2 Name and Boundaries

§ C2-1. Corporate name.

The inhabitants of the City of Rye, in the County of Westchester and State of New York, within the corporate limits hereinafter described, or as may hereinafter be established, shall continue to be a municipal corporation by the name of the “City of Rye,” hereinafter referred to as the “city.”

§ C2-2. Boundaries.

The boundaries of said city shall continue as described in Section 11 of Chapter 505 of the Laws of 1940.

ARTICLE 3 Powers of the City

§ C3-1. Powers of the city.

The city shall have all the powers granted to cities under the Constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter.

§ C3-2. Construction.

The powers of the city under this Charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in this Article.

ARTICLE 4 City Officers

§ C4-1. City officers.

A. City officers under this Charter shall mean all of the elected and appointed officers, including the members of the various boards and commissions of the city established by law, this Charter, local law or ordinance.

B. The provision of the law requiring a person to be a resident of the municipality for which he shall be chosen or within which his official functions are required to be exercised shall not apply to the appointment of officers of the City of Rye by the City Manager, provided that such appointed officers are residents of the County of Westchester or an adjoining county within the State of New York. [Added 11-5-1980 by L.L. No. 8-1980]

§ C4-2. Elected officers. [Amended 3-18-1981 by L.L. No. 1-1981]

There shall be a Mayor and six Councilmen, all of whom shall be elected by the qualified voters of the city at large.

§ C4-3. Qualifications for office. [Amended 3-1-1989 by L.L. No. 3-1989]

A. No person shall be eligible to hold an elective office in the city unless at the time of his election he is qualified to vote therein and shall have resided in the city for at least one year prior to his or her election.

B. Such elective office shall be vacant if and when the incumbent ceases to continue to qualify pursuant to the above provision.

§ C4-4. Terms of elected and appointed officers.

A. The terms of office of the Mayor, Councilmen, City Judge and Acting City Judge shall be four years. [Amended 3-18-1981 by L.L. No. 1-1981]

B. All officers appointed by the Mayor with the approval of the Council may be removed from office for cause by the Mayor after a public hearing, subject to the approval of the Council, except as otherwise provided by law or this Charter.

C. All officers and employees appointed by the City Manager shall hold office as provided herein.

D. The term of office of each elected officer shall commence on the first day of January next succeeding his election; and the term of office of each appointed officer shall commence on the date specified by the appointing authority.

§ C4-5. Vacancies.

A. If a vacancy shall occur in the office of Mayor or Councilman, the Council shall, by a vote of a majority of the members of the Council remaining in office, appoint a person to fill such vacancy. The person appointed to fill such vacancy shall hold office by virtue of such appointment until the first day of January following the first general election after the happening of the vacancy. A vacancy

occurring before September 20 of any year in any elective office of the city shall be filled at the general election held next thereafter, unless otherwise provided by law, or unless previously filled at a special election. [Amended 3-18-1981 by L.L. No. 1-1981]

B. If a vacancy shall occur otherwise than by expiration of the term in an appointive office having a term, it shall be filled by appointment for the unexpired term.

§ C4-6. Compensation of city officers and employees.

The Mayor and other members of the Council shall serve without compensation. If a local law should provide that compensation be paid to the Mayor or other members of the Council, or that such compensation be increased or that this provision be amended or repealed, it shall be subject to a mandatory referendum. All members of boards and commissions shall serve without compensation, but such members and the members of the Council shall be reimbursed for the actual and necessary expenses incurred by them in the performance of their duties. Unless the compensation of officers and employees is otherwise fixed by law, the Council shall fix the salaries or compensation of all paid officers of the city appointed by the Mayor or the Council; and the City Manager shall, within budgetary limitations, fix the salaries or compensation of all other city officers and employees.

ARTICLE 5 Elections

§ C5-1. Qualifications for voters.

Every resident of the city who shall at the time and place of offering his vote be qualified to vote for a member of the Assembly shall be entitled to vote for all elective offices of the city in the district where he shall be so qualified.

§ C5-2. City elections.

The city elections shall be held at the general elections in the odd-numbered years as the terms of present officers and their successors expire, except when vacancies occur as provided in § C4-5 herein. Such elections shall be governed by the Election Law.

§ C5-3. Special elections.

Except as otherwise provided by law, whenever the Council shall call a special election, it shall adopt a resolution at least 60 days before such election, designating the date of election, the hours of opening and closing the polls and the place or places of holding the election, and setting forth the proposition or propositions to be voted upon. Each such election shall be conducted in the manner prescribed for general elections, except as otherwise provided by the Council.

§ C5-4. Bond referenda.

A. Qualified voters at a mandatory or permissive referendum on a bond resolution shall be those who are qualified to vote for elective offices of the city and who are the owners of real property in the city assessed to such owners on the last preceding assessment roll of the city.

B. A bond resolution subject to a mandatory referendum shall be governed by the provisions of the Municipal Home Rule Law.

C. A bond resolution subject to a permissive referendum shall not take effect until at least 45 days after its adoption; nor until approved by the affirmative vote of a majority of the qualified voters described in Subsection A herein voting on a proposition for its approval if within 45 days after its adoption, there be filed with the City Clerk a petition protesting against such bond resolution, signed and authenticated as required under the Election Law, by the qualified voters of the city, registered to vote therein at the last preceding general election, in number equal to at least 10% of the total number of votes cast for Governor at the last gubernatorial election in the city. If such petition be so filed, a proposition for the approval of such bond resolution shall be submitted at the next general election held not less than 60 days after filing such petition, unless the petition requests and the Council adopts a resolution submitting such proposition at a special election held not less than 60 days after the adoption of the resolution.

D. Notice of a referendum shall be published in the official newspaper once a week for two weeks preceding the date of the referendum and shall set forth the proposition and the purpose of the proposed bond issue.

ARTICLE 6 Council

§ C6-1. Composition.

The Mayor and the Councilmen of the city shall constitute the Council thereof and the Mayor shall be a member of the Council and a Councilman for all the purposes of this Charter.

§ C6-2. Powers and duties.

A. The legislative power of the city and the determination of all matter of policy shall be vested in the Council.

B. It shall be the duty of the Council to require that all city officers faithfully perform their duties, maintain peace and good order within the city, and cause the laws, local laws and ordinances to be enforced within the city.

C. The Council shall appoint the City Manager as hereinafter provided and shall appoint a Corporation Counsel or hire an attorney as an independent contractor. Such Counsel or attorney shall be engaged in the practice of law in this state for at least five years immediately preceding his appointment or hiring. [Amended 7-15-1981 by L.L. No. 4-1981]

D. The Council shall supervise the work of the boards, commissions and officers appointed by the Council or the Mayor with the approval of the Council and such boards, commissions and officers shall be responsible directly to the Council.

E. The Council may require any officer or employee to render to it a verified account of all moneys received or disbursed by him and to appear and submit to an examination under oath by the Council or any committee thereof as to any matter in connection with his official duties. A willful refusal or neglect to obey any such order shall be deemed sufficient cause for a fine not to exceed \$100, suspension without pay for a period not exceeding two months or removal from office or employment.

F. The Council shall award all contracts for public work and all purchase contracts, requiring competitive bidding under the General Municipal Law.

§ C6-3. Investigations.

The Council may make investigations into the affairs of the city and the conduct of any board, commission, department, office or agency thereof and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Council shall be guilty of an offense punishable by a fine of not more than \$100, or by imprisonment for not more than 30 days, or both, and such offense shall constitute sufficient cause for suspension without pay for a period not exceeding two months or removal from office or employment.

§ C6-4. Independent audit.

The Council shall provide for an independent annual audit of all city accounts by a certified public accountant who has no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers, and may provide for more frequent audits as it deems necessary.

§ C6-5. Absences of Councilman.

The Council may declare the office of any member of the Council to be vacant if he absents himself from regularly scheduled meetings for three months or more, but no vacancy shall be declared except by the vote of at least five members of the Council after the delinquent member has been heard or failed to appear on notice.

§ C6-6. Prohibitions.

A. Except where authorized by law, no member of the Council shall hold the office of City Manager or any other paid city office or employment during the term for which he was elected.

B. Except for the purposes of an official inquiry, the Council and its members and committees shall deal with the administrative departments and services of the city for which the City Manager is responsible solely through the

Manager, and neither the Council nor any member or committee thereof shall give orders to, or require action by or information from, any subordinate of the City Manager either publicly or privately.

§ C6-7. Procedures. [Amended 9-15-1971 by L.L. No. 3-1971; 10-19-2000 by L.L. No. 6-2000]

A. The Council shall meet at the City Hall or at such other place in the city as the Mayor may designate at any time within the first two (2) weeks of January in each year, and at such other times as hereinafter provided. The Council shall hold stated meetings at least twice a month, except that for the months of June through September only one (1) stated meeting per month need be held. The Mayor, or any two (2) Councilmen, may call special meetings by giving at least a twenty-four-hour written notice thereof.

B. Meetings of the Council shall be public, except when public interest requires otherwise, but votes shall only be taken in public session. Its records shall be open to public inspection.

C. The Mayor shall preside at all meetings, but shall have no power of veto. Four (4) members of the Council shall constitute a quorum to do business, but a smaller number may adjourn from time to time and compel the attendance of absent members. Each member present, including the Mayor, shall have only one (1) vote. The Mayor must vote when the votes of the other members are tied. The Deputy Mayor shall preside at all meetings when the Mayor is absent and, in such case, shall vote as Mayor but not as Councilman.

D. The adoption of local laws shall be governed by the provisions of the Municipal Home Rule Law. Notice of public hearings on local laws shall be given by publication once in the official newspaper at least five (5) days prior to such hearing.

E. The passage of an ordinance shall require the affirmative vote of at least four (4) members of the Council, except as otherwise provided by law, and such vote shall be taken by roll call. No ordinance shall be adopted on the same day it is introduced, except in an emergency. Any ordinance imposing a penalty or forfeiture for the violation thereof shall require a public hearing thereon, notice of which shall be given by publication once in the official newspaper at least five (5) days prior to such hearing, and such ordinance shall, before taking effect, be published at least once in the official newspaper, except as hereinafter provided. In the event of a situation requiring immediate operation of such ordinance imposing a penalty or forfeiture for the violation thereof, it shall take effect as soon as proclaimed by the Mayor and posted in five (5) public places in the city. The City Clerk shall keep a record of each ordinance, which record shall include his attestation and, when published, a certificate of such publication. Such record or a certified copy thereof shall be presumptive evidence of the proper passage of the ordinance.

F. The Council shall, by resolution, designate a newspaper circulated regularly at least once a week in the city as the official newspaper of the city.

G. The Council may prescribe rules to govern its proceedings.

ARTICLE 7

Mayor

§ C7-1. Mayor.

In addition to other powers and duties provided by law, this Charter or local law, the Mayor shall have the following powers and duties:

- A. He shall be the head of the city government, except as otherwise provided herein.
- B. He shall, with the approval of the Council, appoint a City Judge and an Acting City Judge, each of whom shall have engaged in the practice of law in this state for at least five (5) years immediately preceding his appointment. [Amended 3-18-1981 by L.L. No. 1-1981; 7-15-1981 by L.L. No. 4-1981]
- C. He shall, with respect to each board and commission appointed by him with or without approval of the Council, designate a member thereof to act as Chairman, except as otherwise provided by law.
- D. He shall have the power to remove any member of a board commission appointed by him without Council approval, with or without cause.
- E. He may address the Council at its annual meeting in January and at such other times as he may deem appropriate, with respect to the needs and resources of the city government, including such programs and proposals as he may wish to recommend.
- F. He, or some other officer designated by him, shall execute on behalf of the city all deeds, contracts and other documents to be executed as the act of the city, except as otherwise provided by law or the Council.
- G. He shall have the authority at all times to examine the books, papers and accounts of any board, commission, department, office or agency of the city; he may administer oaths to witnesses; and he may issue subpoenas to compel the appearance of witnesses and the production of books, papers and other evidence.
- H. In time of riot, public danger or emergency, the Mayor may declare a state of emergency and shall take command of the police, maintain order and enforce the law, and notwithstanding any delegation of powers pursuant to this Charter or otherwise, assume full executive direction and control of the affairs of the city until he declares such state of emergency has terminated.

§ C7-2. Deputy Mayor. [Amended 10-19-2000 by L.L. No. 6-2000]

- A. On or before the tenth day of January following his election, and within ten (10) days after any vacancy in the office of Deputy Mayor shall occur, the Mayor shall appoint a member of the Council as Deputy Mayor, to hold office as long as he remains such member and at the pleasure of the Mayor.
- B. The Deputy Mayor shall serve as Mayor during the absence or disability of the Mayor, except that said Deputy Mayor shall not exercise any powers of appointment or removal from office unless such absence or disability shall have continued for a period of more than sixty (60) days.

C. In the event of the absence or disability of both the Mayor and Deputy Mayor, or in the event that the Mayor shall fail to appoint a Deputy Mayor or fill a vacancy in the office of Deputy Mayor within the time provided for herein, the Council shall appoint one of its members Deputy Mayor, to hold office at the pleasure of the Council and until either the Mayor or the Mayor's appointee as Deputy Mayor shall resume the duties of his office, respectively, or the Mayor shall appoint a Deputy Mayor, as the case may be.

ARTICLE 8 City Manager

§ C8-1. Appointment; qualifications. [Amended 7-16-2003 by L.L. No. 3-2003¹]

A. The Council shall appoint a City Manager for an indefinite term on the basis of his/her executive and administrative qualifications. He/she need not be a resident of the city at the time of his/her appointment, but shall be a resident of the County of Westchester during his/her tenure of office.

B. Purpose. The City Council finds that due to the relatively small population of the City of Rye, it is not always possible to fill certain appointive offices in city government requiring municipal, administrative or financial expertise with city residents who are fully qualified to hold such positions. The Council further finds that pursuant to Section 10 of the Municipal Home Rule Law it is authorized to appoint qualified residents of Westchester County outside of the city to hold the office of City Manager when a qualified person who is a city resident is unavailable.

§ C8-2. Powers and duties of City Manager.

A. The City Manager shall be the chief administrative officer of the city. He shall be responsible to the Council for the Administration of all city affairs placed in his charge.

B. He shall appoint a City Comptroller, City Clerk, City Engineer, City Assessor, Building Inspector, City Marshal, Registrar of Vital Statistics and the heads of such other departments as may hereafter be created by the Council. All such officers shall in the performance of their duties be subject to the direction and supervision of the City Manager. Except for the Police Department, he may also appoint all subordinates in the departments headed by such officers, or he may authorize any administrative officer who is subject to his direction and supervision to exercise such power, subject to his approval, with respect to subordinates in that officer's department, office or agency. [Amended 9-17-1980 by L.L. No. 7-1980; 10-14-1981 by L.L. No. 6-1981]

C. He shall, when he deems it necessary for the good of the service, suspend or remove any city officer or employee whom he may appoint or employ, except as otherwise provided by law.

1. Editor's Note: This local law also provided that it would apply to all persons currently holding the position of City Manager as well as any person hereafter appointed to fill such office.

D. He shall see that all laws, provisions of this Charter and acts of the Council, subject to enforcement by him or officers subject to his direction and supervision, are faithfully executed.

E. He shall, with the advice and assistance of the City Comptroller, prepare and submit the annual tentative budget to the Council.

F. He shall submit to the Council within two (2) months after the close of each fiscal year a complete report on the finances and administrative activities of the city.

G. He shall make such other reports as the Council may require concerning the operations of city departments, offices and agencies subject to his direction and supervision.

H. He shall keep the Council fully advised as to the financial condition and future needs of the city and make such recommendations to the Council concerning the affairs of the city as he deems desirable.

I. He may, during the absence or disability of the City Comptroller, City Clerk, City Assessor or the head of any other office or department under his direction and supervision, assume all the powers of such office or department; and also, he may designate one of the employees in such office or department as a deputy who shall have the powers and duties of the City Comptroller, City Clerk, City Assessor or the head of such other office or department, as the case may be, during the absence or disability of such officer or during a vacancy in such office or department.

J. He shall have control and supervision of the purchasing of supplies, materials and equipment by any board, commission, department, office or agency of the city, except where competitive bidding is required by the General Municipal Law.

K. He may prescribe and enforce rules and regulations for the efficient management of the city government not inconsistent with law, this Charter or local law.

L. He may examine the books, papers and accounts of any department, office or agency of the city under his direction and supervision as often as he may deem proper.

M. He may make, or in his discretion delegate the power to make, all decisions on operating matters, subject always to budgetary limitations and policy decisions of the Council.

N. He shall attend all meetings of the Council and Planning Commission but may not vote. He shall be given notice of and may attend all meetings of all other boards and commissions but may not vote.

O. He shall cooperate with all boards, commissions, departments and officers not under his supervision and shall furnish such information as they may reasonably request.

P. He shall perform such other duties as may be required by law, this Charter or the Council.

§ C8-3. Policy matters.

All matters involving policy shall be submitted by the City Manager to the Council and the Manager shall not take a public position on any such matters of policy unless and until the Council shall have approved the same.

§ C8-4. Removal.

The Council may remove the City Manager at any time as provided in this section. At least thirty (30) days before such removal shall become effective, the Council shall by a vote of at least four (4) members of the Council adopt a preliminary resolution stating the reasons for his removal and may suspend the Manager from duty for a period not to exceed forty-five (45) days. The Manager may reply in writing and may request a public hearing, which shall be held not earlier than twenty (20) days nor later than thirty (30) days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the Council may, by a vote of at least four (4) members thereof, adopt a final resolution of removal. The Manager shall continue to receive his salary for at least three (3) months after the adoption of the preliminary resolution, except that where the removal is for misconduct, his salary need not be paid during suspension and the payment of his salary may terminate at any time after the adoption of the preliminary resolution.

§ C8-5. Acting City Manager.

The City Manager shall designate a qualified city administrative officer to exercise the powers and perform the duties of Manager during his absence or disability. The Council may revoke such designation at any time and appoint another officer of the city to serve until the Manager shall return or his disability shall cease.

§ C8-6. Interim City Manager. [Added 1-19-2000 by L.L. No. 1-2000]

In the event that the office of City Manager becomes vacant for any reason, the Council shall designate a qualified city administrative officer to exercise the powers and perform the duties of Manager until the appointment of a Manager has been made in accordance with the Charter. The person designated to act as Manager in the interim shall be a resident of the County of Westchester.

ARTICLE 9
City Clerk

§ C9-1. City Clerk.

A. The City Clerk shall be the Clerk of the Council and keep the journal of its proceedings.

B. He shall have custody of the city seal and affix it to such books, papers and documents of the city as may be authorized by law or the Council.

C. He shall preserve and compile all local laws, ordinances and resolutions of the Council and all other books, papers and documents required by law or the Council.

D. He shall collect all fees fixed by law or the Council; sign all licenses and permits as provided by local law or ordinance; keep a record of same; and transmit to the comptroller each day the moneys so received.

E. Except as otherwise provided by the Council or the City Manager, he shall attend to the publication of all matters requiring publication and cause to be served all notices required by law, the Council or the City Manager.

F. He shall perform such other duties as may be prescribed by law, this Charter, the Council or the City Manager.

§ C9-2. Admissibility of certified copies.

Copies of all papers duly filed in the City Clerk's office and transcripts thereof, and of the record of the proceedings of the Council, and copies of the local laws and ordinances of the city, certified by him under the city seal, shall be admissible in evidence in all courts and places with the same effect that the originals would have if produced.

ARTICLE 10 Department of Finance

§ C10-1. Head of Department.

There shall be a Department of Finance, the head of which shall be the City Comptroller.

§ C10-2. Powers and duties of City Comptroller.

A. The City Comptroller shall have charge of the administration of the fiscal affairs of the city pursuant to law and the provisions of this Charter.

B. He shall develop, maintain and enforce a uniform system of accounts including forms, standards and procedures for all boards, commissions, departments, officers and agencies of the city; he shall maintain the city's bookkeeping and accounting records according to sound accounting principles; and he shall install and maintain a payroll system and all tax, retirement and insurance records for personnel of all boards, commissions, departments, offices and agencies.

C. He shall require reports of receipts from each board, commission, department, office and agency at such intervals as will most efficiently protect the public interest.

D. He shall control all expenditures to assure that budget appropriations are not exceeded and maintain such books and records as may be required for the proper exercise of such budgetary control, including an encumbrance system of budget administration. He shall review each proposed expenditure and commitment to be made on behalf of any board, commission, department, office or agency of the city, and make certain that moneys have been appropriated and that an unexpended and unencumbered balance is available to meet the same; and he shall approve only such expenditures and commitments as conform with all of the requirements of this Charter, the Council and administrative regulations.

E. He shall audit before payment all bills, claims and demands against the city, including payrolls, and shall require each board, commission, department, office and agency to certify that the materials, supplies or equipment have been received and accepted as specified and that the services have been duly rendered; and for such purpose he shall have the power to require the attendance of and examine under oath such persons as he may deem necessary. [Amended 11-3-1982 by L.L. No. 9-1982]

F. He shall compile budget documents, schedules and exhibits, and make such budget estimates as are required by the Charter and assist the City Manager in the preparation of the tentative budget.

G. He shall cause notice of receipt of the tax roll and warrant for city and school taxes to be published and shall cause tax notices to be mailed to the owners of assessed property; and the failure to mail such tax notice, or the failure of any such owner to receive the same, shall not in any way affect the validity of the taxes or penalty imposed.

H. He shall receive and collect taxes, assessments, fees and other sums due the city, except as otherwise provided by law or the Council; and in that connection, he may install a tax card system for the recording of payment of taxes, assessments, fees and other sums in lieu of entries of payment on the assessment roll.

I. He shall receive all moneys collected by or paid to any board, commission, department, office or agency and deposit all funds received in depositories authorized by the Council.

J. He shall have custody of bonds and notes and of all investments and invested funds of the city or in possession of the city in a fiduciary capacity, except as otherwise provided by law, and keep such funds and all moneys of the city not required for current operations invested in investments authorized by law and approved by the Council or deposited in interest-bearing bank accounts approved by the Council, subject to such adequate requirement of security as may be required by law or fixed by the Council.

K. He shall make disbursements of city funds as provided in Subdivision E above, by checks signed by the City Comptroller, or, when authorized by resolution of the Council, by checks signed with the facsimile signature of the City Comptroller in a form approved by the Council, provided that no claim shall be paid if the appropriation account against which the payment is to be charged does not contain an unexpended and unencumbered balance sufficient to satisfy the claim. [Amended 11-3-1982 by L.L. No. 9-1982]

L. He shall receive and collect school taxes when authorized by the Council.

M. He shall submit to the Council periodic reports, as specified by the Council, setting forth the expenditures, receipts, unencumbered balances of appropriations and other data requested by the Council for the period specified.

N. He shall render to the Council within two months after the close of each fiscal year a detailed report of all revenues, receipts, disbursements and indebtedness for the fiscal year and other data requested by the Council and publish notice of the availability of copies of such report at the Comptroller's office to persons applying therefor.

§ C10-3. Deputy Comptroller. [Added 9-10-1997 by L.L. No. 9-1997]

The City Manager may appoint a Deputy Comptroller who shall act generally for and in behalf of the City Comptroller.

ARTICLE 11 Department of Law

§ C11-1. Corporation Counsel; powers and duties. [Amended 3-18-1981 by L.L. No. 1-1981]

If a Corporation Counsel is appointed as an employee of the city, he shall be appointed for an indefinite term and shall serve at the pleasure of the Council; he shall be a resident of the County of Westchester or an adjoining county within the State of New York; and there shall be a Department of Law, the head of which shall be the Corporation Counsel, and he shall supervise and direct the legal affairs of the city; provide legal advice to the Council, Mayor, City Manager and to all boards, commissions, departments, offices and agencies of the city concerning any matter affecting the interest of the city; and shall have such other powers and duties as may be prescribed by law or the Council.

ARTICLE 12 Department of Police

§ C12-1. Head of Department; subordinates.

A. There shall be a Department of Police, the head of which shall be the Commissioner of Police, who shall be appointed by the City Manager, and he shall serve at the pleasure of the City Manager. The Commissioner of Police shall have at least the qualifications and experience specified by the Council. [Amended 9-17-1980 by L.L. No. 7-1980²]

B. In addition to the Commissioner of Police, the Council shall determine the number of Lieutenants, Sergeants and patrolmen, all of whom shall be appointed by the Commissioner. [Amended 9-17-1980 by L.L. No. 7-1980; 10-14-1981 by L.L. No. 6-1981]

2. Editor's Note: This local law also provided that it become effective 1-1-1981.

C. The Commissioner of Police shall appoint, as vacancies in the Department occur, all officers and members thereof. He may also appoint bay constables and special officers for such purposes and upon such occasions as he may deem proper if not in conflict with law or this chapter. [Amended 9-17-1980 by L.L. No. 7-1980; 10-14-1981 by L.L. No. 6-1981]

D. The Mayor and City Manager shall be ex-officio members of the police force of the city and shall have all the powers conferred upon policemen.

E. The Police Commissioner shall, when he deems it necessary for the good of the Department, suspend or remove any officer or employee whom he may appoint or employ, except as otherwise provided by law. [Added 10-14-1981 by L.L. No. 6-1981]

§ C12-2. Powers and duties.

A. The Department of Police shall have all functions customarily performed by a police department, and shall exercise all powers and perform all duties pertaining to or necessarily incident thereto.

B. Under the supervision of the City Manager, the Commissioner of Police shall promulgate and enforce rules and regulations governing police discipline, practices and procedures for the administration of the Department and for the discipline and efficiency of the police force. The rules and regulations shall be approved by the Council before becoming effective. He shall have authority to administer oaths and take evidence, affidavits and acknowledgements in all proceedings relating to the Department. [Amended 9-17-1980 by L.L. No. 7-1980³]

C. [Added 9-17-1980 by L.L. No. 7-1980⁴] In addition, the Commissioner of Police shall:

(1) Exercise the powers to request and grant public assistance as provided in § 209-m of the General Municipal Law.

(2) In coordination with the head of the Department of Public Works, supervise the application and maintenance of all pavement markings in the streets, sidewalks, parking areas and all other public places, and the installation and maintenance of all traffic signs and signals within the city.

(3) Be responsible for the administration, supervision and training of the auxiliary police and shall coordinate the same with the Deputy Local Director of Disaster and Emergency Services.

(4) Be responsible for the administration and supervision of policemen assigned to policing and enforcing all laws and ordinances applicable to the Rye Town Park and the maintenance of order therein.

(5) Assist the City Manager in the administration of flood, disaster and other emergency plans.

3. Editor's Note: This local law also provided that it become effective 1-1-1981.

4. Editor's Note: This local law also provided that it become effective 1-1-1981.

(6) Be responsible for the administration, in coordination with other municipalities, of an emergency ambulance service on behalf of the inhabitants of the city.

(7) Institute and formulate, in coordination with the heads of other Departments of the city, safety programs to reduce accidents and avoid injury or damage to persons and property.

(8) Perform such other duties as may be prescribed by law, the Council or the City Manager.

ARTICLE 13 Fire Department

§ C13-1. Head of Department; Board of Fire Wardens.

The members of the several fire companies of the city shall constitute the Fire Department of the City of Rye, the head of which shall be the Board of Fire Wardens. The maximum number of members of each company shall be fixed by the Council. The Fire Chief, the First and Second Assistant Fire Chiefs and the Wardens of such companies shall constitute the Board of Fire Wardens.

§ C13-2. Election of officers.

A. The members of the Fire Department shall elect annually by ballot from their members a Fire Chief, a First Assistant Fire Chief and a Second Assistant Fire Chief and their election shall be subject to the approval of the Council.

B. Each of the several fire companies shall elect annually by ballot from their own members a Warden for a term of two years.

§ C13-3. Powers and duties of the Board.

A. The Board of Fire Wardens shall have control and supervision of the Fire Department and of all equipment and apparatus thereof, subject to the authority and control of the Council.

B. The Board shall make recommendations with respect to the employment of such persons as the Council may deem necessary and proper in the Department within budgetary limitations.

C. The Board shall fill any vacancies in the offices of Fire Chief and First and Second Assistant Fire Chiefs, subject to the approval of the Council.

D. The Board shall, subject to the approval of the Council, adopt and enforce rules and regulations, not inconsistent with the provisions of the Civil Service Law or any other law, for the control, disposition and discipline of the officers, members and employees of the Department, for their training and efficiency, and for the use and care of equipment and apparatus of the Department.

E. The Board shall approve the by-laws adopted by the several fire companies for the government and discipline of their members.

F. The Fire Department shall comply with city regulations, practices and procedures relating to administration, employees, purchasing and accountability of city property, except as otherwise provided by the Council.

§ C13-4. Powers of Fire Chief.

A. The Fire Chief shall be Chairman of the Board of Fire Wardens and preside at meetings of the Board and Fire Department.

B. He shall, under the direction and control of the Board, have supervision of the officers, members and employees, and the equipment and apparatus of the Fire Department and also, shall have exclusive control of the officers, members and employees of the Department at all fires, inspections and reviews.

C. He may appoint from members of the Department "call men" on a part-time basis when necessary, subject to the approval by the Board of Fire Wardens, and their compensation shall be fixed by the Council.

§ C13-5. City Manager.

The City Manager shall act in an advisory capacity with respect to the Fire Department, except as otherwise provided herein.

ARTICLE 14
Department of Public Works

§ C14-1. Head of Department. [Amended 6-18-1980 by L.L. No. 6-1980]

There shall be a Department of Public Works, the head of which shall be such qualified person as the City Manager may appoint.

§ C14-2. Powers and duties.

A. The Department of Public Works shall have control and supervision of the construction, alteration and maintenance of the streets, highways, sidewalks, gutters, drains, culverts, bridges, piers, seawalls, sanitary and storm sewers, parks and public grounds of the city, and of all buildings, structures and other public works of the city; of the planting, preservation and care of shade trees, shrubs and plants of the city; of the collection and disposal of garbage and refuse, and the operation, maintenance and use of the city incinerator and city dump; and of the maintenance of all city vehicles and equipment; except where control and supervision is assigned to another department by the Council or City Manager, or assigned to a board or commission by this Charter or the Council. The Department shall perform such other duties as may be prescribed by law, the Council or City Manager.

B. Attendance at meetings. [Repealed 6-18-1980 by L.L. No. 6-1980]

§ C14-3. Certification of work. [Amended 6-18-1980 by L.L. No. 6-1980]

All public work performed pursuant to contract under the control and supervision of the Department of Public Works shall, before it is accepted, be certified by such qualified person or persons as the City Manager may designate, to the effect that such work has been performed in a good and substantial manner with the material required and in the manner directed by the terms of the contract under which the work was done.

ARTICLE 15
Department of Buildings

§ C15-1. Head of Department.

There shall be a Department of Buildings, the head of which shall be the Building Inspector.

§ C15-2. Powers and duties.

The Department of Buildings shall have the power to enforce such laws, local laws, ordinances, rules and regulations as may govern the construction, alteration, maintenance, removal,

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demolition, use, occupancy, safety, sanitary conditions, mechanical equipment and inspection of buildings, structures or premises in the city; and perform such other duties as may be prescribed by law, the Council or City Manager.

ARTICLE 16
Recreation Commission and Department
of Recreation

§ C16-1. Commission; appointment. [Amended 2-6-1980 by L.L. No. 1-1980; 1-18-2006 by L.L. No. 1-2006]

There shall be a Recreation Commission to consist of nine members to be appointed for three-year terms by the Mayor with the approval of the Council, except that the present members of the Recreation Commission shall continue in office as the members of the Recreation Commission, as constituted by this Charter, until the expiration of their terms, and thereafter, their successors shall be appointed for the term of three (3) years from and after the expiration of the term of their predecessors in office.

§ C16-2. Powers and duties of Commission.

A. The Recreation Commission shall have control of the regulation and use of recreation programs and facilities of the city, except as otherwise provided by the Council.

B. It shall develop and recommend plans for future recreation programs and facilities and submit and explain such plans annually at a joint meeting with the Council at a time specified by the Council, and at such other times as requested by the Council.

C. It shall approve the annual budget estimates, which shall be prepared by the Superintendent of Recreation in consultation with the Commission, prior to the submission of such estimates to the City Manager.

D. It may appoint such committees as it may deem necessary for the operation of specified recreation programs and facilities.

E. The Commission shall comply with city regulations, practices and procedures relating to administration, employees, purchasing and accountability of city property, except as otherwise provided by the Council.

F. A majority of the members of the Commission shall constitute a quorum, and whenever its approval is necessary, the affirmative vote of a majority of the members shall be required. [Amended 2-6-1980 by L.L. No. 1-1980]

§ C16-3. Department of Recreation.

There shall be a Department of Recreation, the head of which shall be the Superintendent of Recreation.

§ C16-4. Powers and duties of Department and Superintendent.

A. The Department of Recreation shall operate and maintain all of the recreation programs and facilities assigned to it from time to time by the Council.

B. The Superintendent of Recreation shall have and exercise all the administrative powers necessary to operate and maintain the Department of Recreation, but in the performance of such duties he shall be subject to the direction and supervision of the City Manager. However, such administration of the Department by the Superintendent under the direction and supervision of the Manager shall be in accordance with policies fixed by the Commission.

C. The Superintendent shall attend all meetings of the Recreation Commission and shall cooperate with the Commission in the performance of its duties.

§ C16-5. Appointment of personnel.

A. The Recreation Commission may recommend qualifications for applicants for the position of Superintendent of Recreation who shall be appointed by the City Manager subject to the approval of the Commission.

B. The City Manager shall, within budgetary limitations, employ all other persons as he shall deem necessary and proper for recreation programs and facilities.

ARTICLE 17 Conservation Commission

§ C17-1. Commission; appointment. [Amended 9-22-1972 by L.L. No. 5-1977; 2-20-1991 by L.L. No. 2-1991; 2-4-1998 by L.L. No. 1-1998]

There shall be a Conservation Commission to consist of not less than six nor more than nine members to be appointed by the Mayor with the approval of the Council; except that two appointments made in February 1998, shall be for two-year terms, and one appointment made in February 1998, shall be for three years so that term expiration of a nine-member Commission shall be staggered with three appointments to be made each year, and thereafter their successors shall be appointed for terms of three years from and after the expiration of the term of their predecessors in office.

§ C17-2. Powers and duties.

A. The Conservation Commission shall have control of the regulation, use, improvement and maintenance of conservation programs and facilities of the city within budgetary limitations, except as otherwise provided by the Council.

B. It shall develop and recommend plans for future conservation programs and facilities and submit and explain such plans annually at a joint meeting with the Council at a time specified by the Council, and at such other times as requested by the Council.

C. It may recommend qualifications for such employees as it may deem necessary for the operation of conservation programs and facilities who shall, within budgetary limitations, be appointed by the City Manager subject to the approval of the Commission.

D. It shall submit its annual budget estimates to the City Manager.

E. It may appoint such committees as it may deem necessary for the operation of specified conservation programs and facilities.

F. The Commission shall comply with city regulations, practices and procedures relating to administration, employees, purchasing and accountability of city property, except as otherwise provided by the Council.

G. A majority of the members of the Commission shall constitute a quorum, and whenever its approval is necessary, the affirmative vote of a majority of the members shall be required. [Amended 9-22-1977 by L.L. No. 5-1977]

ARTICLE 18 Planning Commission

§ C18-1. Commission; appointment. [Amended 3-15-1978 by L.L. No. 2-1978; 4-2-1986 by L.L. No. 4-1986]

A. There shall be a Planning Commission to consist of seven members to be appointed by the Mayor with the approval of the Council. One member of the Commission shall be a member of the Council other than the Mayor, and six shall be persons who are not elected or paid officers or employees of the city. The Mayor annually shall designate a member of said Planning Commission to act as Chairman thereof; or on the Mayor's failure so to do, the Planning Commission shall elect a Chairman from its own members. The Council member shall not be Chairman of the Commission.

B. The terms of office of members of the Planning Commission shall be for three years or the expiration of the term of their predecessors in office, whichever occurs first, except that the Council member shall be appointed for a term of two years or the expiration of the term of his or her predecessor in office, whichever occurs first.

§ C18-2. Powers and duties. [Amended 8-21-1985 by L.L. No. 8-1985]

The Planning Commission shall have the power and duties granted and imposed by the General City Law, including powers authorized by § 37, as limited by § 197-39 of the Code of the City of Rye and such other powers and duties as may be prescribed by law or the Council. In addition thereto, there is specifically granted and imposed upon it all powers and duties which under the General City Law and other statutes, as the same may from time to time be amended, the Council is empowered to confer or impose upon the Planning Commission, except as may otherwise be provided by the Council.

§ C18-3. Administrative procedures.

A. The City Manager may, within budgetary limitations, employ a city planner and such other employees as he shall deem necessary and proper for the Planning Commission, except that the employment of a city planner shall be subject to the approval of the Planning Commission.

B. The Planning Commission shall comply with city regulations, practices and procedures relating to administration, employees and purchasing, except as otherwise provided by the Council.

ARTICLE 19 Board of Architectural Review

§ C19-1. Board; appointment. [Amended 2-1-2006 by L.L. No. 2-2006]

A. There shall be a Board of Architectural Review to consist of seven members (7) to be appointed for three-year terms by the Mayor with the approval of the Council, except that one new appointment made in 2006 shall be for a two-year term, and one new appointment made in 2006 shall be for a one-year term so that term, and thereafter their successors shall be appointed for terms of three years

from and after the expiration of the term of their predecessors in office. At least one member of the Board shall be a registered architect of this state.

B. The successors of those now in office shall be appointed for the term of three years from and after the expiration of the term of their predecessors in office.

§ C19-2. Powers and duties.

The Board of Architectural Review shall have the powers and duties granted and imposed by local law and such other powers and duties as may hereafter be prescribed by law or the Council.

ARTICLE 20
Board of Appeals

§ C20-1. Board; appointment. [Amended 1-18-1984 by L.L. No. 2-1984]

A. There shall be a Board of Appeals to consist of seven members to be appointed by the Mayor with the approval of the Council.

B. The successors of those now in office shall be appointed for the term of three years from and after the expiration of the term of their predecessors in office. No Councilman or other city officer shall be eligible for appointment to the Board.

§ C20-2. Powers and duties.

The Board of Appeals shall have the powers and duties granted and imposed by the General City Law and such other powers and duties as may hereafter be prescribed by law or the Council.

ARTICLE 20A⁵
Traffic and Transportation Committee
[Added 2-4-1998 by L.L. No. 2-1998]

§ C20A-1. Committee; intent.

There shall be a Traffic and Transportation Committee to advise the City Council and other entities on traffic and transportation issues in the City of Rye.

§ C20A-2. Appointment.

The Traffic and Transportation Committee shall consist of not less than seven nor more than nine members to be appointed by the Mayor with the approval of the Council. The members shall continue in office until the expiration of their terms, and thereafter their successors shall be appointed for terms of three years from and after the expiration of the term of their predecessors in office. The Mayor shall

5. Editor's Note: Former Art. 20A, Traffic Safety Commission, added 12-1-1982 by L.L. No. 11-1982, as amended, was repealed 3-7-1990 by L.L. No. 4-1990.

designate from amongst any of the members, the Chair of the Committee. Vacancies occurring otherwise than by expiration of term shall be filled by the Mayor with Council approval. The members of the Committee shall choose from their number a Vice Chairperson and Secretary. In their work the Committee may utilize the assistance of additional volunteers interested in traffic and transportation issues. The City Manager, President of the Board of Education, and the Superintendent of Schools or their representatives shall serve as ex officio members of the Committee.

§ C20A-3. Purpose and duties.

A. The purpose and duties of the Committee shall be to:

(1) Initiate, study, develop, and make recommendations relating to the traffic and transportation needs of the city, including but not limited to vehicular and pedestrian traffic safety and flows, parking, mass transportation,

(2) Audit current transportation and traffic conditions to assess current and emerging problem areas that could impact the community in the future.

(3) Seek public input to identify traffic and transportation issues to be considered by the city.

(4) Promote education efforts on traffic safety and transportation issues in Rye.

(5) Hold regular meetings and keep the City Council informed on matters relating to traffic and transportation.

(6) Advise and make recommendations to the City Council, the Planning Commission, and the City Manager as it deems appropriate with respect to traffic and transportation needs of the city. The Committee shall receive referrals and materials from the Planning Commission for the purpose of providing advisory opinions.

(7) Monitor county, state, and regional transportation proposals for their impact on Rye.

B. Nothing in this section shall reduce the authority of the City Council, the Planning Commission, or the City Manager to make traffic and transportation decisions under their authority.

ARTICLE 20B⁶
(Reserved)

§§ C20B-1 through C20B-4. (Reserved)

ARTICLE 21
Financial Procedures

6. Editor's Note: Former Art. 20B, Cable Television Company, added 6-19-1985 by L.L. No. 4-1985, was repealed 7-16-1997 by L.L. No. 7-1997.

§ C21-1. Fiscal year.

The fiscal year of the City of Rye shall be the calendar year.

§ C21-2. Submission of tentative budget; budget message.

On or before November 7 of each year, the City Manager shall submit to the Council a tentative budget for the ensuing fiscal year. In an accompanying message, the Manager shall outline proposed financial policies of the city for the ensuing fiscal year; describe the important features of the tentative budget; indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes; summarize the city's debt position; and include such other material as the Manager deems desirable. He shall also

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indicate therein the substantial changes which he has recommended, if any, in the budget estimates of the boards, commissions, departments, offices and agencies not under his direction and supervision.

§ C21-3. Tentative budget.

A. Each board, commission, department, office and agency of the city shall submit to the City Manager, at a time and in such form as specified by the Manager, the budget estimates of such board, commission, department, office or agency for the ensuing year.

B. The tentative budget shall provide a complete financial plan of all city funds and activities for the ensuing year and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the Council may require. It shall begin with a clear general summary of its contents; shall show in detail all anticipated revenues and proposed expenditures, including debt service, unsatisfied judgments, reserves for uncollected taxes and contingent purposes, the estimated surplus or deficit and reserves as may be available at the end of the current fiscal year, and the amount to be raised by taxation of property for the ensuing fiscal year; and shall be presented by such organization, program or classification system as the Manager deems appropriate and informative or the state or Council may require, with comparative figures of the actual and estimated income and expenditures of one or more prior fiscal years.

§ C21-4. Council action on budget.

A. Upon receiving the tentative budget from the City Manager and prior to a public hearing, the Council may, by a vote of at least four members of the Council, make any changes in the tentative budget not inconsistent with the provisions of this section.

B. At any time prior to a public hearing, any board, commission, department, office or agency not under the direction and supervision of the City Manager may request the Council for a hearing with respect to its budget estimates.

C. After the Council has considered the tentative budget, it shall publish a notice stating where copies of the proposed budget are available for inspection by the public and the time and place of the public hearing on the proposed budget, which hearing shall be held not later than the first Wednesday in December of the current year and upon at least 10 days' notice. [Amended 10-19-1988 by L.L. No. 14-1988]

D. After a public hearing, the Council may adopt the proposed budget with or without amendment. In amending the proposed budget, it may add or increase programs or amounts, and may decrease or delete programs or amounts, except expenditures required by law, or for debt service or for estimated cash deficit, provided that it may not increase the estimated revenues or the total proposed expenditures without the affirmative vote of at least five members of the Council.

E. The Council shall adopt the proposed budget and determine the tax rate for the ensuing year on or before December 31 of the current fiscal year. The adoption of the budget shall constitute appropriations of the amounts shown therein for the purposes specified and shall constitute a levy of the property tax therein proposed. [Amended 2-1-1978 by L.L. No. 1-1978]

F. The Council shall certify to the City Comptroller the tax rate and the amount of the tax levy and direct him to apportion and extend against each taxable property listed upon the assessment roll at the rate specified the amount of tax required to produce the total sum certified and to render tax notices for, and receive and collect, the several sums so computed and determined.

§ C21-5. Transfer of appropriations. [Amended 2-20-1991 by L.L. No. 1-1991]

The City Manager may at any time during the fiscal year transfer part or all of any unencumbered appropriation balance among

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programs or accounts within a department, office or agency under his supervision, and such transfers shall be reported to the Council at or prior to the next Council meeting. The Council may by resolution transfer part or all of any unencumbered appropriation balance among programs or accounts of a board or commission or within a department, office or agency, or from one board, commission, department, office or agency to another. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof.

§ C21-6. Lapse of appropriations.

All appropriations shall lapse at the close of the fiscal year to the extent that they shall not have been expended or encumbered.

§ C21-7. Commitments and disbursements prohibited.

No board, commission, department, office or agency of the city government shall expend or commit any funds of the city unless the City Comptroller shall first certify that there is an unencumbered balance of appropriation and funds available for the purpose.

§ C21-8. Capital program.

The City Manager shall submit to the Council a capital program at least three months prior to the final date for the submission of the budget, listing the proposed capital improvements with appropriate supporting information, indicating the cost estimates, method of financing, recommended time schedules for each improvement, and the estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

§ C21-9. Bond resolutions.

A. All bond resolutions, except as hereinafter provided, authorizing the issuance of bonds in excess of 10% of the average of the gross annual budget of the city for the preceding three years shall be adopted by a vote of at least five members of the Council and shall be subject to the approval of a majority of the qualified voters voting at a general or special election.

B. All bond resolutions, except as hereinafter provided, authorizing the issuance of bonds in excess of 5% of the average of the gross annual budget of the city for the preceding three years but not more than 10% of such average shall be adopted by a vote of at least five members of the Council and shall be subject to a permissive referendum, provided that the aggregate of the proposed bond issue and the outstanding obligations under bonds previously issued subject to a permissive referendum does not exceed 10% of such average.

C. The Council may, by a vote of at least five members thereof, authorize the issuance of bonds not in excess of 5% of the average of the gross annual budget of the city for the preceding three years, provided that the aggregate of the proposed bond issue and the outstanding obligations under bonds previously issued without being subject to any referendum does not exceed 5% of such average.

D. 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, or awards or sums payable by the City pursuant to a determination by a court, or an officer, body or agency in an administrative or quasi-judicial capacity, or any capital improvement or equipment proposed to be constructed or acquired where the expense thereof, other than operation and maintenance, is to be borne by local assessment upon the several lots and parcels of land which the Council shall determine and specify to be especially benefited thereby, or capital improvements or equipment to be constructed or acquired which have been determined by resolution of the Council to be required to implement a Federal, State or County of Westchester mandate failure of which to comply with could, in the judgment of the Council expressed in a resolution, result in the imposition of a fine or penalty, or authorizing the issuance of obligations to be sold

to the New York State Environmental Facilities Corporation or any successor thereto. [Amended 9-5-2001 by L.L. No. 3-2001; 12-15-2004 by L.L. No. 4-2004]

E. The provisions of this section shall not apply to bond resolutions authorizing the issuance of bonds for the payment of capital improvements or equipment proposed to be constructed or acquired for purposes determined by resolution of the Council to be required for public safety purposes requiring urgent action, in an amount not exceeding \$1,000,000 in the aggregate in any fiscal year, and provided that on the date of adoption of said bond resolution, the Council determines that the aggregate of the proposed bond authorization and the outstanding principal amount of obligations previously issued for public safety purposes requiring urgent action in reliance on this paragraph E does not exceed \$2,500,000. In making such determination, the Council shall disregard certain such outstanding obligations to the extent provided below. Such determination shall be conclusive for all purposes of this paragraph E, irrespective of whether through inadvertence or otherwise such determination is later found to be inaccurate. In the event that the Council determines that the aggregate of the proposed bond authorization and the outstanding obligations issued for public safety purposes requiring urgent action exceeds \$2,500,000, the Council may authorize a mandatory public referendum on the question whether such bond authorization shall become effective. In the event of approval of such authorization at a referendum, such authorization shall become effective and i) the obligations issued or to be issued in reliance on such bond authorization, and ii) the outstanding amount of obligations previously issued or authorized for public safety purposes requiring urgent action in reliance on this paragraph E on the date of adoption of such bond authorization, shall be thereafter disregarded for all purposes of this paragraph E. [Added 12-15-2004 by L.L. No. 4-2004]

§ C21-10. Deposits. [Added 9-17-1986 by L.L. No. 13-1986]

The City Comptroller shall require from any bank, trust company or other depositary in which the funds of the city are deposited, whether in certificates of deposit, time deposits or demand deposits, pledged collateral consisting of bonds, certificates or notes of the

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United States of America, or any obligation fully guaranteed or insured as to interest and principal by the United States of America, acting through an agency, subdivision, department or division thereof, the State of New York, or bonds or notes of any municipal corporation, school district or district corporation of the State of New York, as security for the funds deposited. Such bonds, certificates or notes shall be subject to the approval of and be deposited in such place and under such conditions as the City Comptroller may determine.

ARTICLE 22 Tax Administration

§ C22-1. City Assessor; powers and duties. [Amended 5-20-1992 by L.L. No. 10-1992; 6-28-2000 by L.L. No. 5-2000]

A. The City Assessor shall have all of the powers conferred and duties imposed on assessors of cities in this state under the Real Property Tax Law.

B. The taxable status of real property shall be determined annually as of the first day of May. All real property shall be assessed according to its condition and the ownership as of such date.

C. The assessment roll shall be prepared in accordance with the provisions of the said state law and be filed annually according to the following schedule:

(1) Filing of the tentative roll on June 1.

(2) Filing of the final assessment roll on or before September 15.

D. For all purposes related to the implementation of Real Property Tax Law § 425, providing a school tax relief exemption, the last date for filing STAR exemption applications for the 2000/2001 school year shall be the 31st day of July, 2000 and annually thereafter the last date for such applications shall be the 1st day of May preceding the next annual school tax levy.

§ C22-2. Board of Assessment Review. [Amended 9-15-1971 by L.L. No. 2-1971]

A. There shall be a Board of Assessment Review to consist of five members who shall be appointed by the Council and shall have a knowledge of property values in the city. A majority of the Board shall consist of members who are not officers or employees of the city. The Council may appoint one or two Councilmen to the Board. [Amended 4-5-1972 by L.L. No. 1-1972]

B. The terms of office of the first appointed members thereof shall be for one, two, three, four and five years respectively. The successors thereof shall be appointed for the term of five years from and after the expiration of the term of their predecessors in office.

C. The Board of Assessment Review shall have the powers and duties granted and imposed by the Real Property Tax Law and such other powers and duties as may be prescribed by law or the Council. The Board shall meet annually on the third Tuesday in June to hear tax assessment complaints, pursuant to § 525 of the Real Property Tax Law. [Amended 5-20-1992 by L.L. No. 10-1992]

§ C22-3. Omitted property; correction of errors.

A. The provisions of the Real Property Tax Law shall govern the assessment of omitted property, correction of errors and all other matters of assessment and collection of real property taxes not covered by this Charter.

B. The Council shall have the same powers and duties for correction of errors as given in like circumstances to the board of trustees of a village as provided in Section 1412 of the Real Property Tax Law, or such other similar provisions as may be in effect from time to time, including the power to correct any assessment which has been fixed by fraud or other wrongful conduct, upon similar notice as provided in said Section 1412.

§ C22-4. Confirmation and lien of local assessment.

If the whole or any portion of the expenses of a public improvement be assessed or charged upon the property affected by such improvement, such assessment shall be confirmed by the Council, after a public hearing shall have been had, at which any person interested may present objections to such confirmation. Notice of the time and place of such hearing shall be published in the official newspaper of the city at least 10 days prior to the hearing.

§ C22-5. Review of assessment for local improvement.

No action or proceeding to set aside, vacate, cancel or annul any assessment for a local improvement shall be maintained, except for total want of jurisdiction to levy and assess the same on the part of the officers, board or body authorized by law to make such levy or assessment or to order the improvement on account of which the levy or assessment was made. No action or proceeding shall be maintained to modify or reduce any such assessment except for fraud or substantial error by reason of which the amount of such assessment is in excess of the amount which should have been lawfully levied or assessed. The procedure to review any assessment for a local improvement for such total want of jurisdiction, fraud or substantial error, shall, so far as applicable, be the same as the procedure to review any assessment of real property.

§ C22-6. Assessments not invalidated by irregularities.

No assessment or tax shall be vacated, set aside, canceled, annulled, reviewed or otherwise questioned or affected by reason of any error, omission, irregularity or defect in any of the steps or

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proceedings required to be had or taken as preliminary to or in the making of the assessment, or in the levying or collection of the tax, or in relation to or in connection with any proposal, designation of materials, contract, work or improvement for or on account of which such assessment was made or tax imposed. However, all property shall be liable to assessment and all assessments shall be valid and of full force and effect notwithstanding any such error, omission, irregularity or defect.

§ C22-7. Other charges on real property.

All the rights, remedies and procedures provided by this Charter for the collection of city taxes may be used by the city, so far as applicable, in the collection of assessments for local improvements and of other charges upon property authorized by law, local law or ordinance.

§ C22-8. Taxes payable in installments.

A. All city taxes on real property shall become a lien on such real estate on February 1 of each fiscal year. Such taxes may be paid in one installment during the

month of February, or during such other months as the Council by resolution may designate, without any additional charge. [Amended 11-17-1982 by L.L. No. 10-1982]

B. Union Free School District taxes on real property shall become a lien on such real estate on July 1 of each fiscal year. Such taxes may be paid in two equal installments during the months of September and November, or during such other months as the Council by resolution may designate, without any additional charge. [Amended 2-5-2003 by L.L. No. 1-2003; 5-19-2004 by L.L. No. 2-2004]

C. The City Comptroller shall charge and collect penalties upon the principal amount of each installment not paid when due and payable at the following rates consecutively thereafter, or such other rates as the Council by resolution may prescribe: 2% if paid in the first month thereafter; 5% if paid in the second or third month thereafter; 7% if paid in the fourth or fifth month thereafter; 10% if paid in the sixth, seventh or eighth month thereafter; and 12% if paid thereafter to the date of the sale of the lien.

§ C22-9. School district taxes; state and county taxes; levy and collection; right of city to penalties.

A. After the appropriate authority shall have certified to the City Comptroller the amount of taxes to be raised on property within Union Free School District No. 1 of the Town of Rye within the City of Rye, the Council shall cause the amount of such taxes to be levied on the property within such district in the manner herein provided for city taxes. It shall cause a warrant to be issued to the City Comptroller and signed by the Mayor on or before August 15 of each year. However, with respect to property in such district lying in two municipalities, the taxes upon the property of persons within such district shall be apportioned to the parts lying in the respective municipalities according to the full value of such property lying in each municipality to be determined by the equalized rate for such municipality as fixed by the Board of Supervisors for the assessment roll upon which such tax is to be extended. [Amended 2-5-2003 by L.L. No. 1-2003]

B. The City Comptroller shall pay to the Treasurer of Union Free School District No. 1 of the Town of Rye on the fifth day of each month all school district taxes on property in such district within the city collected in the preceding month; he shall report to the Council before February 15 of each year all such school taxes of the previous year remaining unpaid; and the Council shall cause such school taxes to be paid.

C. State, county and county district taxes and assessments shall become a lien, shall be payable and shall be

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collected in one installment during the month of May and in the same manner as city taxes. Any and all penalties collected by the City Comptroller on delinquent state, county or county district taxes shall be the property of the city. [Amended 11-17-1982 by L.L. No. 10-1982]

ARTICLE 23
Miscellaneous

§ C23-1. Liability in certain actions. [Amended 9-15-1971 by L.L. No. 4-1971]

No civil action shall be maintained against the City of Rye for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk, crosswalk, park or other public place being defective, out of repair, unsafe, dangerous or obstructed, or in consequence of the existence of snow or ice thereon, unless written notice of the defective, unsafe, dangerous or obstructed condition, or of the existence of snow or ice, had actually been given to the Department of Public Works prior to the happening of the event causing such damages or injuries to person or property and there had been a failure or neglect on the part of the city 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, within a reasonable time after the receipt of such notice.

§ C23-2. No adverse title.

No encroachment on any sidewalk, alley, street, highway or public grounds in the city shall operate to confer any right upon any person or corporation adverse to the city regardless of the length of time the same may exist, and the city may sue for its removal as a nuisance at any time.

§ C23-3. Surety bonds.

The City Comptroller, City Clerk, City Judge, Acting City Judge, City Marshal and such other officers and employees as may be specified by the Council shall give bond for the faithful performance of their duties. The bond shall be in such sum and with such corporate sureties as may be approved by the Council. The premium of all such surety bonds shall be paid by the city.

§ C23-4. Inspections.

The chairman of any board or commission or the head of any department, office or agency of the city, or any officer or employee thereof when authorized by the chairman of such board or commission or the head of such department, office or agency, may for the purpose of performing his duties, enter, examine, inspect or survey any building, structure, enclosure, vehicle, vessel or premises, or any part thereof, or anything therein or attached thereto, at any reasonable hour.

§ C23-5. Service of notices.

Service of a notice under this Charter, unless otherwise provided, may be personal or by mail by depositing a copy thereof in the post office addressed to the person to be notified at his last known place of residence, or if such place of residence be unknown, then by publication of such notice in the official newspaper of the city. The day of publication shall be deemed to be the date of service. Whenever any property in the city shall be owned by two or more persons jointly or

as tenants in common, or otherwise, a notice served on one of such owners shall be sufficient notice to all, for any purpose requiring a notice under this Charter.

§ C23-6. City Court continued.

The provisions of the Charter of the City of Rye, being Chapter 505 of the Laws of 1940, relating to the City Court are continued until duly amended or superseded.

§ C23-7. Provisions repealed.

The Charter of the City of Rye, being Chapter 505 of the Laws of 1940, as amended, except with respect to Article II, Section 11, and Articles XIX and XXI thereof, is hereby repealed. All local laws, ordinances, resolutions and regulations of this city, to the extent that they are not inconsistent with any provisions of this Charter, shall remain in full force and effect until repealed or amended.

§ C23-8. Separability.

If any provisions of this Charter is held invalid or inapplicable to any person or circumstance, the other provisions of the Charter and their application to other persons or circumstances shall not be affected thereby.

§ C23-9. Effective date.

This Charter shall take effect January 1, 1965.